



## Gustavo J. Membiela

Partner

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New York

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**Gus is an experienced litigator whose practice focuses on complex commercial litigation and multi-national disputes, including arbitration and investigations.**

Gus has over 20 years of experience handling a wide variety of commercial dispute matters around the world, with a particular focus on Latin American disputes. Gus represents clients in litigations, arbitration, multi-national investigations, and sanctions compliance. He has successfully represented financial institutions, developers, investors, and consumer product companies in multi-jurisdictional disputes. He also counsels clients both pre- and post-litigation on matters of corporate significance, which includes advising boards and other business leaders.

## Key Matters

*Some of the experience represented below may have been handled at a previous firm.*

### **FINANCIAL INSTITUTIONS**

- Represented a top European financial institution in connection with lawsuits and International Centre for Dispute Resolution and International Chamber of Commerce (ICC) arbitrations filed on behalf of bank customers seeking recovery from the estate of Madoff's brokerage firm related to an alleged international Ponzi scheme
- Representing a top Spanish financial institution in connection with subpoena and commercial litigation matters
- Representing a top European financial institution in connection with subpoena and commercial litigation matters
- Advised multiple financial institution clients in connection with claims related to the garnishment of assets
- Regularly represents financial institutions on claims related to disputes arising out of lending activity, investment portfolios, and other commercial relationships with clients and other financial institutions
- Routinely develops sanctions compliance programs for international financial institutions and corporations, covering the Office of Foreign Assets Control, anti-money laundering, and sanctions
- Advised a European public industrial and commercial institution organized under the laws of France with respect to understanding the applicability of the Helms-Burton Act and other U.S. rules and regulations applicable to financial institutions that do not have a U.S. presence and may want to engage in business with/operate in Cuba

## **DEVELOPMENT/REAL ESTATE**

- Representing developer of a resort project in Central Florida on design-build claims
- Represented a real estate investment trust in a Florida state court action involving claims of breach of note and foreclosure of property in connection with a self-storage warehouse facility
- Representing a client in an ICC arbitration related to the purchase of land in Honduras
- Represented several renewable energy companies in disputes arising out of their development activities
- Represented a consortium in numerous international arbitration proceedings arising out of expansions of the Panama Canal

## **CONSUMER GOODS/PRODUCTS**

- Representing a Latin American consumer goods group in multiple ICC arbitration matters related to investment disputes
- Represented a leading beverage company in a Florida state court action through a two-week jury trial and appeal on claims related to the termination of distribution agreements in the Dominican Republic
- Represented a leading logistics provider in multiple Florida state court actions involving claims related to termination of agreements with clients and collection on open invoices
- Advised a Spanish consumer goods company interested in understanding the applicability of U.S. sanctions toward Cuba and the Helms-Burton Act regarding the renovation and/or construction of manufacturing facilities in Cuba—operating the same and distributing the products within Cuba—and provided advice regarding jurisdictions where such products may be sold
- Represents an Argentine company operating online marketplaces dedicated to e-commerce and online auctions with respect to commercial claims

# Recognitions

- *Benchmark Litigation US*, “Future Star,” 2024
  - *Chambers USA*, Litigation: General Commercial – Florida, 2019–2023
  - *The Legal 500 US*, “Key Lawyer,” Dispute Resolution: International Arbitration, 2023
  - *Lawdragon 500*, Leading Global Litigators, 2023
  - *The Legal 500 Latin America*, City Focus: Miami, 2021–2024
  - *The Legal 500 Latin America*, International Arbitration, 2023–2024
  - *The Best Lawyers in America*®, Commercial Litigation, 2023–2024
  - *The Best Lawyers in America*®, International Arbitration - Commercial, 2024
  - *The Best Lawyers in America*®, International Trade and Finance Law, Florida, 2017–2022
  - AV-Rated and named among South Florida’s “Top Rated Lawyers” and “Top Rated Litigators” in Legal Leaders by Martindale-Hubbell and ALM, 2015–present
  - *Top Rated Lawyer*, “*Super Lawyers*,” *Super Lawyers - Florida*, 2023-2024
  - *Super Lawyers* “Rising Star” – Florida, 2009–2016
  - *South Florida Legal Guide*, “Top Lawyer,” 2015, 2016, 2021
  - Florida Theater Guild, Remy Award for Outstanding Board Member, 2020
  - *South Florida Business & Wealth*, Up & Comer for Law for Miami-Dade County, 2016
  - *Daily Business Review*, “Rising Star,” 2014
  - *South Florida Legal Guide*, “Top Up and Comers,” 2012–2014
  - *South Florida Business & Wealth*, “Up & Comer Law” for Miami-Dade County (finalist), 2014
  - *Brickell Magazine*, “Top 20 Professionals Under 40,” June 7, 2013
  - *Daily Business Review*, “Most Effective Lawyer” (finalist), Dec. 12, 2012
  - Cystic Fibrosis Foundation, South Florida Chapter, “40 Under 40 Outstanding Lawyers” of Miami-Dade County, June 19, 2012
  - *South Florida Business Journal*, “Up & Comer” – South Florida, 2006
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# Activities

Gus maintains an active pro bono practice and currently serves on the board of Amigos for Kids. He is also a member of the International Bar Association.

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# Credentials

## EDUCATION

Gus received his J.D. from the University of Pennsylvania Law School in 2001. He received his B.S. from Villanova University in 1998.

## ADMISSIONS

- Florida
- District of Columbia
- New York

## Related Insights & News

### EVENTS

- “Arbitraje en ICDR, Spain,” U.S. Chamber of Commerce, Speaker, June 26, 2019
- “Arbitraje internacional en Miami,” ICEX España Exportación e Inversiones, Speaker, March 20, 2019
- “Cuba Opportunities,” FELABAN, Speaker, Nov. 16, 2015

### PUBLICATIONS

- “OFAC Settles With Digital Currency Services Provider for Apparent Violations of Multiple Sanctions Programs,” *Journal of Robotics, Artificial Intelligence & Law*, Co-author, Jul.–Aug. 2021
- “Cuba: Amazon Wins Helms-Burton Case,” *Latinvex*, Co-author, Feb. 24, 2021
- “Helms-Burton Lawsuits: A Status Overview—A year and a half of Helms-Burton claims: “Where do things stand?” *Latinvex*, Co-author, Oct. 14, 2020
- “Cuba: Carnival Loses Attempt to Dismiss Lawsuit,” *Latinvex*, Co-author, Sept. 23, 2020

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### IN THE MEDIA

Gus Membiela Discusses International Arbitration Hub in Miami with *Daily Business Review*  
APRIL 24, 2024

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### RECOGNITIONS

Winston & Strawn Recognized in *Global Arbitration Review's* GAR100 17<sup>th</sup> Edition  
MARCH 22, 2024

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### CLIENT ALERT

Federal Appeals Court Concludes That Florida Law Prohibiting Florida Real Estate Ownership by Chinese Persons Likely Violates Federal Law  
FEBRUARY 15, 2024

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### SPONSORSHIP

Winston Sponsors Celebration of *The Legal 500 GC Powerlist* – Miami 2024  
FEBRUARY 1, 2024

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### ARTICLE

Vacating or Modifying an Arbitration Award in Florida State Court

DECEMBER 13, 2023

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### RECOGNITIONS

Winston & Strawn Recognized in All Categories of *The Legal 500 Latin America 2024*

OCTOBER 26, 2023

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### RECOGNITIONS

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

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### RECOGNITIONS

Winston's Latin America Practice Recognized in Latin Lawyer's 250 2024

AUGUST 30, 2023

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### RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*® 2024

AUGUST 17, 2023

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### RECOGNITIONS

Winston Attorneys Featured on *Lawdragon's* 500 Leading Global Litigators List 2023

JULY 21, 2023

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### IN THE MEDIA

Gus Membiela Discusses Winston & Strawn's Miami Summer Associate Program with *Daily Business Review*

JUNE 9, 2023

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### RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S. 2023*

JUNE 7, 2023

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## Capabilities

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Litigation/Trials

Commercial Litigation & Disputes

International Arbitration

Class Actions & Group Litigation

International Trade

Financial Services Litigation

Financial Services

Energy

Financial Crimes Compliance