

## Litigation

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### AREAS OF CONCENTRATION

- Antitrust
- Bankruptcy & Debt Restructuring

For 75 years, clients have trusted attorneys in the McConnell Valdés Litigation Practice Group to help them efficiently resolve even the most complex and contentious business disputes. Consistent leaders in the field, we are widely acknowledged by clients and peers as one of the few – if not the only – firms that can handle even the most highly technical, high-stakes, and complex litigation cases in Puerto Rico.

First and foremost, we are dedicated to protecting our clients' rights and interests throughout the judicial and administrative process. Ever-sensitive to our clients business needs, we provide preventive counsel and strategic plans to help them avoid litigation and manage and settle claims.

Should litigation become unavoidable, our clients know that we thrive on the challenge and have the bench of experience to tackle – and prevail against – formidable opponents. Unlike many other firms, we work closely with our clients to involve them in every stage of the litigation process, as we pursue and resolve everything from complex commercial and corporate matters to contractual disputes, from issues of first impressions to a range of securities, tax, insurance and distribution law and other business-related matters.

We are nimble negotiators, often bringing matters to a speedy resolution through mediated settlements that avoid costly and lengthy trials. In the courtroom, our experienced litigators are aggressive, persuasive advocates for our clients, whether they are facing high-stakes class actions or challenging the constitutionality of local tax law. Our team litigators welcome the challenge of handling difficult cases in every forum, from judicial courts and administrative agencies to specialized and tribunals.

For our roster of local and multinational clients, we are trusted partners. Clients facing the challenges of litigation look to us for exceptional – and cost-effective – representation before local and federal fora, as well as in multi-district litigation venues such as the U.S. District Court for the Southern District of New York. We continue to build on our proven track record by obtaining successful outcomes for corporate clients of all sizes, as well as for individuals.

Our Litigation team is highly regarded for the outstanding legal insight that informs winning case strategies. *Chambers & Partners*, the gold standard of legal review, has consistently praised our “thorough and well-prepared” litigators. A number of our team members are named as Leading Lawyers by *Chambers &*

- Consumer Bankruptcy
- Bids & Government Procurement
- Class Actions
- Construction Litigation
- Consumer Bankruptcy
- Data Privacy & Cybersecurity Practice Team
- Distribution & Franchising
- Environmental & Land Use Litigation
- Government Enforcement, White Collar and Criminal Defense
- Insurance Litigation
- Intellectual Property
- Maritime
- Mediation & Dispute Resolution
- Product Liability
- PROMESA Task Force
- Retail
- Securities Litigation & Arbitration
- Tax Litigation

**RELATED PRACTICE AREAS**

- Insurance

Partners and are among *The Best Lawyers in Puerto Rico 2020*.

The McConnell Valdés Litigation team provides exceptional representation in:

**Antitrust**

Dedicated to helping clients prevent and resolve even the most complex antitrust and trade regulation issues, our team litigators boast an enviable record of success in landmark cases in Puerto Rico and before the United States Supreme Court. [Read more.](#) [Read more...](#)

**Bankruptcy & Debt Restructuring**

The McConnell Valdés Bankruptcy & Debt Restructuring team provides timely, practical solutions to the challenges, controversies, and crises that creditors of financially distressed companies face. [Read more...](#)

**Bids & Government Procurement**

The McConnell Valdés experienced Bids & Government Procurement Practice team understands the intricate factors at play before, during and after government contract awards. [Read more...](#)

**Class Actions**

Our stand-alone Class Actions practice has established an impressive track record by aggressively and effectively defending clients confronting the threat of multi-party product liability, consumer, environmental, antitrust and securities lawsuits. [Read more...](#)

**Construction Litigation**

The McConnell Valdés Construction Litigation team has built a praiseworthy track record by successfully representing construction industry clients in some of Puerto Rico’s most complex and high profile public construction disputes. [Read more...](#)

**Distribution & Franchising**

We provide comprehensive counsel –from drafting distribution proposals to full-scale litigation support -- in all areas affected by Puerto Rico’s Act 75 and Act 21, laws enacted to protect distributors and sales representatives from termination by their principals. [Read more...](#)

### **Environmental & Land Use Litigation**

When preventive measures are not enough, our Environmental & Land Use Litigation team mounts vigorous defenses on behalf of clients who face complex challenges in courts and in administrative proceedings. [Read more...](#)

### **Government Enforcement, White Collar and Criminal Defense**

The McConnell Valdés Government Enforcement, White Collar and Criminal Defense team helps corporate clients navigate shifting regulatory tides by providing them with strategic counsel and practical training in corporate governance best practices they need to comply with all applicable state and federal laws and regulations. [Read more...](#)

### **Insurance Litigation**

The McConnell Valdés Insurance Litigation team is comprised of lawyers with the rare combination of industry knowledge and deep bench experience to resolve even the most troublesome and complex insurance issues. [Read more...](#)

### **Intellectual Property**

Our Intellectual Property team is among the most highly respected and accomplished in Puerto Rico. Top-ranked by Chambers and Partners Latin America for “extremely responsive and 100% knowledgeable” counsel, the team is deeply experienced across the IP ambit. [Read more...](#)

### **Maritime**

We provide a comprehensive array of maritime legal services to a diverse group of clients that includes protection and indemnity (P&I) clubs, marine underwriters, multinational transportation companies, cruise lines, marine financing entities, and related maritime companies. [Read more...](#)

### **Mediation & Dispute Resolution**

The McConnell Valdés Mediation & Dispute Resolution lawyers are highly recognized in Puerto Rico for effectively helping clients resolve disputes using various alternative dispute resolution (ADR) techniques. [Read more...](#)

### **Product Liability**

Members of the McConnell Valdés Product Liability Practice team members defend manufacturers, distributors, sellers and designers of a wide range of products against product-related personal injury, property damage, and breach of warranty claims. [Read more...](#)

### **Retail**

With its keen knowledge and understanding of the complexities of Puerto Rico commercial law, our Retail Practice team is able to advise retailers both before and after they open their doors on a full spectrum of issues. [Read more...](#)

### **Securities Litigation & Arbitration**

Our Securities Litigation & Arbitration Team, unique to the Puerto Rico legal market, is well recognized by its industry insight, legal acumen, and broad experience in financial dispute resolution. [Read more...](#)

### **Tax Litigation**

The firm's stand-alone Tax Litigation Practice group carries the largest and most significant caseload in Puerto Rico and represents clients at every level and in every type of dispute resolution with tax authorities. [Read more...](#)

## **REPRESENTATIVE CLIENTS & MATTERS**

- Successfully representing an international retailer in constitutional challenging of the Alternative Minimum Tax (AMT) as it relates to price transfer. This case, which may have national impact on other retailers in Puerto Rico, received international media coverage.
- Representation of The Office of the Courts Administration in a case before the US District Court for the District of Puerto Rico which involves the issue of whether, under the 7<sup>th</sup> Amendment to the US Constitution, there is a right to trial by jury in civil cases before the Puerto Rico Courts. The US Court of Appeals for the First Circuit issued a landmark per curiam opinion holding that Puerto Rico is not constitutionally required to provide a jury in civil cases.
- Representation of global pharmaceutical company in a product liability action in which the plaintiff claims substantial damages as a result of the ingestion of an antibiotic manufactured by our client. The action presents important issues of Puerto Rico product liability law.

- Representation of a major gasoline distributor in Puerto Rico in a Multi District Litigation pending before the U.S. District Court for the Southern District of New York, were the Commonwealth of Puerto Rico, as well as many other governmental and water treatment entities throughout the United States, are seeking relief from defendants' alleged contamination or threatened contamination, of groundwater with the gasoline additive methyl ethyl tertiary butyl ether.
- Representing a global pharmaceutical company in a \$9 million construction dispute involving drilling and construction of production well required for our client's expansion in Puerto Rico.
- Representing various financial institutions in a complex collection of monies and mortgage foreclosure action with a lender's liability counterclaim by defendants requesting compensation in the amount of \$35,000,000.00 for the demise the main borrower. This action presents unsolved important issues of Puerto Rico contracts and torts laws.
- Representation of client in a class action seeking to nullify all electronic toll collection (ETC) violations assessed in Puerto Rico since 2004, and reimbursement of all fines collected.
- Representation of an international broker-dealer in several hundred arbitration and litigation cases relating to Puerto Rico mutual funds. The arbitration cases are filed with the Financial Industry Regulatory Authority.
- Representation of a group of current and former federal employees who reside in Puerto Rico, Guam, US Virgin Islands and Hawaii in a class action suit against the Government of the United States claiming that the Office of Personnel Management (OPM) has unlawfully excluded cost-of living allowances (COLAs) payments from the "retirement base" used to calculate benefits, including retirement annuities, life insurance benefits and contributions to thrift savings plans.
- Representation of all major online travel companies in a litigation brought by the Puerto Rico Tourism Company, which sought a multi-million dollar payment of room tax from these online travel companies.