

## Recent Latin America Representations

### International Arbitration Practice

#### Investor State Arbitration

- 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 represented **Spanish investors** who had invested in the food and agriculture industries in Venezuela in their analysis of a possible investment treaty arbitration against the Republic of Venezuela under the Spanish-Venezuela Bilateral Investment Treaty.
- We represent a group of **U.S. investors** in an international arbitration against the United Mexican States under the North American Free Trade Agreement (NAFTA). *B-Mex, LLC and others v. United States of Mexico* (ICSID Case No. ARB (AF)/16/).
- We represent a **South American** company in an UNCITRAL arbitration against Peru regarding an agricultural infrastructure project.
- We represent a **South American** group of construction companies in multiple treaty arbitrations against Peru for expropriation and other mistreatment of our client's projects in Peru.
- 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.
- We represent **U.S. investors** in an international investment arbitration against Bolivia under the UNCITRAL rules, for the expropriation of certain mining concessions by the Bolivian government.
- 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**, 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.
- We represent 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).
- We represent the **Republic of Guatemala** in the first ever international arbitration filed under the auspices of CATA 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).
- 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 is 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.

### **International Commercial Arbitration**

- We represent **39 U.S. investors** who built a very successful casino business in Mexico, operating 5 casinos, over a nine year period that they ran through U.S. holding companies and five Mexican operating companies 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 **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.
- A member of our arbitration team represented **Sonatrach** in an UNCITRAL arbitration against Repsol and Gas Natural arising from the termination by Sonatrach of a contract for an integrated project including the development of existing gas fields, the construction of a liquefaction gas plant and upstream facilities, and the commercialization of the liquefied gas. The Arbitral Tribunal held that the termination was valid, allowed Sonatrach to retain at no cost the works completed before the termination of the agreement, and dismissed the Respondents' \$3.1 billion counterclaim in its entirety.
- We represented **Parsons Corporation** in first reported ICC arbitration hearing in Lima, Peru, involving dispute over design and construction of largest multi-use real estate project in Peru. We obtained final award that limited damages, per contract, to a fraction of the millions of 11 dollars 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 a 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.

## White Collar Criminal Defense Practice

### Anti-Corruption

- We represent the **Odebrecht Group** in connection with civil and criminal investigations flowing from the Lava Jato 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 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 ("CONMEBOL")** 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.
- We represent **two of the largest construction companies in Brazil** in potential civil and criminal investigations and litigation involving the Petrobras bribery scandal ("Lava Jato"), the largest corruption scandal in Latin American history, involving allegations of over \$2.5 billion in bribes and kickbacks. Our clients are at the center of the controversy.
- 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, 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 Argentinean 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 Argentinean oil field. This is one of the most significant current 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 **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 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 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 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 **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.