

LATIN AMERICA

# International Arbitration Capabilities

DECEMBER 2023

# Our Latin America Practice

Our practice has built a particularly strong reputation in Latin America, where we are recognized as a leading practice by both *Chambers* Latin America and *The Legal 500* Latin America. Our lawyers, many of whom are fluent in Spanish and Portuguese, have decades of experience representing South American, Central American, and Caribbean clients, including privately held companies, public corporations, and sovereigns, in commercial and investor-state arbitrations.

Recognized as one of the world's leading arbitration practice in the GAR100 (*Global Arbitration Review*), Winston's International Arbitration & Disputes Practice guides Latin American clients through large-value, complex, and high-profile commercial, and investment-based disputes in courts and major arbitration centers around the world. Our team also has significant experience representing Latin American clients in disputes venued in the United States and Europe, including disputes involving related or simultaneous arbitration proceedings.

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‘The Winston team is **full of quality**, such that you get **excellent substantive lawyers**, who are also top-level case managers. Always a **winning combination in arbitration**.’

- *The Legal 500* Latin America 2023



# International Arbitration Snapshot

EXPERIENCED,  
MULTINATIONAL TEAM  
SPREAD ACROSS THREE  
CONTINENTS

VAST SECTOR EXPERIENCE  
AND AT THE FOREFRONT OF  
EMERGING LEGAL TRENDS

30+  
YEARS  
OF EXPERIENCE

NATIVE OR FLUENT SPEAKERS OF  
12+  
LANGUAGES

EXPERIENCE WITH ALL LEADING ARBITRAL  
INSTITUTIONS AND ARBITRATION RULES INCLUDING  
ICC, LCIA, AAA, ICDR/AAA, SCC, SIAC, HKIAC, ICSID,  
UNCITRAL, DIAC, LMAA, SWISS CHAMBERS, ADCCAC



# What We Do

## OUR INTERNATIONAL ARBITRATION TEAM'S EXPERIENCE COVERS MULTIPLE DISCIPLINES

<b>COMPLEX COMMERCIAL DISPUTES</b>	<b>INVESTOR-STATE ARBITRATION</b>	<b>LARGE-SCALE INFRASTRUCTURE PROJECT DISPUTES</b>	<b>FOREIGN DIRECT INVESTMENT</b>
<b>CROSS-BORDER, MULTIJURISDICTIONAL DISPUTES</b>	<b>ENERGY / OIL &amp; GAS DISPUTES</b>	<b>CONSTRUCTION &amp; ENGINEERING DISPUTES</b>	<b>M&amp;A/SKAREHOLDER/ JOINT VENTURE DISPUTES</b>
<b>AD HOC ARBITRATIONS</b>	<b>CONTROL OF CORPORATE ENTITIES</b>	<b>TELECOMMUNICATIONS DISPUTES</b>	<b>INTELLECTUAL PROPERTY DISPUTES</b>

# Commercial Arbitration

Winston has decades of experience representing clients in commercial international arbitrations. Well-known by the leading players in the global arbitration arena, our team of attorneys not only handles the arbitration but also enforces awards around the world, knows every angle of international disputes, and has a robust understanding of our clients' industries.

Our leading international arbitration practice is a stand-alone, globally integrated group that builds teams across offices to meet the specific needs of each case with qualified personnel. Our practitioners come from a rich cultural background and are qualified in multiple jurisdictions in Latin America.

Over its long history, Winston has handled arbitral disputes across multiple industry sectors which have involved some of the largest disputes in the world.

“Winston & Strawn can take on the **largest and most complex of cases** and they do it **excellently** – I have real respect for their arbitration practice”

- Chambers Global, International Arbitration: Highly Regarded

## Representative Experience in Latin America

- Secured a **US\$300M post-hearing damages award** from a three-member ICC International Court of Arbitration Tribunal for a privately held Florida-based company with substantial Latin American banking interests. This matter involved some of the largest and most prominent banking institutions in Colombia and Chile.
- Represented the U.S. subsidiary of **Mexico's state-owned electric utility** in two arbitrations arising from breaches of NAESB natural gas purchase and sale agreements.
- Represented a **subsidiary of PEMEX** in an ICC arbitration under New York law related to a natural gas purchase agreement.
- Represented a subsidiary of a **state-owned utility company in Mexico** in an LCIA arbitration seated in Houston against a leading natural gas company following commodity issues related to Winter Storm Uri.
- Represented an affiliate of a London private equity firm and a senior member of the Saudi Royal Family in connection with a high-profile, multi-jurisdictional dispute arising out of a US\$1.5B luxury real estate project in the Caribbean **against one of Chile's largest conglomerates**.
- Representing a **Mexican food and beverage company** in an international arbitration related to claims of breach of contract and breach of fiduciary duties.
- Represented a **Mexican gas company** in ICC arbitration arising out of the purported breach of a natural gas purchase and delivery agreement governed by New York law.
- Represented a European **automotive company** in a dispute concerning an alleged breach of an indemnity. The dispute arose out of a US\$160M private equity deal involving the sale of a manufacturer of automobile parts in Mexico, France, and the United States.
- Represented a **medical equipment manufacturer** in an ICC arbitration relating to an alleged breach of a distribution agreement to provide spare parts for ventilators in Cuba.
- Representing a **female-led venture capital team** based in Sao Paulo, Brazil, in an AAA-ICDR arbitration involving alleged breaches of a services agreement with a Brazilian private equity fund.

## ADDITIONAL EXPERIENCE

- ▶ Representing **Dominion Minerals Corp.**, a listed U.S. junior mining company, in an ICSID bilingual English-Spanish arbitration concerning Dominion's claims arising under the treaty between the United States of America and the Republic of Panama concerning the treatment and protection of investments arising out of Dominion's investment in a copper and gold concession in western Panama.
- ▶ Represented a subsidiary of a **state-owned gas company** in an ICC arbitration under New York law related to a natural gas purchase agreement. The claimant discontinued this matter resulting in an early win for our client.
- ▶ Represented a **waste disposal corporation** in an ICC arbitration in New York under New York Law against Vivendi seeking rescission of a US\$100M sale of the only licensed hazardous waste disposal facility in Mexico.
- ▶ Represented a **Latin American joint venture** in the ICC arbitration of a contract dispute with a major petroleum company.
- ▶ Represented a **leading agricultural company** in connection with an ICC arbitration in Guatemala regarding termination of distribution and lease agreements. The case was successfully resolved prior to assertion of claim.
- ▶ Represented a **Marshall Islands company** against a Brazilian company in an ICC arbitration arising out of a contract for the engineering and manufacture of a ship at a shipping yard in Brazil.
- ▶ Represented a **British online content provider** against its Spanish distributor in an ICC arbitration under English law with a seat in Paris.
- ▶ Represented a **U.S. manufacturer** in a dispute relating to breach of warranty on defective valves in an arbitration pending in Mexico City.
- ▶ Represented a **branch of the Federal Electricity Commission in Mexico** in a dispute against a multinational energy company.
- ▶ Represented a **leading online food retailer** in an ICC arbitration arising out of its acquisition of an online food delivery and quick commerce platform in Central America.
- ▶ Represented a **sugar and confectionery manufacturer** in connection with a Centre for Effective Dispute Resolution (CEDR) arbitration brought by Honduran labor unions. The case was successfully stayed pending resolution of parallel claims in Honduras.

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“**Absolutely first rate**” team providing “**high-quality service with strong depth**”

- The Legal 500 2024: International Arbitration



# Key Attorneys



**MICHAEL STEPEK**  
CHAIR, INTERNATIONAL  
ARBITRATION PRACTICE  
London  
+44 20 7011 8754  
[mstepek@winston.com](mailto:mstepek@winston.com)



**MATTHEW BATE**  
PARTNER  
London  
+44 20 7011 8797  
[mcbate@winston.com](mailto:mcbate@winston.com)



**MARCELO BLACKBURN**  
PARTNER  
New York  
+1 212 294 6744  
[mblackburn@winston.com](mailto:mblackburn@winston.com)



**IMAD KHAN**  
PARTNER  
Houston  
+1 713 651 2741  
[ikhan@winston.com](mailto:ikhan@winston.com)



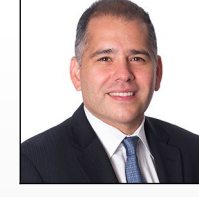
**MARIA KOSTYTSKA**  
PARTNER  
Paris  
+33 1 53 64 82 44  
[mkostytska@winston.com](mailto:mkostytska@winston.com)



**DANIEL MEAGHER**  
PARTNER  
London  
+44 20 7011 8718  
[dmeagher@winston.com](mailto:dmeagher@winston.com)



**GUS MEMBIELA**  
PARTNER  
Miami  
+1 305 910 0717  
[gmembiela@winston.com](mailto:gmembiela@winston.com)



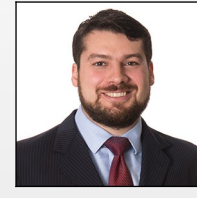
**RICARDO E. UGARTE**  
PARTNER  
Chicago  
+1 312 558 6130  
[rugarte@winston.com](mailto:rugarte@winston.com)



**AGUSTIN SPOTORNO**  
ASSOCIATE  
London  
+44 20 7011 8786  
[aspotorno@winston.com](mailto:aspotorno@winston.com)



**JAVIER DAZA ROSSI**  
LEGAL ADVISOR  
Miami  
+1 305 910 0552  
[jdrossi@winston.com](mailto:jdrossi@winston.com)



**RODOLFO HERRERA-MORO**  
LEGAL ADVISOR  
Houston  
+1 713 651 2703  
[herreramoro@winston.com](mailto:herreramoro@winston.com)



**MARIANA PENDÁS**  
LEGAL ADVISOR  
Washington DC  
+1 202 282 5726  
[mpendas@winston.com](mailto:mpendas@winston.com)

# Firm Overview



**975+**  
ATTORNEYS

**1853**  
YEAR FOUNDED

**OFFICES IN THE KEY ARBITRATION  
CENTRES OF LONDON, PARIS, NEW  
YORK, HONG KONG, AND  
WASHINGTON D.C.**

\* Winston also established a Strategic Alliance in Shanghai with Yuanda China Law Offices in June 2020, expanding its existing presence in the region.



WINSTON  
& STRAWN  
LLP