

Brazil Practice

The firm's Brazil practice represents clients in disputes around the world involving Brazilian parties and investments in Brazil. We have represented individuals and companies in some of the most complex and important recent Brazilian disputes, including:

- ***Cross-Border Insolvency:*** We represent the **Reference Shareholders** of Americanas SA, one of Brazil's largest retailers, in connection with litigation and disputes arising out of Americanas' January 2023 disclosure of certain accounting inconsistencies. Americanas is in the midst of a judicial restructuring in Brazil, chapter 15 bankruptcy proceedings in New York, class action arbitrations in Brazil, and several regulatory investigations in Brazil, as well as recently closed congressional investigations. QE has provided strategic advice across all proceedings including with respect to potential spin-off litigation in the United States.
- ***Cross-Border Arbitration and Litigation:*** We obtained a US\$720 million arbitral award for **Vantage Deepwater Company** and **Vantage Deepwater Drilling Inc.** against Brazilian state-run oil company Petróleo Brasileiro S.A. (Petrobras) in an ICDR-AAA arbitration seated in Houston over a deepwater drilling services contract. The arbitral award has since been confirmed by the United States District Court for the Southern District of Texas and affirmed by the United States Court of Appeals for the Fifth Circuit.
- ***Private Commercial Arbitration:*** We currently represent a Brazilian client in three LCIA arbitrations, seated in London, involving **US\$ many billion** in assets located in several jurisdictions. The case is related to a shareholder and family dispute in the banking sector.
- ***Investor-State Arbitration:*** We represented the **Odebrecht group** of construction companies in a US\$1.5 billion+ investment treaty arbitration against Peru involving two massive infrastructure projects (including the construction of the largest gas pipeline in Peru), for expropriation and the measures taken by the Peruvian government to the detriment of these projects of our clients in that country.
- ***Antitrust Litigation:*** We represent **JBS S.A.** – the largest meat producer in the world – in multidistrict litigation pending in Minnesota federal court. The class action cases involve alleged violations of U.S. antitrust laws, unfair competition laws, and consumer protection laws arising out of claims that JBS S.A. and its co-Defendants allegedly participated in a multi-year conspiracy to reduce and maintain U.S. cattle slaughter volumes.
- ***Securities Litigation:*** We represented **multiple plaintiffs** in federal securities claims arising from the multi-billion-dollar kickback and bribery scandal involving Petrobras and its affiliates, alleged to have caused over US\$30 billion in damage to Petrobras and its securities holders. The scandal, known as the “Lava Jato,” is the largest of its kind in Brazilian history.

- **Cross-Border Internal Investigations:** We represented the **Odebrecht Group (Odebrecht)** – one of the largest construction companies in Brazil – and **JBS S.A.** – the largest meat producer in the world – and their affiliates in civil and criminal investigations and litigation involving the Lava Jato scandal.
- **International Discovery:** We obtained a dismissal *with prejudice* for **Eldorado Brasil Celulose S.A. (“Eldorado”)**, a Brazilian paper and pulp manufacturer, in three proceedings in New York, Minnesota, and Connecticut brought by CA Investment (Brazil) S.A. (“CA”) seeking discovery pursuant to Section 1782 in aid of foreign proceedings in Singapore, Brazil, and Austria.

CULTURAL COMPETENCY

Our [Brazil practice group](#) brings a unique, well-informed perspective to cases.

The practice is led by New York-based partner, **Michael Carlinsky**, and Washington, D.C.-based partner, **William Burck**. Mr. Carlinsky, Co-Managing Partner of the firm globally, founder and Managing Partner of the New York office, Chair of Complex Litigation, and Co-Chair of Insurance Litigation at the firm, has consistently been ranked among the top litigators in the United States by multiple leading global publications. Mr. Burck is Co-Managing Partner of the firm globally, Co-Managing Partner of the firm’s Washington, D.C. office and Co-Chair of the firm’s D.C. Investigations, Government Enforcement and White-Collar Criminal Defense Practice. He is a former Special Counsel and Deputy Counsel to President George W. Bush in Washington, D.C., and a former federal prosecutor in New York City.

Fully bi-cultural and bi-lingual, our Brazil practice team is well-positioned to advise on issues involving Brazilian cases or clients. We have significant experience in representing Brazilian clients in cross-border disputes that require sophisticated knowledge of the language, culture, and commercial customs. The practice’s lawyers, which include the President of the U.S.-based Brazilian-American Lawyers Association, are fluent in Portuguese and include lawyers in New York and London who are licensed to practice under Brazilian law. Our team has critical advantages where understanding subtle cultural differences and nuances are important. Team members also have experience working in Brazil as lawyers and business executives, and are well positioned to offer valuable cross-jurisdictional insights.

Working as part of the firm’s [Latin America practice group](#), our Brazil practice team capitalizes on our deep connections in the region to help our clients achieve their business objectives in a cost effective way. The Latin American practice group is led by Washington, D.C.-based partners **Juan P. Morillo**, a Colombian-American, **David M. Orta**, a Cuban-American, and **Daniel Salinas-Serrano**, a native of Puerto Rico.

BREADTH OF PRACTICE

We represent clients in Brazil-related disputes in many industries, including construction, infrastructure, project finance, energy sector, agribusiness, real estate, healthcare, intellectual property, transportation, technology, and financial and banking matters.

Although the practice has represented clients successfully in dozens of arbitrations, civil litigations, investigations and criminal matters that are not public, the following are some of the firm’s notable public representations related to Brazil.

ANTI-CORRUPTION

- We currently represent **Trafigura**, the world's third largest commodity trading company, in connection with allegations that a member of its management board was involved in bribery and money laundering at Brazilian state-run oil company Petrobras. These allegations are related to the Lava Jato scandal in Brazil and extend to multiple jurisdictions.
- We represented **Odebrecht** in connection with what the U.S. Department of Justice has described as "the largest-ever global foreign bribery resolution." The criminal resolution resulted from a multi-jurisdictional investigation (Brazil, U.S., Switzerland) arising out of the Lava Jato Operation and involved US\$788 million in illicit payments to Petrobras officials, Brazilian politicians, and public officials in 12 countries on three continents. We helped Odebrecht obtain a global fine of less than half of the minimum provided for under the U.S. Sentencing Guidelines, and later negotiated a 20% reduction in the amount owed to the U.S. Our efforts provided the company with much-needed additional liquidity, staving off financial collapse and bolstering the chances of a return to prosperity.
- We represent the largest meat producer in the world, **JBS S.A.**, its controlling shareholder **J&F Investimentos**, and J&F's ultimate shareholders **Joesley and Wesley Batista** in criminal investigations and civil suits arising out of the Lava Jato and other corruption investigations around the world. Prior to the companies' engagement of Quinn Emanuel, Brazilian prosecutors, acting unilaterally, imposed a fine of more than R\$10.3 billion (approximately US\$3.2 billion), the largest corporate fine for corrupt activity in history.
- We were counsel to the **Special Committee of the Board of Directors of BTG Pactual S.A.** – one of Latin America's largest investment banks – in connection with an internal investigation regarding alleged bribery of Brazilian government officials.
- We represent **CONMEBOL** in connection with U.S. criminal investigations and prosecutions into allegations of bribery and corruption in the international soccer world. Specifically, Quinn Emanuel is advising CONMEBOL on the investigations and conducting an internal investigation on behalf of the organization. The United States charged 30 defendants, including a number of past and current CONMEBOL officials with racketeering, wire fraud and money laundering conspiracies, among other offenses, in connection with the defendants' abuse of their positions to solicit bribes from sports marketing companies. Two of these defendants, including Juan Angel Napout, a past President of CONMEBOL, were convicted after a three-month trial in December 2017. Quinn Emanuel has worked throughout the engagement to ensure that CONMEBOL was viewed as a victim of the scheme set forth in the indictment, and this work has positioned CONMEBOL to receive a large restitution award from the defendants convicted at trial as well as those who pled guilty prior to trial.
- 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."

- 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.

CROSS-BORDER CIVIL LITIGATION AND DISPUTE RESOLUTION

- We represent **JBS S.A.** – the largest meat producer in the world – in multidistrict litigation pending in Minnesota federal court. The class action cases involve alleged violations of U.S. antitrust laws, unfair competition laws, and consumer protection laws arising out of claims that JBS S.A. and its co-Defendants allegedly participated in a multi-year conspiracy to reduce and maintain U.S. cattle slaughter volumes.
- We represented a **Brazilian food processing company** and its subsidiary (the “Seller”) in a US\$100 million+ post-closing purchase price adjustment dispute against a U.S. food processing company (the “Buyer”) following the multi-billion-dollar sale of the Seller’s subsidiary. The parties went through a long and complicated post-closing purchase price adjustment in which the Buyer sought to shave over US\$145 million off the purchase price by attempting to exploit a simple adjustment process to substantially attack the Seller’s prior disclosed accounting processes. After a long arbitration proceeding that spanned for 18 months before an Accounting Firm, with over 300 pages of combined submissions supported by extensive document discovery we obtained in federal court, the Accounting Firm sided with the Seller in 98% of the amounts in dispute.
- We currently represent **StoneCo Ltd.**, a Brazilian payments company that is publicly listed in the United States, in connection with a shareholder securities class action suit filed against it in the Southern District of New York. The dispute relates to public filings related to StoneCo’s public listing on NASDAQ.
- We represent **Sigma Lithium Corporation**, an industry-leading lithium industrial processing company with significant mining and industrial processing operations in Brazil, in litigation against a former director and a former secondee for misappropriation of property, confidential data, and trade secrets.
- We advised a Brazilian subsidiary of steel company in a dispute arising from a share option agreement signed between our client and another Brazilian steel company. Covid-19 positively impacted the EBITDA of our client, and the counterparty took the opportunity to exercise a put option. The share option agreement, however, expressly excludes extraordinary events for the calculation of the price. The share option agreement provided for arbitration in Brazil.
- We represented multiple plaintiffs including **PIMCO Funds, Western Asset Management, Boeing, Roche, Guardian Life, and Kuwaiti Investment Authority** in essential federal securities claims concerning the multi-billion-dollar kickback and bribery scandal involving Petrobras and its affiliates, alleged to have caused US\$30 billion in damage to Petrobras and its securities holders. After less than a year of litigation, we achieved successful settlements for each our clients as part of US\$353 million in matters and settlements announced by Petrobras.

- We represented **Odebrecht** in connection with civil litigation flowing from its criminal exposure. We recently won a complete dismissal of all claims against Odebrecht in a civil suit in Washington, D.C. seeking over US\$200 million in damages stemming from Odebrecht's participation in the massive Petrobras bribery scheme that has sent shockwaves through Brazil. In a second civil matter, we obtained a complete dismissal of securities fraud claims against Odebrecht for lack of personal jurisdiction and inadequate control person allegations.
- We represented **Companhia Siderúrgica Nacional ("CSN")**, a large Brazilian steel company, in a lawsuit against its former Chief Financial Officer in the United States District Court of the Southern District of New York for conversion and declaratory judgment relating to CSN's ownership interest in International Investment Fund. After a two-week trial, and after deliberating for just three hours, the jury awarded CSN a complete victory. The verdict brought CSN's three-year dispute with the former executive to a conclusion and affirmed that the approximately US\$500 million of assets at the center of the dispute belong to CSN.
- We have been advising a **large Brazilian mining company** relating to potential court proceedings in London regarding antitrust violations committed in the European and Brazilian markets, which have caused an estimated US\$50 million dollars in damages.
- We have deep experience representing Brazilian clients seeking to obtain or resist discovery in the United States for use in foreign proceedings pursuant to 28 U.S.C. § 1782 ("Section 1782"). The co-founder of our [Section 1782 practice group](#) is the author of the only book on Section 1782 discovery, which has been authoritatively cited by U.S. district and appellate federal courts. For example, we represented **Eldorado Brasil Celulose S.A. ("Eldorado")**, a Brazilian paper and pulp manufacturer, in three proceedings in New York, Minnesota, and Connecticut brought by CA Investment (Brazil) S.A. ("CA") seeking discovery pursuant to Section 1782 in aid of foreign proceedings in Singapore, Brazil, and Austria. The claims in the foreign proceedings were based on breaches of a share purchase agreement and purported misrepresentations in a subsequent bond issuance. CA sought discovery from Eldorado USA, Inc., a subsidiary of Eldorado, and several third parties. Eldorado filed a motion to vacate and quash the subpoenas in all three jurisdictions and CA subsequently withdrew its applications *with prejudice*.

Additionally, we represented **Buser**, a bus chartering technology company, in connection with a § 1782 application filed by SETPESP, a consortium of Brazilian transportation providers, that sought discovery from Softbank LA, an investor in Buser, for purported use in Brazilian proceedings against Buser

- We are currently representing a Brazilian bank in court proceedings before the London courts against a worldwide fintech company claiming damages of approximately £15 million due to misrepresentations and breaches of the Brazilian banking regulation. The underlying contract is subject to English law.
- We advised a Brazilian client in a shareholder dispute regarding a large water industry company in Brazil. The strategy developed by Quinn Emanuel, which included court proceedings in Brazil and potentially in Delaware, led the counterparty to accept a favorable settlement with our client.

INTERNATIONAL ARBITRATION

- We represent a Brazilian agribusiness company involved in a CAM-CCBC arbitration, seated in São Paulo (Brazil), under Brazilian law, against a Chinese company, regarding a breach of an investment agreement. We were hired to explore potential consequences of the case outside Brazil and, after some strategic steps taken in China, associated with the violation of Capital Market Regulation, the counterparty sent a settlement proposal to our client within a week.
- We are advising foreign investors and minority shareholders seeking damages arisen from an accounting fraud at a Brazilian reinsurance company. Following its IPO, many foreign investors became shareholders of the company in a follow-on securities sale in 2018/2019. A few months later, an independent investment management firm discovered a huge accounting fraud at the company. We have been organising a group of shareholders and gathering information to start an arbitration against the company. The claim value is approximately USD\$ 100 million.
- We advised a major Brazilian energy conglomerate in relation to rights and obligations under certain contracts for the sale and purchase of coal signed with Glencore International AG. QE gave strategic advice and helped the client to protect its interests in a potential LCIA Arbitration, seated in London, under English law, in which the claim value would be around USD\$ 30 million. The parties settled the case last year in favorable terms for our client.
- We advised the clients regarding a potential LCIA arbitration, under English law, for breach of contract against Petróleo Brasileiro S.A., Petrobras Venezuela Investments and Services B.V., and Drill Ship International B.V. The claim was based on the breach of drilling service contract and capital lease contract signed between the parties. The claim value is estimated at USD\$ 400 million.
- We are currently representing a Brazilian client in three LCIA arbitrations, seated in London, involving **US\$ many billion** in assets located in several jurisdictions. The case is related to a shareholder and family dispute in the banking sector.
- We represent the **Odebrecht group** of construction companies in a US\$1.5 billion+ investment treaty arbitration against Peru involving two massive infrastructure projects (including the construction of the largest gas pipeline in Peru), for expropriation and the measures taken by the Peruvian government to the detriment of these projects of our clients in that country.
- We successfully represented **Morzan Empreendimentos e Participações Ltda** (“Morzan”) in defending an action to set aside a US\$50 million arbitral award by Wilkes Participações SA and Companhia Brasileira de Distribuição (“CBD”). The annulment request was dismissed with costs by the Paris court of appeal on 29 May 2018. The case arose out of the sale by Morzan to CBD of its controlling shares in Brazilian company Globex Utilidade SA.
- We represented **Barra Energia** (“Barra”) in obtaining an Award against Dommo Energia (“**Dommo**”) confirming that Barra’s Default Notice for non-payment of Cash Calls under an AIPN JOA was valid and that it was not a penalty clause requiring compensation to be paid for the forfeiture of Dommo’s 40% interest in the BS-4 field offshore Brazil. We won “Latin America Deal of the Year” for this case.

- We represent the **Brazilian renewable energy subsidiaries of Brookfield Asset Management** (collectively referred to as “Elera”) in an ICC arbitration against Chinese solar panel manufacturer Trina Solar Energy Development Pte Ltd (“Trina”). The dispute arises from Trina’s non-delivery of solar panel units to Brazil and its invocation of force majeure under the supply agreement based on certain energy consumption mandates enacted in China.
- We recently obtained a US\$720 million arbitral award for **Vantage Deepwater Company** and **Vantage Deepwater Drilling Inc.** against Petrobras in an ICDR-AAA arbitration seated in Houston over a deepwater drilling services contract.
- We represent the subsidiary of a Brazilian power generation company in an ICC arbitration against a Chinese solar panel manufacturer. The dispute arises from the manufacturer’s non-delivery of solar panel units to Brazil and its invocation of market changes in China. The dispute involves the largest solar farm project in Latin American and our client claims damages exceeding US\$240 million.
- We represent a Brazilian client in proceedings for the enforcement of a Brazilian arbitration award against a Brazilian national in U.S. federal court in Florida. Though the amount in controversy is relatively small, the case involves significant issues of federal jurisdiction and award-enforcement law. QE successfully defeated the debtor’s motion to dismiss on jurisdictional grounds and converted the arbitral award into a U.S. judgment and, after that, the judgment-debtor agreed to a favorable global settlement with our client.
- We have been advising a major Brazilian infrastructure concession company in relation to a US\$ 1.1 billion cargo infrastructure project at one of the most important U.S. international airports. The client is one of the largest infrastructure concession and mobility companies in Latin America, and QE is giving strategic advice and helping the client to protect its interests in a potential AAA international commercial arbitration seated in Delaware, under the laws of the State of Delaware.
- We have been advising the Brazilian branch of one of the largest mining companies in the world in a US\$ 800 million dispute regarding a share option agreement.
- We have been advising a large **Brazilian energy company** on a US\$75 million ICC arbitration regarding tax liability arisen from a share purchase agreement.
- We represented **Sete Brasil Participações S.A.**, Brazil’s largest maker of ultra-deep drilling rigs, in a number of multi-billion-dollar disputes arising out of Brazil’s largest corruption scandal in history.
- We represented a **Brazilian holding company** part of a large Brazilian conglomerate in recognition and enforcement proceedings of a Brazilian Award under the Federal Arbitration Act. The U.S. action is coupled with a pre-judgment writ of attachment due to the debtor’s continued attempts to hide his assets in Brazil and the United States.
- We represented **Vinci Partners** in a dispute governed by AAA arbitration involving hundreds of millions of dollars in assets in South America and we obtained a favorable outcome for our client.

- We represented a **prominent Brazilian businessman** in a dispute against a major U.S. healthcare company over breaches of a Share Purchase Agreement subject to an ICC arbitration clause. We were able to help our client leverage discovery pursuant to Section 1782 (which allows U.S. discovery in aid of foreign proceedings) as part of an overall international litigation and arbitration strategy.
- We represented **one of Brazil's wealthiest businessmen** in a dispute against a major Brazilian telecommunications company in proceedings related to an ICC arbitration in Paris.
- We represented the controlling shareholders of a **consortium responsible for building one of Brazil's largest thermoelectric power plants** in an ICC arbitration against a European manufacturer.
- We represented **Renova Energia S.A.**, a major Brazilian renewable energy company, in a CCBC arbitration against a U.S. energy company over misrepresentation, breach of express warranties, and violations of federal and state securities laws.
- Quinn Emanuel represents thirteen renewable energy subsidiaries of Brookfield Asset Management (collectively referred to as Elera), in an ICC arbitration arising from a contract dispute with Trina Solar Energy Development Pte Ltd., as Chinese solar panel company, over the supply of solar panel that were critical for the construction of one of the largest solar energy projects in Latin America. The dispute arises from Trina's failure to meet its delivery obligations and its invocation of force majeure under the supply agreement. The Tribunal issued a final award on June 13, 2023 in the amount of approximately USD 41 million, representing a full victory for our client.
- Quinn Emanuel advises Belagícola and its Original Shareholders in connection with an ongoing arbitration in Brazil against DKBA Participações LTDA. ("DKBA") and Shanghai Pengxin Group CO., LTD ("Pengxin") (the "Engagement"), regarding the breach of the Investment Agreement and Other Covenants ("Investment Agreement") signed between the parties (and Landco Administradora de Bens e Imóveis S.A.) on 27 January 2017.

BANKRUPTCY AND RESTRUCTURING

- We represented **OAS** – a Brazilian company involved in engineering, construction, and infrastructure – in three parallel cases in New York federal courts. OAS is in the midst of a judicial restructuring in Brazil, and certain U.S. creditors sued over allegedly fraudulent transfers (among other things) in U.S. courts in an attempt to circumvent the consolidated Brazilian restructuring proceedings.
- We represent Colorado Investment Holdings in a Chapter 15 adversary proceeding initiated by the foreign representative of Tinto Holding Ltda., a Brazilian agribusiness company, in the Bankruptcy Court Southern District of Florida. Plaintiff seeks to annul agreements that were executed between Colorado and Tinto Holding, claiming that these agreements are null. Plaintiff also seeks compensation from Colorado for Tinto's alleged billion-dollar tax liability.

- We represent the **Reference Shareholders** of Americanas SA, one of Brazil's largest retailers, in connection with litigation and disputes arising out of Americanas' January 2023 disclosure of certain accounting inconsistencies. Americanas is in the midst of a judicial restructuring in Brazil, chapter 15 bankruptcy proceedings in New York, class action arbitrations in Brazil, and several regulatory investigations in Brazil, as well as recently closed congressional investigations. QE has provided strategic advice across all proceedings including with respect to potential spin-off litigation in the United States.

DEEP COMMITMENT TO CLIENTS AND THE REGION

Quinn Emanuel consistently demonstrates its commitment to its Brazilian clients. Our attorneys visit Brazil regularly to meet with Brazilian companies, business leaders, and lawyers. We have held many events in Brazil, including our popular "Demystifying the U.S. Jury Trial" Program in São Paulo and Rio de Janeiro, which demonstrates U.S. litigation procedures through a U.S.-style mock jury trial. We also regularly hold webinars on Brazil-focused topics, as well as joint webinars with Brazilian law firms.

Our Brazil Practice also publishes [*Visões Globais*](#), a newsletter on international legal developments of interest to the Brazilian business and legal communities.

Given our ongoing relationships with Brazilian clients, we know what matters most to them and consistently exceed their expectations.