
Latin America

We draw on strong regional connections and on-the-ground experience to advise clients doing business in Latin American countries.

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When clients need to navigate critical issues related to Latin America, our team is ready to respond quickly and efficiently. We have handled major matters across Latin America, including in Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Panama, Peru and Uruguay. Clients also get the benefit of our large pool of lawyers, including lawyers fluent in Spanish and Portuguese. Our team includes lawyers originally from Argentina, Brazil, Colombia, Mexico, Puerto Rico and Spain, and also offers extensive experience living and working across the region—a crucial asset, given the diversity of political systems and cultural differences among Latin American countries. In addition, we leverage our US and European legal services capabilities with an exceptional network of in-country local counsel who have experience in a wide range of practices, as well as other Latin America-based professional services firms.

Our team includes a former Chief of the Foreign Corrupt Practices Act (FCPA) Unit of the US Department of Justice, a former lead negotiator in the investment chapter of the US-Mexico-Canada Agreement, a Special Advisor to the Chair of the American Bar Association's International Law Section, a current Co-Chair of the American Bar Association Section of International Law Mexico Committee, and many other lawyers who have successfully handled internal investigations, government inquiries, arbitrations and trials in and involving the region, as well as cross-border transactions. To this legal experience, we bring insights from the forefront of Latin America-focused bar associations and thought leadership.

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Areas of Focus

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| Latin America Antitrust and Competition Latin America Investigations | Latin America FCPA and Anti-Corruption Latin America Litigation | Latin America International Arbitration Latin America Regulatory and Compliance Counseling |
| Latin America Trade, Investment and Market Access | Latin America Transactional | |

Experience

ANTITRUST AND COMPETITION

- Assisted Uber Technologies with the merger review of Uber's acquisition of a majority stake in Cornershop, the grocery delivery platform, in Chile and Mexico, among other jurisdictions.
- Advised Danaher Corporation in connection with the global merger review of the \$20 billion acquisition of GE Healthcare's Biopharma business, including Brazil.
- Advised Baker Hughes in connection with the global merger review of the \$32 billion combination with GE Oil & Gas in Brazil and elsewhere in Latin America, and previously regarding Halliburton's proposed \$34.6 billion acquisition of Baker Hughes.
- Advised a Chilean company in merger review and antitrust compliance matters.
- Represented a Chilean company in a cartel investigation in the US and the EU and in subsequent settlement proceedings.
- Represented a Mexican company in EU cartel proceedings.

ANTI-CORRUPTION

- Advised multinational communications company WPP in a public FCPA resolution

for \$19M, involving conduct in Brazil and Peru.

- Represented Latam Airlines (formerly LAN) in its FCPA investigation and settlements with the DOJ and SEC.
- Advised a multinational commodity trading and natural resources company in a significant and ongoing multinational investigation of bribery, corruption, money laundering and market manipulation relating to the company's business in several countries, including Brazil, Mexico and Venezuela; also handled the client's parallel civil class action lawsuits.
- Conducted an internal investigation on behalf of a US manufacturing company with operations in Mexico in response to a whistleblower complaint regarding alleged improper payments.
- Represented Key Energy in an SEC settlement and DOJ declination related to alleged conduct in Mexico, including advising on anti-corruption compliance policies, procedures and training.
- Represented a multinational software company in the Mexico portion of an FCPA case that was settled with the DOJ and SEC.
- Represented a major multinational company in a DOJ and SEC investigation of alleged FCPA violations in Brazil and Colombia, which was closed when both agencies declined to bring charges.
- Represented a multinational tech company in a confidential internal investigation into allegations of improper conduct in Brazil.
- Represented a major media and communications company in connection with the successful resolution of the US Attorney for the Eastern District of New York's investigation into its Argentine joint venture's role in the FIFA corruption scandal.
- Represented three different global financial services corporations in investigations by the SEC and/or DOJ, including the first-ever FCPA case based on the theory of hiring relatives of government officials, as well as an additional settlement with the SEC for one of the other banks and a declination by the SEC for the other.
- Conducted an internal investigation into potential FCPA violations of a gold and silver producer operating in Mexico.
- Represented oil driller Helmerich & Payne in its FCPA investigation and settlements with the DOJ and SEC related to Argentina and Venezuela.
- Represented a global airline and its US subsidiary in DOJ FCPA settlements relating to improper payments to government officials in Mexico and Panama.
- Represented a global pharmaceutical company in an internal investigation of potential improper payments in Mexico.

INTERNATIONAL ARBITRATION

- Obtained a major victory for a multinational plant and equipment supplier in an ICC arbitration dispute valued at \$150 million, arising from a delayed hydro-power project in Peru.
- Obtained a \$44 million award for a US pharmaceutical company in connection with an investment arbitration against Ecuador.
- Obtained a very favorable settlement for a global private equity firm in two parallel \$600 million ICC arbitrations seated in Brazil, arising from the acquisition of a Brazilian technology firm.

- Settled an ICDR arbitration for a Latin American airline in a \$30 million dispute against a manufacturer relating to claims of breach of duties of good faith under Brazilian law.
- Settled an arbitration for a leading Uruguayan industrial conglomerate in a \$21 million post-M&A dispute relating to hydro power plants.
- Advised a US oil field services company in a recently settled \$37 million arbitration in Argentina.

INVESTIGATIONS

- For a software company, served as lead investigation counsel—coordinating a team of internal counsel and local counsel—in an investigation in Brazil; the SEC ultimately informed the company that it did not plan to take enforcement action.
- Advised a large tech company with offices in Latin America in connection with a confidential investigation in Argentina and Uruguay.
- Advising a multinational corporation in a sensitive internal investigation relating to its Mexico business.
- Representing a US-based mining company in an internal investigation arising from the theft of minerals from a mine site in Peru.

LITIGATION

- Representing of the Pan American Health Organization in *Rodriguez v. Pan American Health Organization* (US Court of Appeals for the DC Circuit and US District Court for the District of Columbia), a case brought by Cuban doctors who allege they were victims of human trafficking and torture as part of a Brazilian public health program, the largest of its kind ever administered by a UN agency.
- Representing of US oil and gas drilling company Helmerich & Payne in *Helmerich & Payne International Drilling Company v. Republic of Venezuela* (US Supreme Court, US Court of Appeals for the DC Circuit, and US District Court for the District of Columbia), a case involving claims for the taking of property in violation of international law under the expropriation exception of the Foreign Sovereign Immunities Act.
- Representing UK hedge fund Altana Wealth in *Altana Credit Opportunities Fund SPC et al. v. Republic of Venezuela* (US District Court for the Southern District of New York), a case involving claims for breaches of contract arising from defaulted Venezuelan bonds under the waiver and commercial activities exceptions of the Foreign Sovereign Immunities Act.
- Representing a US public company against the Republic of Cuba for takings in violation of international law and potentially against unnamed defendants trafficking in the expropriated property in violation of the Helms-Burton Act.
- Representing a former cabinet official of the government of Argentina before the Inter-American Commission on Human Rights in a case involving false imprisonment, malicious prosecution, and violations of due process and other fundamental rights.
- Represented a European company in federal court in Miami in defending against a frivolous lawsuit brought pursuant to the Helms-Burton Act for alleged “trafficking” of property in Cuba.
- Represented a senior executive of a global oil trading company in connection with potential FCPA charges by DOJ involving hundreds of millions of dollars of

contracts in Ecuador; Ecuadoran, UK and Swiss authorities also are investigating.

REGULATORY AND COMPLIANCE COUNSELING

- Advised multiple clients, including Precision Castparts, Panasonic and Kohler, among others, during the COVID-19 pandemic on regulatory compliance with COVID-19 restrictions in Mexico.
- Advised the LatAm regional team of a US media company in a complicated deal diligence project involving Argentina and Mexico.
- Advised a large tech company on compliance matters in Peru.
- Advised a large tech company in connection with a confidential matter in Mexico.

TRADE, INVESTMENT AND MARKET ACCESS

- Advised clients in cutting-edge WTO disputes, such as *European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft*, *Argentina – Measures Affecting the Importation of Goods*, and *Brazil – Certain Measures Concerning Taxation and Charges*.
- Advising a US-based financial services company on implementation of the United States-Mexico-Canada Agreement and related market access issues in Mexico.
- Advising a major US-based energy company on a range of trade-related challenges in Mexico and other jurisdictions in Latin America.
- Advised a US-based technology company with respect to Bolivia’s treatment of its goods under the WTO Customs Valuation Agreement.
- Advised a US-based financial services company regarding Colombia’s measures impacting the insurance sector.
- Advised a US-based manufacturer on import license issues in Argentina.
- In US government service:
 - Represented the United States in WTO disputes, including *Mexico – Definitive Anti-Dumping Measures on Beef and Rice* and *Argentina – Definitive Safeguard Measure on Imports of Preserved Peaches*.
 - Frequently advised the USTR on Latin America-related issues as the agency’s lead attorney and/or negotiator with respect to safeguards, services, financial services, investment, state-owned enterprises and competition.
 - Served as the lead US negotiator for the investment chapter of the United States-Mexico-Canada Agreement.
 - Served as the overall lead US attorney in the US-Chile Free Trade Agreement negotiations.
 - Served as the lead US negotiator for suspension agreements with Mexican parties concerning fresh tomatoes and sugar.

TRANSACTIONAL

- Advised Mexican real estate company TrueHome in its acquisition by Brazilian proptech unicorn Loft.
- Advised General Catalyst in its role as lead investor in a \$700M Series E round of funding for Kavak, the foremost company in the pre-owned car market in Latin America.

- Co-represented Brazilian logistics company Kangu in its acquisition by Mercado Libre, Latin America's leading e-commerce and financial services technology company.
 - Represented Wolox, a leading Argentinean cloud native and agile development company, in its acquisition by Accenture.
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Recognition

- *Latinvex* ranked WilmerHale on its 2022 list of top international law firms in Latin America, both in the overall category and for arbitration; corporate/M&A; and FCPA, Fraud & Investigations.
- *Latinvex* named Claudio Salas a Rising Legal star in 2023. Kelsey Quigley was recognized in 2022 and Caroline Geist-Benitez was recognized in 2021. The publication honors 25 lawyers a year whose practices have made a mark in Latin America.
- *Litigation Daily* named a WilmerHale team Litigator of the Week Runners-Up in 2022 for obtaining the dismissal of the last of three actions in Puerto Rico's Commonwealth Court against the team's 12 financial institution clients.