

Latin America Practice

Quinn Emanuel's Latin America practice group represents clients in disputes in around the world involving parties from, and investments in, every Latin American country. Lawyers from the group have represented individuals, companies and sovereigns in some of the most complex and important disputes in Latin America in recent times, including:

- In international investment treaty and commercial arbitrations in virtually every country in Central and South America under all major arbitral rules and institutions, including among others, the International Centre for Settlement of Investment Disputes ("ICSID"), International Chamber of Commerce ("ICC"), London Court of International Arbitration ("LCIA"), United Nations Commission on International Trade Law ("UNCITRAL"), and International Centre for Dispute Resolution ("ICDR");
- In civil litigation in the U.S. and the UK where Latin American individuals, companies and sovereigns were both plaintiffs and defendants, as well as in litigation where the investment or project underlying the dispute was located in Latin America;
- In criminal and regulatory matters involving Latin America in connection with investigations, prosecutions and/or trials conducted by U.S. enforcement agencies, including the U.S. Justice Department, the U.S. Department of the Treasury and the U.S. Securities and Exchange Commission, as well as their European equivalents;
- In bankruptcies and restructurings, including cross-border restructurings and parallel litigation related to restructuring efforts.

Many of the matters involved one or more of the foregoing, as well as parallel proceedings in multiple other countries and forums. In recent years, we have been involved in many major criminal and civil cases involving Latin America.

BI-CULTURAL ADVANTAGE

Quinn Emanuel's Latin America Practice Group brings a unique, native Latin American perspective to matters. The group is led by Washington, D.C.- and/or Miami-based bilingual partners Juan P. Morillo, a native of Colombia, David M. Orta, a Cuban-American, Daniel Salinas-Serrano, a native of Puerto Rico, Gabriel F. Soledad, a Mexican-American, Lucas Loviscek, a native of Argentina, and Dawn Yamane Hewett, a fluent Spanish and Portuguese speaker with over two decades working in Latin America. The group also includes two of the firm's co-chairpersons – William A. Burck (based in Washington, D.C.) and Michael B. Carlinsky (based in New York) – both of whom work regularly in Latin America and have led some of the most significant investigations into the activities of Latin American companies in history.

Our team includes attorneys with training and experience in the United States, United Kingdom, and Latin America. Fully bi-cultural and bi-lingual, our team is uniquely positioned to advise on any issues involving Latin American cases or clients. Indeed, Morillo, Orta, Salinas-Serrano, Hewett, Loviscek, and Soledad lead a team of Latin America specialists that includes partners, of counsel, associates, paralegals and secretaries – all of whom are fluent in Spanish and/or Portuguese, most of whom are bi-cultural, and many of whom are trained and licensed to

practice law in Latin America in addition to the U.S. or the U.K. We believe that having a team comprised of bi-lingual and bi-cultural professionals provides our clients a unique advantage where understanding subtle cultural differences and nuances is often critical.

BREADTH OF PRACTICE

The Group has represented clients in Latin America-related disputes in a wide variety of areas and industries, including internal investigations, construction, infrastructure, project finance, sovereign-granted concessions, energy sector, mining, real estate, intellectual property, antitrust and cartels, hospitality, transportation, technology, and financial and banking matters, among others. We are one of very few top U.S. law firms who can be and has been adverse to the global finance giants like Citigroup, Goldman Sachs, UBS, Barclays, Bank of America, and Credit Suisse, among others, and who represent both international investors and sovereign governments. We have recovered over \$30 billion for our clients from these institutions. However, we also have represented many banks, insurance companies and other financial institutions, often from the global giants.

RECOGNITIONS AND AWARDS

Quinn Emanuel and the individual partners who lead our Latin America Practice Group are consistently recognized as leading experts and have been ranked or recognized by leading legal publications such as *Chambers*, *Legal 500*, *Lawdragon 500*, *Who's Who Legal*, and *Latinvex*. Below are spotlights of our rankings and awards:

- In 2022 Quinn Emanuel was ranked 3rd in the Global Arbitration Review's 30 most prestigious international arbitration practices worldwide. GAR noted that Quinn Emanuel has made a name for itself in International Arbitration, and highlighted client feedback describing the firm's service as "first class."
- *Chambers and Partners* (2020-2022) ranked the firm Band 3 Global-Wide and Band 3 Latin America for International Arbitration as well as Band 3 in White Collar Crimes for Latin America.
- *Chambers Global* and *Chambers Latin America* have consistently ranked David Orta (Band 4 Global International Arbitration, Band 3 Latin America International Arbitration), Juan Morillo in (Band 3 Global Corporate Crimes & Investigations, Band 3 Latin America Corporate Crimes and Investigations, Band 3 USA White Collar Crime), and William Burck (Band 2 Global FCPA, Band 3 Latin America Corporate Crimes and Investigations, Band 1 USA White Collar Crime, Band 2 USA FCPA)
- *Legal 500 Latin America* ranked Quinn Emanuel in International Arbitration from 2014-2022 as well as ranks David Orta and Juan P. Morillo as leading practitioners.
- *Legal 500 United States* ranks Juan P. Morillo and William A. Burck for White Collar Criminal Defense and named David Orta, Daniel Salinas-Serrano, Dawn Yamane Hewett, Lucas Loviscek, and Julianne Jaquith as Recommended Lawyers for International Arbitration.
- *Who's Who Legal: Arbitration* has repeatedly named David Orta a leading practitioner in international arbitration (2015-2021), recognized Daniel Salinas-Serrano as a Future Leader in arbitration (2018-2022).

- *Lawdragon 500 for Global Litigation* selected David Orta, Dawn Yamane Hewett, and Daniel Salinas-Serrano as three of 500 litigators selected from around the world in international arbitration and litigation in 2021 and the same year Gabriel F. Soledad for global disputes and global enforcement.
- *Lawdragon 500 Leading Plaintiff Financial Lawyer* named Daniel Salinas-Serrano in 2020 and 2021.
- *Latinvex* has consistently ranked both Juan P. Morillo and David M. Orta among Latin America's Top 100 Lawyers and recognized Daniel Salinas-Serrano as a rising star in 2018.
- *Benchmark Litigation* has consistently recognized William A. Burck as one of the best white-collar litigators in the United States and Michael B. Carlinsky as one of the "Top 100 Trial Lawyers in America." In 2022, Michael B. Carlinsky was named "Commercial Litigator of the Year" by *Benchmark Litigation*.
- *Law 360* named William A. Burck as a "White Collar MVP" from 2015-2018 and named Daniel Salinas-Serrano as a rising star in 2019.
- Juan P. Morillo has additionally been named one of the "25 Most Influential Hispanic Lawyers in the U.S." by *Latino Leaders* (2016), selected as one of the "Top 50 Litigators Under 45" (2007) by *The American Lawyer* (ALM), and named a White Collar "Trailblazer" by *The National Law Journal* (ALM 2015).
- David Orta has consistently been named one of the World's Leading Commercial Arbitration Practitioners by *Euromoney's Expert Guides* (2016-2019) and selected twice as one of the "Top 40 Lawyers Under 40" in Washington, D.C., by *The National Law Journal* (ALM, 2009) and the *Washingtonian Magazine* (2006).
- Gabriel F. Soledad was named a 40 under 40 by the *Washington Business Journal* (2018).
- Dawn Yamane Hewett has been recognized as Top 50 Women Lawyer of 2022, Washington DC *Super Lawyers* Rising Stars List for International Law (2020), Best Under 40 by the National Asian Pacific Bar Association (2014), and was a Distinguished Practitioner of International Law at Seton Hall Law School in 2019.

RECENT REPRESENTATIONS

While the Group has represented clients successfully in dozens of arbitrations, civil litigations and criminal matters that are not public, the following are some of the firm's notable, public representations related to Latin America.

INTERNATIONAL ARBITRATION PRACTICE

INVESTOR-STATE ARBITRATION

- We represent **37 U.S. investors** in an international investment arbitration against Mexico under the North American Free Trade Agreement. The U.S. investors' claims arise from

quinn emanuel urquhart & sullivan, llp

Attorney Advertising. Prior results do not guarantee a similar outcome.

various measures taken by the Mexican government, including the cancellation of valid permits to operate casinos in Mexico, culminating in the closure of the U.S. investors' Mexican casino business. The investors were previously represented by another firm which QE replaced. QE proceeded to design the entire legal strategy of the current arbitration, which encompasses an interconnected series of breaches by the Mexican government involving its judiciary and administrative agencies. In an overwhelming victory for our clients, in July 2019, the tribunal upheld its jurisdiction over the case, allowing our clients to proceed with their claims on the merits and to potentially recover the full measure of their damages. The tribunal also took the highly unusual step of awarding our clients over \$1.4 million in attorney's fees and costs. In April 2020, we filed the Memorial on the Merits, which is the first substantive brief. Mexico filed its Counter-Memorial on December 4, 2020. Mexico's set-aside application regarding the NAFTA Tribunal's jurisdictional award was dismissed in its entirety by the Ontario Superior Court of Justice in July 2020. Mexico appealed this decision to the Court of Appeal for Ontario. Claimants moved to quash Mexico's appeal on various grounds, including that court review of a jurisdictional award like this one is not subject to appeal. The Court of Appeal for Ontario held a hearing in the case on November 30, 2020. On February 2, 2021, the Court of Appeal for Ontario granted Claimants' Motion to Quash Mexico's appeal against the lower court's decision, further upholding the NAFTA Tribunal's jurisdictional award. The parties concluded their written submissions on the merits aspects of the case in May 2022, and a two week-long hearing on the merits of the case was held in Washington, D.C. in July 2022. In October 2022, the parties will file their Post-Hearing Briefs with the Tribunal. We expect an award from the Tribunal in the spring or summer of 2023.

- We represent **Oro Negro's** U.S. shareholders in a complex, cross-border, billion-dollar dispute arising from Oro Negro's bankruptcy, with litigations currently ongoing in Mexico, the United States, and Singapore. Oro Negro is a Mexican company that owns five large offshore drilling platforms (known as "Jack-Up Rigs") and leases them to Petróleos Mexicanos ("Pemex"), Mexico's national oil company. In September 2017, Oro Negro had to file for bankruptcy in Mexico (akin to U.S. Chapter 11) due to Pemex's delay in paying Oro Negro's past due invoices. In October 2017, Pemex attempted to cancel Oro Negro's leases and Oro Negro's bondholders, which hold over \$900 million in bonds, attempted to foreclose on the Jack-Up Rigs. We represent the U.S. and European shareholders in international investment arbitration claims under NAFTA against Mexico for expropriation, discriminatory treatment, and retaliation for US\$ 270 million in damages. The parties concluded their written submissions in July 2021, and a week-long hearing on the merits of the case was held in Washington, D.C. in April 2022. In September 2022, the parties filed their Post-Hearing Briefs with the Tribunal. We expect an award from the Tribunal in the upcoming months.
- We represented the **Odebrecht group** of construction companies in a USD 1.5 billion+ investment treaty arbitration against Peru involving two massive infrastructure projects (including the construction of the largest gas pipeline in Peru), for expropriation and the measures taken by the Peruvian government to the detriment of these projects of our clients in that country. The arbitration is proceeding under the Bilateral Investment Treaty between the Belgian-Luxembourg Economic Union and Peru.
- We represent Mr. Miguel Orlandini, a U.S./Bolivian national and 95% owner of **Compañía Minera Orlandini Ltda. ("CMO")** and CMO in an investment-treaty arbitration under the UNCITRAL Rules against Bolivia arising from Bolivia's breaches of international law under the US-Bolivia BIT. The claims are based on the fraudulent exploitation by the Bolivian government in conjunction with its joint venture partner of certain of CMO mining concessions in Bolivia and the subsequent fraudulent and illegal taking all of CMO mining property in Bolivia. This matter is one of the biggest disputes arising out of mineral concessions in Bolivia. Because of the amount in dispute and the parties involved, this issue might have important political and social implications in the country. Mr. Miguel Orlandini

passed away in January 2019 and, as to the first claimant, the arbitration proceeding was continued by Mr. Miguel Orlandini's estate. The parties concluded their written submissions in March 2021, and a hearing on jurisdiction and merits of the case was held in May 2021. In July 2021, the parties filed their Post-Hearing Briefs with the Tribunal. We expect an award from the Tribunal in the upcoming months.

- We represent members of the Jenkins family, the great-grandchildren of American-Mexican industrialist William O. Jenkins in a prospective NAFTA arbitration against Mexico. Our clients seek to protect the assets of the charitable organization that their great-grandfather established in the name of his wife, Fundación Mary Street Jenkins, which is one of Mexico's largest private charitable organizations. Our clients and the Fundación have been the target of a calculated campaign to usurp the Fundación's assets for illegitimate purposes.
- We provided advice to a **group of Dutch companies** regarding potential BIT arbitration against the Venezuelan government for the illegal treatment of an investment in a financial services group of companies.
- We represented a **North American oil and gas company** in proceedings under the Germany-Venezuela BIT and Canada-Venezuela BIT concerning interference with its interests in a field in the Orinoco. We achieved a favorable lump-sum settlement for our client.
- We counseled and represented a **Spanish holding company** in the assessment of a potential BIT arbitration against the Republic of Peru concerning a hydroelectric power project, including correspondence and negotiations with the State in pre-arbitral stages.
- We represent a **South American** company in an UNCITRAL arbitration against Peru regarding an agricultural infrastructure project.
- We counseled and represented a **European holding company** and its affiliates in the assessment of a possible international arbitration against Peru, including discussions with the State in pre-arbitral stages.
- Counsel for a **major U.S. electric utility company** in assessment of a possible international arbitration claim against the Republic of Bolivia.
- Counsel for an **El Salvador state owned power company** in an UNCITRAL *ad hoc* arbitration against a foreign investor.
- Counsel to **GasTransBoliviano** in proceedings against the Republic of Bolivia concerning interference with the operation and taxation of a natural gas pipeline. A favorable settlement was achieved.
- A member of our arbitration team was counsel for **France Telecom** in a dispute against the Argentine Republic on the basis of the France-Argentina bilateral investment treaty in relation to its investment in the telecommunication sector in Argentina. A favorable settlement was achieved.
- Counsel for **Parsons Corporation** against the Republic of Ecuador in an UNCITRAL proceeding under the U.S.-Ecuador BIT, involving sewage facilities construction. A favorable settlement was achieved for client.
- We are conducting a feasibility study and providing advice to a **U.S. joint venture** regarding potential BIT arbitration against the Bolivian government for a failed investment in a government sponsored waste disposal project.

- Counsel for the **Republic of El Salvador** in an international ICSID arbitration filed against it by a Spanish company. Obtained a dismissal of this case on jurisdictional grounds based on the “in accordance with law” provisions of the applicable BIT and proof that the investment at issue was not made in accordance with the laws of El Salvador since the investment had been procured through fraud.
- We represent a **U.S. investor** in potential BIT arbitration against the government of Honduras for its treatment of an investment in the cement industry in that country.
- We represent a **U.S. oil and gas company** in a dispute related to the sale of its investments in Peru. Since the sale was completed, Peru has asserted tax claims against the investments, preventing our client from fully realizing the proceeds from the sale of its investments. We are counseling the company on potential claims against Peru under the U.S.-Peru Free Trade Agreement, and we are preparing to pursue them in an arbitration.
- Three of our partners represented the **Republic of Panamá** in the first ever international ICSID arbitration filed against it by several U.S.-based investors under the auspices of the bilateral investment treaty between the U.S. and the Republic of Panamá involving a multi-million dollar claim arising from allegations that certain Panamanian tax credits were not honored. We obtained a complete victory for client and a multimillion-dollar award of costs and fees. *Nations Energy, Inc. y otros c. República de Panamá* (ICSID Case No. ARB/06/19).
- Three of our partners represented the **Republic of Guatemala** in the first ever international arbitration filed under the auspices of CAFTA-D.R. and the first ever ICSID arbitration filed against Guatemala. The case was filed against Guatemala by U.S. railway management and development company. *Railroad Development Corporation (RDC) v. Republic of Guatemala* (ICSID Case No. ARB/07/23).
- One of our partners represented the **Republic of Panamá** under the Panama-U.S. Bilateral Investment Treaty in involving a multi-million-dollar claim arising from attempt to acquire a 50-year hydro-electric power generation concession in Panama. The team eventually obtained a complete victory for client, dismissing the case on the ground of abuse of process, and obtaining a multimillion-dollar award of costs and fees. *Transglobal Green Energy LLC and Transglobal Green Energy de Panama, S.A. v. Republic of Panama*, (ICSID Case No. ARB/13/28).
- We represent a group of **60,000 Italian bondholders** who brought an ICSID claim against Argentina for losses sustained during the country’s financial collapse in 2001.
- A member of our arbitration team represented **SAUR International** against the Argentine Republic. The dispute, which was brought under the France-Argentina bilateral investment treaty, relates to a water and sewer services concession in Argentina, and a favorable decision on jurisdiction was obtained. Afterward, the Tribunal held that Argentina had expropriated SAUR’s investment in the concession without compensation and had violated the fair and equitable treatment standard under the treaty.
- We represented the **Republic of Peru** in the first ICSID case arising under a Chinese BIT. Although client lost on liability, outcome was a substantial commercial success for the State, in that Claimant was awarded less than 1/20th of its requested damages.
- We advise a large **United States energy company** on legal and overall strategy regarding government measures that affect several of the investor’s substantial projects in Mexico, including on potential legacy claims under NAFTA.

- We advised a **United States investor** in Mexico's oil and gas sector on pre-arbitration strategy, local engagement, and coordination with other advisors (including government and public relations consultants) over the closure of a fuel storage and transshipment terminal in the country. Our strategy culminated with the notification of a dispute under NAFTA, which opened the door to high-level discussions with government officials at the Energy Regulatory Commission (Comisión Reguladora de Energía), the Mexican Embassy to the United States and the Interior Secretary (Secretaría de la Gobernación). These discussions led the government to reopen the terminal, thus averting a more complex and complex dispute. The terminal continues operating today.

INTERNATIONAL COMMERCIAL ARBITRATION

- We represented a **major Latin American multinational corporation** in a complex international arbitration dispute against a South American consortium over the sale of a cement company asset, involving intricate questions of contract law, fraud, tolling, and arbitrability. After a decade of multi-jurisdictional litigation spanning local courts, US federal courts, and ICC arbitration proceedings conducted in Spanish and English, our team secured a \$70 million arbitration award that not only made our client whole but nearly doubled the amount they were originally facing, whilst also recovering substantial portions of their legal fees and shifting arbitration costs to the opposing party.
- We are currently representing a Brazilian client in three LCIA arbitrations, seated in London, involving many US\$ billions in assets located in several jurisdictions. The case is related to a shareholder and family dispute in the banking sector.
- We represent the subsidiary of a Brazilian power generation company, **Focus Futura Holdings Participações S.A.** in an ICC arbitration against Chinese solar panel manufacturer Risen Energy Co. Ltd. The dispute arises from Risen's non-delivery of solar panel units to Brazil. The disputes involves the largest solar farm project in Latin American and our client claims damages exceeding US\$ 240 million.
- We represent **Brookfield Asset Management's renewables subsidiary Elera** in a dispute against Chinese solar panel manufacturer Trina Solar. Elera is developing a 1.2 MW photovoltaic electricity generating facility in Janaúba, Brazil. To that end, Elera entered into a contract with Trina to supply the necessary solar panels. In late 2021, Trina invoked force majeure under the supply contract based on certain energy usage mandates in China and ceased shipments of solar panels to Elera in Brazil. Elera terminated the supply contract and brought an ICC arbitration against Trina to recover its losses.
- We represent a **leading Mexican construction company** in an ICC commercial arbitration seeking tens of millions of dollars in indemnification from a contractual counterparty under New York law.
- We advise a major Brazilian infrastructure concession company, one of the largest infrastructure and concession and mobility companies in Latin America, in relation to a US\$ 1.1 billion cargo infrastructure project at one of the most important U.S. international airports. Quinn Emanuel provides strategic advice and is assisting the client in protecting its interests in a potential AAA international commercial arbitration seated in Delaware, under the laws of the State of Delaware.
- We advise the Brazilian branch of one of the largest mining companies in the world in a US\$ 800 million dispute regarding a share option agreement, which may become an ICC Arbitration seated in Sao Paulo/Brazil.

- We represent **Vantage Deepwater Company and Vantage Deepwater Drilling, Inc.** in an ICDR arbitration against Petrobras America Inc., Petrobras Venezuela Investments & Services, BV, and Petróleo Brasileiro S.A. – Petrobras (together, “Petrobras”) concerning Petrobras’s improper early termination of an eight-year deepwater drilling contract. A majority of the Tribunal rejected Petrobras’s contentions that termination was proper due to purported operational failures and that the contract was void or voidable for being procured by bribery. The Tribunal awarded Vantage US\$ 622 million in benefit-of-the-bargain damages, plus post-judgment interest. Petrobras challenged the award, arguing that the tribunal had not properly considered whether or not that contract was procured through bribery. In May of 2019, U.S. District Judge Alfred H. Bennett (S.D. Tex.) rejected this argument and confirmed the award, and Petrobras was forced to pay our clients over US\$ 700 million.
- We represent a **group of creditors of TP Ferro Concesionaria S.A.**, and the insolvency administrator of the company, in relation to the termination of a concession agreement related to the construction and operation of a high-speed international railway between France and Spain. TP Ferro was placed in insolvency proceedings due to Spain’s and France’s unwillingness to refinance TP Ferro’s debt, as well as grossly overstated traffic projections that have not been met during the operation of the railway due to breaches by Spain and France to their obligations under the concession agreement. As a result of the above, Mr. Orta and Mr. Pinsolle have represented TP Ferro in several simultaneous multi-jurisdictional disputes, including a related arbitration proceeding against France and Spain in Switzerland, as well as several national court proceedings in Belgium and Switzerland. As of today, all claims are now pending before one ad-hoc tribunal with its seat in Switzerland and TP Ferro’s claims now exceed EUR 800 million. The parties exchanged briefing on jurisdictional aspects of the case, and a hearing on jurisdiction was held in April 2021. Thereafter, upon a favorable award to TP Ferro issued by the Tribunal in May 2022, the case proceeded to the merits stage. The hearing on the merits is scheduled to take place in November 2023.
- We represent **Barra Energia do Brasil**, a Brazilian oil company. On behalf of Barra, we recently obtained an Award confirming the validity of a notice invoking the forfeiture provisions of a Joint Operating Agreement (JOA) concerning an offshore oil field in Brazil so as to require another participant in the development to forfeit its interest on the basis that it is in default under the Agreement. The other party has sought to block the forfeiture by commencing an LCIA arbitration against our client and the operator of the oil field, alleging that the forfeiture provision of the Agreement and the forfeiture notice itself were invalid and, in the alternative, claiming substantial damages should the forfeiture be permitted to proceed on the basis that it had invested some US\$ 500 million in its share of the field. The case is very important in that it has confirmed the validity of the important but largely unlitigated forfeiture provisions of a standard form joint operating agreement used in the oil and gas industry. The dispute is subject to UNCITRAL arbitration seated in Paris (administered by the LCIA). A second phase of the proceedings is now under way in which the defendant is seeking damages for various breaches of the JOA.
- We represent **Offshore Exploration and Production, LLC** in several potential arbitrations relating to improper maintenance of over US\$ 200 million in claims against funds retained in escrow, the awardees’ failure to provide assistance to Offshore regarding a claim against a related company, and possible claims against the Republic of Peru.
- We represent **Peruvian Sporting Goods S.A.C. (“PSG”), Rodrigo Xavier Ribadeneira Parducci, and Superdeporte Plus Peru S.A.C. (“Superdeporte”)** in a contractual dispute with New Balance Athletics. PSG was a distributor for New Balance in Peru pursuant to a Distribution Contract. PSG and New Balance were in the process of renegotiating their distribution contract when New Balance decided not to move forward with the contract and instead, to move forward with another distributor. PSG filed a request for provisional measures in

Peruvian court. The Peruvian court granted the request for provisional measures. We served a 1782 discovery application on New Balance in support of the Peruvian action and sought discovery from the key New Balance employees who were involved in cancelling the contract with PSG/Superdeporte. In July 2018, New Balance filed an UNCITRAL arbitration, administered by the ICDR, against PSG and Mr. Ribadeneira. Respondents filed two counterclaims. The parties held a hearing in March and May 2020. The parties received a partial award on August 20, 2020. Respondents requested a correction of the award and on November 4, 2020, the arbitrator denied Respondents' request. Respondents Rodrigo Ribadeneira and Superdeporte filed a petition on February 1, 2021 to set aside the arbitration award in the District of Massachusetts. The parties received a final award on February 11, 2021. In a remarkable victory, the federal district court in a recent decision granted our clients' request to set aside the award as against them in its entirety because it found that neither Mr. Ribadeneira nor Superdeporte had consented to arbitration. New Balance has appealed this decision to the First Circuit and we are awaiting a decision.

- We represent a state owned enterprise in a dispute concerning equipment supply and installation for the construction of a large infrastructure project in Central America.
- We represented **Mayagüez, S.A.**, one of the largest sugar production companies in Colombia, in a litigation in the United States District Court for the Southern District of New York in connection with a dispute arising out of currency exchange trades that Mayaguez entered into with an international bank. We also represented Mayaguez and its subsidiaries in disputes arising from the termination of an agreement for the transfer of shares in a subsidiary of Mayagüez that owns a sugar production plant and an energy project in Nicaragua as well as a dispute arising from an agricultural contract between the parties for the production and purchase of sugar cane in Nicaragua.
- We represent a **French oil and gas company** in an ICC arbitration arising from disputed reserves in a gas block located in Colombia.
- We represent a **Houston-based energy company** in a private international commercial arbitration and related U.S. litigation arising from the sale of a suite of companies and oil and gas assets in Latin America.
- We represented **Parsons Corporation** in first reported ICC arbitration hearing in Lima, Peru, involving a dispute over design and construction of the largest multi-use real estate project in Peru. We obtained a final award that limited damages, per contract, to a fraction of the USD \$11 million sought by the claimant.
- One of our partners represented a **Korean heavy industry company and its Panamanian affiliate** in an ICC arbitration governed by English law and seated in London in a dispute arising out of the construction of power and desalination plants in Panamá.
- A member of our arbitration team represented a **European oil company** in an ICC arbitration in London against a Canadian oil company arising from a farm-in agreement concerning a block in Latin America. English law applied. A favorable settlement was reached.
- We represent **several Brazilian insurers** in an ICC arbitration in Geneva regarding the alleged breach of an NDA in the context of a coverage dispute relating to the construction of a hydroelectric facility known as Jirau, located in Brazil. French law applies.
- Represented a **Brazilian power company** in a \$100 million arbitration dispute against Siemens concerning defective power plant turbines, achieving a favorable settlement.

- We represent a **U.S. investor** in a dispute regarding indemnification claims brought against it by state-owned oil companies who purchased our client's Peruvian oil business for more than \$1 billion. As part of the sale, an escrow account was established to indemnify the state-owned oil companies for tax claims and other liabilities. Following SDNY proceedings and an ICDR arbitration, for which we were hired as replacement counsel, a new dispute arose over the state-owned oil companies' attempt to draw contested amounts from the escrow account. This is likely to lead to an ICDR arbitration and/or an SDNY litigation regarding the release of the funds.
- We represented a **Japanese construction company** in a corporate, joint-venture dispute concerning mismanagement of a windmill project in **Argentina** and the exclusion of our clients from the local company's decision. We achieved a favorable result for our client, who were able to enforce their rights as shareholders.
- We represented **Accendo Banco S.A ("Accendo")**, a Mexican bank, in an ICC arbitration against subsidiaries of **Deutsche Bank** arising from the latter non-performance and attempted termination of a purchase agreement concerning the transfer of two Mexican financial institutions. The case involved liabilities for alleged market manipulation by one the entities being transferred and the sellers' refusal to assume or remove those liabilities. We sought seeking declaratory relief and specific performance of the agreement on behalf of Accendo. We also sought emergency relief through the appointment of an emergency arbitrator and we filed injunctions in New York and Mexican courts. The case was settled in favorable terms for our client.
- We represent a **Chinese private enterprise group** focusing on port infrastructure and energy and chemical industries, in disputes and possible arbitrations against certain private parties, including a **Chinese conglomerate, a global investment firm and the government of Central American country**. The dispute arises from a series of actions taken by private parties and the government of a Central American country that deprived our client's investment in, and concession rights to develop and operate a container port in that country.

WHITE COLLAR CRIMINAL DEFENSE PRACTICE

ANTI-CORRUPTION

- We represent the **Odebrecht Group** in connection with civil and criminal investigations flowing from the Petrobras ("Lava Jato") bribery scandal, the largest corruption scandal in the history of Latin America. We helped secure a global resolution of Odebrecht's criminal liability in the United States, Brazil, and Switzerland which allowed the company to continue operating despite allegations which constituted an existential threat.
- We also represent **two of the largest construction companies in Brazil** in potential civil and criminal investigations and litigation involving the Lava Jato scandal and allegations of over \$2.5 billion in bribes and kickbacks. Our clients are at the center of the controversy.
- We are counsel to **FIFA** in connection with U.S. and Swiss criminal investigations into allegations of bribery and corruption in the international football world. As noted in the *New York Times*, U.S. law enforcement authorities have described the investigation as "one of the most complicated international white-collar cases in recent memory".
- We represent the **Confederación Sudamericana de Fútbol** in connection with U.S. criminal investigations and prosecutions into allegations of bribery and corruption in the international

soccer world. The criminal indictment alleges that high-level soccer officials abused their positions to solicit bribes from sports marketing companies.

- We represented the **Special Committee of Banco BTG Pactual** in an internal investigation of alleged corruption involving its former CEO and other bank executives. After a thorough investigation, we concluded and announced to the public that we had found no basis to support the allegations against the Bank and its employees.
- We represent **one of Brazil's largest multinational banks** in connection with allegations that senior executives of the bank may have made or authorized payments to government officials to obtain favorable tax legislation.
- In June 2015, we obtained a historic result in one of the most closely-watched FCPA trials in the last several years on behalf of our client, **Joseph Sigelman, the co-founder and former co-CEO of Petrotiger, a Colombian oil services firm**. Our client faced more than 20 years in jail and millions of dollars in fines, but after only six days of a trial scheduled to last six weeks, the DOJ agreed to do an extremely favorable deal for our client resulting in no jail time and a small fine. *Bloomberg Business Week* described the outcome as “a striking victory for the defense.”
- One of our partners represented the **Government of Brazil** in a corruption matter involving former senior government officials and multiple jurisdictions. *The Legal 500* highlighted the case, and the *Financial Times* called it a “landmark” multi-jurisdictional representation.

FOREIGN CORRUPT PRACTICES ACT

- We represent the **General Manager of one of the largest energy companies in Central America** in connection with allegations of bribery in Guatemala, connected to the largest corruption case in Guatemalan history. We represent our client in extradition proceedings and potential FCPA investigations.
- We represent **a Mexican high-ranking executive for Wal-Mart Stores, Inc.** in connection with DOJ and SEC FCPA investigations against Wal-Mart. This is one of the largest FCPA investigations in history. Mexican executives are a key focus of the investigation.
- We represent **a large Argentinian oil company and its owner, one of Argentina's wealthiest individuals**, in connection with the high-profile DOJ and SEC investigation involving alleged FCPA violations to secure an extension of oil rights in an Argentinian oil field. This was one of the most significant FCPA investigations involving Latin America.
- We represent one of the **United State's largest chemical and industrial products companies** in an internal investigation of alleged corruption involving its Mexican subsidiary.

MONEY LAUNDERING & OFAC SANCTIONS

- We represent the **Rosenthal family, one of the most prominent families in Central America**, in a number of related matters. **Jaime Rosenthal, a former Vice President of Honduras** and his son **Yani, a former Congressman and Chief of Staff**, are under indictment by the U.S. Attorney's Office for the Southern District of New York for conspiracy to commit money laundering. Additionally, the OFAC designated the family's holding company **Inversiones Continental Panama S.A.**, through which they controlled all their businesses, and the family's bank, **Banco Continental S.A. de C.V.**, as Specially Designated Narcotics Traffickers. We are

counsel to Jaime, Yani and their businesses in the criminal investigation and related OFAC proceedings. This is the largest case in the history of Honduras.

- We are counsel to a senior executive of **one of Venezuela's largest engineering companies** in DOJ investigations into corruption and money laundering involving Petróleos de Venezuela, S.A., the Venezuelan state-owned oil and natural gas company.

CROSS-BORDER CIVIL LITIGATION

- We represent **AT&T** in disputes with Grupo Salinas arising from Grupo Salinas's tax indemnification obligations following the sale of its Mexican cellular network and associated entities to AT&T in early 2015. Under the operative Share Purchase Agreement (the "SPA"), Grupo Salinas agreed to indemnify AT&T for, among other things, any taxes and damages imposed on the sold entities relating to the pre-acquisition period or relating to a breach of tax-related representations and warranties made by GST. Grupo Salinas has failed to indemnify AT&T although it agreed to do so.
- We are advising a **major multi-national mining and natural resources company** on issues of potential liability under the United States Economic Embargo on Cuba, including Title III of the Helms-Burton Act and the Cuban Assets Control Regulations.
- We represent a **Brazilian bank** in court proceedings before the London courts against a worldwide fintech claiming damages at approximately £15 million due to a series of misrepresentations and breaches of the Brazilian banking regulation. The underlying contract is subject to English law.
- We advised a Brazilian client in shareholder disputes regarding a large water industry company in Brazil. The strategy developed by Quinn Emanuel, which included court proceedings in Brazil and potentially in Delaware, led the counterparty to accept a favorable settlement with our client.
- We represent **a group of U.S. investors** who built a very successful casino business in Mexico, operating 5 casinos against three RICO defendants. We filed a RICO action against three defendants who had illegally taken board control of the Mexican operating companies and then also attempted to illegally take our clients' shares in the operating companies. After a year of litigation, we secured a settlement with the three RICO defendants in which the clients have regained full control of their companies, obtained admissions from the RICO defendants that our clients are and always have been the rightful owners of the shares in their Mexican companies, secured cooperation from the RICO defendants to provide helpful testimony and documents for a NAFTA arbitration against Mexico that we also are handling for the clients, and secured releases and waivers from the RICO defendants acknowledging that our clients owe them nothing.
- We represent **a large consortium of plaintiffs**, comprised of banks, investment funds, and shipping companies, including in Asia, Europe, Latin America and the U.S., in a multi-billion dollar suit in connection with the largest financial fraud in the history of Latin America. Specifically, in 2014, Oceanografía, the largest oil services company in Mexico, conspired with Citigroup to commit a \$750 million fraud, which caused Oceanografía to collapse. We represent Oceanografía's creditors and investors, who lost billions with the Company's collapse, in U.S. civil litigation against those responsible for the fraud.

- We are advising **the Colombian government** in connection with U.S. criminal investigations and asset recovery efforts against the individuals responsible for the Interbolsa fraud, the largest financial fraud in Colombian history.
- We represented a related party in connection with a multibillion-dollar lawsuit brought in the U.S. District Court for the Southern District of New York by two Mexican software companies against Yahoo! Inc. Specifically, the Mexican software companies allege that Yahoo and its lawyers bribed Mexican judges to overturn a multibillion-dollar judgment issued by a Mexican trial court against Yahoo.
- We represent **multiple plaintiffs** to bring federal securities claims concerning the multi-billion dollar kickback and bribery scandal involving **Petroleo Brasileiro (Petrobras)** and its affiliates, alleged to have caused \$30 billion in damage to Petrobras and its securities holders; we have filed one such action in the Southern District of New York and are preparing others.
- We represented **Despegar.com**, the largest online travel agent in Latin America, in a false advertising lawsuit brought by American Airlines. Just before initiating suit, American withdrew its tickets from all of Despegar's websites throughout the world. In addition to mounting a vigorous defense against American's claims, we brought an antitrust counterclaim on behalf of Despegar's U.S.-based subsidiary relating to American's anticompetitive air fare distribution scheme.
- We represented **one of Mexico's largest private equity funds** in a complex shareholder dispute involving a leading Mexican oil services company.

BANKRUPTCY AND RESTRUCTURING

- We represent a Chilean non-profit community organization, **Comunidad de Aguas Canal El Manzano**, and residents of San José de Maipo, in an adversary proceeding in the U.S. Bankruptcy Court for the District of Delaware against debtor Alto Maipo SpA, a company that operates a hydroelectric plant just outside of Santiago, in which we allege breach of contract, tort claims under Chilean law, and violations of the U.S. Bankruptcy Code, in connection with Alto Maipo's operation of the hydroelectric plant.
- We represented the largest bondholder in **LATAM Airline's** chapter 11 proceedings in successfully defeating the debtors' proposed debtor-in-possession financing by persuading the bankruptcy court that the financing unlawfully dictated the terms of a chapter 11 plan, following a multi-day trial. This result was not only rare for any reorganization case, it is the only financing successfully stopped during the global pandemic of 2020-2021. After prevailing, we represented our client in negotiating a consensual and fair financing in which they participated.
- We currently represent the majority shareholders of **Grupo Aeroméxico S.A.B. de C.V.**, Mexico's flag carrier airline, in connection with its restructuring and emergence from chapter 11 proceeding in the United States Bankruptcy Court for the Southern District of New York.
- We represented an **ad hoc group of Province of Entre Ríos bondholders**, holding approximately 58% of outstanding 8.750% Notes due 2025 issued by the Province of Entre Ríos, to advise and represent them in connection with any proposed restructuring of the notes or litigation against the Province of Entre Ríos. We successfully negotiated amendments to the terms of the Province's U.S. \$500 million aggregate principal amount of

outstanding notes, which are reflected in the Province's consent solicitation which was announced in February 2022

- We represented **OAS**—Brazilian company involved in engineering, construction, and infrastructure—in three parallel cases in New York federal courts. OAS is in the midst of a judicial restructuring in Brazil, and certain U.S. creditors sued over allegedly fraudulent transfers (among other things) in U.S. courts in an attempt to circumvent the consolidated Brazilian restructuring proceedings.

"Few are as eloquent and compelling as the members of Quinn Emanuel's team. Their arguments are complete and well-founded."

Client Testimonials, *Chambers and Partners*