

## Overview

Our dispute practice is all-encompassing: It includes court litigation as well as alternative dispute mechanisms such as mediation and arbitration, and spans every industry and sector of the economy.

We represent clients in both day-to-day and “bet-the-company” litigation. We have solid experience in banking litigation, bank secrecy, loan collections, restructurings and bankruptcies, and contractual disputes.

Our Firm has recently experienced a surge in arbitration matters, partly thanks to Fernando Jimenez de Arechaga’s reputation in this practice, his designation as Uruguay’s permanent representative before the International Chamber of Commerce and his membership in the panel of arbitrators of the Uruguayan Chamber of Commerce. In addition, other professionals of Jiménez are included in the panel of arbitrators of the Uruguayan Chamber of Commerce.

## Representative Experience

- We provided advice to two brokers acting in their capacity as trustees of investments trusts created with the future flows from the Internet ticket sales of the bankrupt national airline PLUNA. In the highest profile case in Uruguay, our Firm played a leading role in the Creditors’ Commission and obtained key successes, including the declaration of culpable insolvency against the debtor, the auction of seven airplanes sold for a total value of US\$71 million and the declaration of the Uruguayan state as a subordinated creditor, and thus, its exclusion from its right to obtain payment out of the proceeds of the auction of the airplanes.
- We provide support in the complaint filed by our client American Express (AMEX) against the Bank of America (BoFA) based on an assignment by the latter to the former of rights worth approximately US\$15 million under promissory notes issued under ALADI Convention of Reciprocal Payments and Credits. The promissory notes – purchased by BoFA to Banco Atlantis – did not correspond to underlying commercial operations but to a fraud committed by the latter. Thus, AMEX’s cause of action was based on the implied warranty of existence and legitimacy of the assigned rights that legally exists in every assignment of credit rights under Uruguayan law.
- Our Firm represents a group of foreign and local investors in their dispute against the state-owned energy company ANCAP, in connection with their structuring of a financial mechanism to enable ANCAP to repay its US\$750 million debt with its Venezuelan counterpart PDVSA. Our client structured a complex financial mechanism to enable such repayment with a single US\$400 million payment by ANCAP, but was suddenly displaced. Our client’s cause of action is a breach of contract claim on account of structuring fees. After conducting negotiations with ANCAP and the Ministry of Finance, a settlement was reached in December, 2014.
- Under a leniency program, a company in the tomato industry reported the existence of a cartel in the market. The ensuing investigation by the Uruguayan antitrust authority resulted in a projected fine against our client. Our Firm was retained to respond to the proposed resolution of the antitrust authority. The antitrust authority first, and the Ministry of Finance later, maintained the challenged resolution. The matter is now pending for resolution with the highest administrative court (Administrative Litigation Tribunal).
- In the context of the cartel investigation mentioned above, the antitrust authority decided to open an investigation alleging a bid rigging practice in the tomato industry regarding tender calls by a centralized purchase agency of the state. Our Firm was retained to respond to a proposed resolution by which the antitrust authority would open an

investigation in relation to this alleged practice.

- We advised a real estate developer, which retained an Uruguayan construction company for the construction of three home buildings. Our client alleged that there were defects in the construction of the three buildings, and commenced three arbitration cases (one per building). In parallel, the construction company claimed full payment of the construction contracts and exercised mechanic liens over the construction sites. We sought, and ultimately obtained, injunctions by the Court ordering the construction company to vacate the site.