

## Eduardo A. Zayas-Marxuach

Capital Member, Litigation Practice Group

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Member, Policy Committee

### PRACTICES

Class Actions  
Distribution & Franchising  
Insurance  
Insurance Litigation  
Litigation  
Product Liability  
Securities Litigation & Arbitration  
Trusts & Estates

### BAR ADMISSIONS

- Commonwealth of Puerto Rico
- U.S. District Court District of Puerto Rico
- U.S. Court of Appeals First Circuit
- U.S. Supreme Court

### EDUCATION

B.A., *Summa Cum Laude*,  
University of Puerto Rico

J.D., *Magna Cum Laude*,  
University of Puerto Rico Law  
School

### MEMBERSHIPS

- Federal Bar Association

Mr. Zayas-Marxuach has developed a commercial and general civil litigation practice in federal and state courts, with emphasis on distribution and franchising, insurance litigation, the Racketeer Influenced and Corrupt Organizations (RICO) Act, class actions and product liability, particularly prescription drug litigation.

Additionally, Mr. Zayas-Marxuach regularly provides litigation and counseling services to individuals in estate and probate matters.

Mr. Zayas-Marxuach has trial experience, including jury trial experience in federal court.

He joined McConnell Valdés in 2000 after serving as a judicial clerk to the Honorable José A. Andréu García, then Chief Justice of the Supreme Court of Puerto Rico, and the Honorable Salvador E. Casellas of the United States District Court for the District of Puerto Rico.

### REPRESENTATIVE CASES

Some of his recent significant cases include:

- Representation of major U.S. distributor in Puerto Rico opioid-related litigation.
- Representation of major U.S. distributor in Puerto Rico ranitidine private and generic label litigation.
- Representation of leading U.S. medical device manufacturer in action asserting causes of action under the False Claims Act, the Sherman Act and Puerto Rico antitrust and tort statutes.
- Representation of a leading energy trading company in a multi-billion-dollar lawsuit.

- Representation of insurers in a purported class action under the Racketeer Influenced and Corrupt Organization (RICO) Act alleging underlying violations of Puerto Rico's Compulsory Motor Vehicle Liability Insurance Act.
- Representation of leading U.S. manufacturers in distribution litigation and disputes in Puerto Rico.
- Representation of a leading U.S. provider of excess and surplus lines insurance in the transition of several hundred legal claims upon exhaustion of its aggregate limit of liability on a municipal liability policy, and in complex settlement negotiations with the Puerto Rico Treasury Department related to such policy.
- Representation of one of Puerto Rico's largest banks and a leading insurance agency in a multi-million insurance class action by consumers challenging Puerto Rico's contingent commission framework.
- Representation of one of Puerto Rico's largest banks and a leading insurance agency in a multi-million insurance consumer class action for damages purportedly stemming from the defendants' alleged breach of fiduciary duties and actions in restraint of trade.
- Representation of hotel owner in one of several lawsuits in Puerto Rico challenging the charging of resort fees.
- *Méndez Internet Management Services, Inc. v. Banco Santander de Puerto Rico*, 631 F.3d 10 (1<sup>st</sup> 2010): Affirming dismissal, on summary judgment, of an action raising claims under the RICO Act, the Sherman Antitrust Act, the Bank Holding Company Act and Puerto Rico's general tort statute.
- *Sánchez v. Triple-S Management Corp.*, 492 F.3d 1 (1<sup>st</sup> 2007): Affirming dismissal, on summary judgment, of a purported class action under the RICO Act.
- *Nikitine v. Wilmington Trust Co.*, 715 F.3d 388 (1<sup>st</sup> 2013) & *Calderón-Serra v. Wilmington Trust Co.*, 715 F.3d 14 (1<sup>st</sup> Cir. 2013): Affirming dismissal of state law claims for civil fraud and breach of fiduciary duty in connection with securities transactions.
- *Hargen-Rodríguez v. UBS Trust Co. of Puerto Rico*, 2017 WL 2937592 (D.P.R. July 7, 2017): Granting motion to compel arbitration.
- *A. Hakim Corp. v. New WinCup Holdings, Inc.*, 2013 WL 2896867 (D.P.R. June 11, 2013) & 2012 WL 4678128 (D.P.R. Sept. 28, 2012): Dismissing action under Puerto Rico's distributors and sales representatives statutes.