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A longtime employee of international food conglomerate Cargill Inc. who left the company has filed a lawsuit in Miami alleging her severance package should be paid in U.S. dollars rather than Venezuelan bolivars.

The lawsuit could have implications for other multinational companies with employees in other countries.

The suit, filed in January 2015 in Miami-Dade Circuit Court by Weston resident Adela Ortega, recently survived a motion to dismiss.

"We're very happy we survived the motion to dismiss, because it shows that this case is not about politics or international law," said Peter Berlowe, who represents Ortega with his partner Daniel Vielleville. "It's really an issue of contract. The company claims their guiding principles are keeping and honoring contracts they enter into and doing right by their employees. They ignored both these principles in dealing with our client."

The case involves a 19-year Cargill employee who was director of the company's olive oil production line. A mother of two, Ortega was most recently based in the Minnesota-based corporation's Coral Gables office.

Cargill is a global food and agricultural manufacturer and distributor with 152,000 employees in 67 countries. Founded in 1865, it is now the largest privately held corporation in the United States in terms of revenue.

According to her lawyers, Ortega was on track to become a top executive with the company after she finished her U.S. assignment.

However, according to the suit, politics intervened and her job was eliminated. Eager to remain at Cargill, Ortega applied for eight different other positions within the company in various countries and was rejected for all. In June 2014, she was asked to resign, according to the suit.

After she left Cargill, Ortega alleges she was due benefits under Venezuelan law that amount to a statutorily-guaranteed severance package provided to fired employees. These benefits amount to two months of pay for every year of service to the employer.

A.M. HOLT

Attorneys Peter Berlowe and Daniel Vielleville represent a Weston resident who received a severance package in Venezuelan bolivars instead of dollars.

According to the lawsuit, Ortega felt her contract dictated she should be paid these benefits in U.S. dollars, which amounted to more than $1 million. However, the company felt the benefits should be paid in Venezuelan bolivars, which would translate into $8,000 after conversion on the black market.

In a secondary claim, Ortega is seeking $56,000 she says she did not receive in salary increases over the years.

Ortega alleges she could not even realistically obtain her benefits, as she would have to go to Venezuela and sign documents saying she is a resident of that country in order to trade the money.

"At that point, Cargill and its Venezuelan affiliate started pointing fingers at each other," said Vielleville, of the Miami law firm Assouline & Berlowe.

In its motion to dismiss, Cargill argued that the case goes beyond contract law and is asking a court to enter an order "that would modify Venezuelan social and monetary laws."

"By seeking payment of her benefits in (U.S. dollars) rather than (Venezuelan bolivars), plaintiff is seeking to avoid her home country's social monetary policies which have set an exchange rate between (bolivars and dollars). This is contrary to Venezuelan law, which requires the payment be made in the legal tender of Venezuela," states the motion, filed by Scott Cairns of McGuireWoods in Jacksonville, Cargill's former lawyer.

Cargill is now represented by Patrick DeBlasio III of Littler in Miami. He was on vacation and unavailable for comment. Cargill did not return calls for comment.

On July 15, Miami-Dade Circuit Judge Samantha Ruiz Cohen denied the motion to dismiss without explanation.

The case is now in discovery with no trial date scheduled. Alan Lips, an international tax specialist with Gerson, Preston, Robinson & Co. of Miami, said he understands why Cargill would want to pay Ortega in bolivars but finds it fundamentally unfair.

"They want to pay her in bolivars cause they can't get them out of Venezuela and the exchange rate on the black market is so absurd," he said. "But it's incredibly unfair. She's been living here so long, what does she want with bolivars. It's not appropriate to pay someone in a currency where they will get destroyed on the exchange rate."

Lips said he feels the case could set a precedent, with so many thousands of Venezuelans living in Miami and paying taxes in the United States.