

Leslie Y. Flores-Rodríguez

Capital Member, Litigation Practice Group

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PRACTICES

Construction Litigation
Health Care
Insurance Litigation
Intellectual Property
Litigation
Securities Litigation & Arbitration
Tax Litigation

BAR ADMISSIONS

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

EDUCATION

B.A. in Public Communication,
Summa Cum Laude, University of
Puerto Rico

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

Ms. Flores-Rodríguez focuses her litigation and arbitration practice on healthcare, securities, intellectual property, tax, hospitality, construction, corporate law, and general tort litigation. She has also successfully represented clients facing bids and procurement challenges, class actions, and general commercial contractual disputes.

Her practice encompasses all phases of litigation before administrative bodies, the Commonwealth and Federal Court. Ms. Flores-Rodríguez has hands-on trial experience, having served as first and second chair in multiple trials and injunction hearings. She has argued successfully before the United States Court of Appeals for the First Circuit on various occasions. She has also participated in numerous arbitrations before the Financial Industry Regulatory Authority (“FINRA”) and under the rules of the American Arbitration Association.

Ms. Flores-Rodríguez has been a member of the Intellectual Property Committee of the Puerto Rico Bar Association. She is the author of the chapter dedicated to Puerto Rico in the book: “El Arbitraje Comercial Internacional en Latinoamérica” published in Perú and distributed in various Latin American countries. She also assisted in editing the books: “La negociación y la mediación” and “Las cláusulas modificativas de la responsabilidad extracontractual”, both by Professor Luis Muñoz Argüelles. Her article “Soberanía o soberano engaño: La libre asociación como alternativa descolonizadora” won the first prize at the *Nilita Vientós Gastón* judicial writing competition sponsored by the University of Puerto Rico Law Review.

REPRESENTATIVE CASES

- Obtained the dismissal at the pleadings stage of a purported class action challenging the Hotel’s percentage-based resort fee. On behalf of a putative class, the plaintiff had pled three causes of action arising out of alleged wrongs suffered by consumers who reserved hotel accommodations at the Hotel through the hotel’s own webpage and other third-party websites: (i)

fraud in the formation of the contract; (ii) breach of duty of good faith and fair dealing, and (iii) unjust enrichment. The Court found that, even when construing all reasonable inferences in favor of Plaintiff, he was unable to properly plead any of the elements necessary for his claims to survive. See *Cosinteno v. Hilton Worldwide Holdings, Inc., and ESJ Resort, LLC*, 2020 WL 5704868 (D.P.R. 2020).

- Ms. Flores-Rodríguez successfully defended a request for proposal (“RFP”) awarded to a computer reseller, worth approximately \$85 million, which was being challenged by a competitor. The Puerto Rico Supreme Court granted *certiorari* and in an unpublished opinion reversed the decision of the Court of Appeals that had vacated the RFP awarded to the firm’s client by the Department of Education. See *Departamento de Educación, et als v. Computer Network Systems Corp.*, CC-2019-722; CC-2019-788.
- Obtained the dismissal, at the pleadings state, of a purported derivative complaint filed by the shareholders of a closed-end mutual fund, claiming damages against the auditor of the fund for allegedly fraudulent statements and disclosures on which the Plaintiffs relied in purchasing shares of the fund. Among other claims, including alleged breach of contract and breach of fiduciary duties, Plaintiffs characterized their claims as arising under *the Puerto Rico Investment Companies Act*, which the Court found provided no private cause of action to private parties. The Court found the complaint did not plausibly plead any cause of action against the firm’s client, the auditor of the fund. See *Hidalgo v. San Juan Asset Management, Inc., et al*, Civil No. KAC 2011-1202.
- Flores-Rodríguez has twice successfully delivered oral argument before the First Circuit in a trademark litigation involving the client’s family of marks. See *Oriental Financial Group, Inc. v. Cooperativa de Ahorro y Crédito Oriental*, 698 F.3d 9 (1st Cir. 2012) (adopting the progressive encroachment doctrine and applying it to bar laches defense); *Oriental Financial Group, Inc. v. Cooperativa de Ahorro y Crédito Oriental*, 832 F.3d 15 (1st Cir. 2016) (finding infringement of financial institution’s various trademarks).
- Was part of the team that successfully represented MMM Healthcare, LLC, MMM Holdings, LLC, and Castellana Physician Services, LLC in a complaint for false and misleading advertising, false association, unfair competition, trademark infringement and dilution under the Lanham Act and the Puerto Rico Trademark Act, filed by MCS Advantage, Inc. and MCS Healthcare Holdings, Inc. in the U.S. District Court for the District of Puerto Rico. Plaintiffs requested a preliminary injunction on their false advertising claim, which was denied after a two-day injunction hearing. See *MCS Advantage, Inc. et al. v.*

MMM Healthcare, LLC, et al., Civil No. 19-2035 (GAG/BJM).

- Currently representing a pharmaceutical company against a Municipality who claims that the company breached a municipal tax grant and owes over \$54 million in unpaid municipal license taxes and over \$21 million in unpaid property taxes. Successfully obtained summary judgment dismissing the entire suit in favor of the client, which judgment was partially vacated by the Puerto Rico Court of Appeals. The trial on the remanded issues is scheduled to continue this year.
- Currently representing a medical devices manufacturer in a federal litigation in which the client is claiming no less than \$5.7 million in damages against a former executive under the Racketeer Influenced and Corrupt Organizations (“RICO”) Act and several state statutory provisions, including breach of fiduciary, loyalty and diligence duties under the Puerto Rico General Corporations Act.
- Currently representing a pharmaceutical company in an Adversary being prosecuted by Drivetrain, LLC, in its capacity as the trustee of the Commonwealth Avoidance Actions Trust, seeking the avoidance of over \$22.6 million in payments the Commonwealth made during the four years preceding its bankruptcy, under theories of constructive fraudulent transfer, preference, and rescission.

Her Puerto Rico Supreme Court published opinions include:

- *PRTC h/n/c Claro TV, v. Junta de Reglamentadora de Telecomunicaciones, San Juan Cable LLC, h/n/c One Link Communications*, 179 D.P.R. 177 (2010): Ms. Flores was part of the team that successfully represented PRTC in a case in which the Supreme Court heard oral argument for the first time in decades. In this normative decision, involving both administrative and telecommunications law, the Supreme Court held that a competitor does not have an unrestricted right to participate as an intervenor in an administrative proceeding wherein the local telecommunications board is evaluating whether to grant an applicant a cable franchise.
- *Pfizer Pharmaceuticals, Inc. v. Municipio de Vega Baja*, 182 D.P.R. 267 (2011): Represented the Pharmaceutical Industry Association as *amicus curiae* in this case wherein the Supreme Court upheld the validity of an industrial tax exemption decree negotiated by Pfizer with the Central Government and overturned an appellate decision that would have allowed a municipality to override the terms of the decree by taxing income at a rate that was inconsistent with the decree and the Puerto Rico Industrial Incentives Act.

- *In re Wolper*, 189 D.P.R. 292 (2013): In this normative case, the Puerto Rico Supreme Court held that attorneys admitted to practice in United States jurisdictions must apply for admission by courtesy under Rule 12(f) of the Rules of the Court to defend local litigants in arbitration proceedings. Ms. Flores was part of the team who successfully defended the out of state attorneys who were facing a potential criminal referral and disciplinary action for allegedly engaging in the illegal practice of law in Puerto Rico convincing the Court that the Rule should be applied prospectively.