

## ARBITRATION AND MEDIATION CORPORATE LITIGATION



## ACADEMIC BACKGROUND

**2016-2018.** Advanced Arbitration Academy at the ICC-International Chamber of Commerce

**2016.** Masters in International Trade Law at Universidade de São Paulo-USP Law University

**2010.** Academy of American and International Law - ITA-Institute for Transnational Arbitration  
Dallas-Texas

**1995.** Diploma in Law from Universidade de São Paulo-USP Law University

## PRACTICE AREAS

**Arbitration and Civil Corporate Litigation:** Corporate matters, *joint ventures*, maritime law, complex banking transactions (derivatives etc.), structured international trade operations, infrastructure e *project finance*, engineering and construction, government contracts /PPPs, energy, *oil & gas*, mining, telecommunications, aeronautic law, financing/sale and purchase of aircraft, insurance contracts in general, civil liability

## Mediation

## LANGUAGES

English fluent  
Spanish (good understanding)  
Italian (good understanding)

## SOUTO, CORREA, CESA, LUMMERTZ E AMARAL ADVOGADOS

### PARTNER

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## PROFESSIONAL EXPERIENCE

More than 20 years of experience in domestic and international arbitration acquired while practicing in large firms either as counsel or arbitrator. Practice also in the civil litigation area and as mediator

Head of the Dispute Resolution Department in São Paulo

Author of domestic and international publications related to arbitration

Frequent lecturer at seminars in Brazil and abroad

Member of the list of arbitrators and experience at various arbitration providers: CIESP-FIESP; FGV; AMCHAM, Instituto de Engenharia –IE, Brazilian Bar Association- OAB/SP; CAM-FIEP (The State of Parana Industry Federation); CARB (Arbitration Chamber of the Brazilian Rural Society), among others

## AWARDS

**CHAMBERS LATIN AMERICA 2016, notable practitioner**

## ASSOCIATIONS AND INSTITUTIONAL ACTIVITIES

### BRAZIL

- **CBAR-BRAZILIAN ARBITRATION COMMITTEE**- Coordinator; State of Sao Paulo
- **OAB/SP – BRAZILIAN BAR ASSOCIATION**
- President of the CAMCA – Arbitration and Mediation Chamber of the Brazilian Bar Association
- Member of the Arbitration Commission since its beginning (2004)
- Member of Aeronautic Law Commission (2010/2013)
- Member of the Mediation Commission since its beginning (2017)
- **AMCHAM BRASIL-CÂMARA AMERICANA DE COMÉRCIO**  
Member of the Mediation Committee  
Former member of the Legal Committee (since 2000)
- **CAM/CCBC-CENTRO DE ARBITRAGEM E MEDIAÇÃO DA CÂMARA DE COMÉRCIO BRASIL-CANADÁ**  
Former member of the young Arbitrators commission. Participation in the reform of the arbitration rules (2012)
- **CESA-CENTRO DE ESTUDOS DAS SOCIEDADES DOS ADVOGADOS**  
Former member of the Arbitration Committee (2000/2005)

### ABROAD

- **IBA-INTERNATIONAL BAR ASSOCIATION**  
Arbitration Committee
- **ICC-INTERNATIONAL CHAMBER OF COMMERCE**  
Grupo Latinoamericano de Arbitraje  
Comitê de Arbitragem e Mediação da ICC Brasil
- **ITA-INSTITUTE FOR TRANSNATIONAL ARBITRATION**  
Advisory Board
- **ICDR-INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION** (AAA-American Arbitration Association) - Translation Committee
- **ALARB – ASOCIACIÓN LATINOAMERICANA DE ARBITRAJE**
- **IADC-INTERNATIONAL ASSOCIATION OF DEFENSE COUNSEL** – Vice-Chair of the Arbitration Committee
- **SCOTTISH ARBITRATION CENTRE**  
Arbitral Appointments Committee
- **AIIA-ASSOCIACION INTERNATIONALE DE JEUNES ADVOCATS**
- **LCIA-LONDON COURT OF INTERNATIONAL ARBITRATION** former member of YIAG (2009/2011)

## RECENT PUBLICATIONS IN BRAZIL AND ABROAD

- **Arbitragem e Contratos com a Administração Pública**; Chapter of Book by Eliana B. Baraldi. In: A Reforma da Arbitragem. Coord. Melo, Leonardo de Campos e Beneduzzi, Renato Resende. Forense : Rio de Janeiro, 2016
- **Nueva Ley Brasileña de Arbitraje: Los Principales Cambios y el Nuevo Escenario**; article by Eliana Baraldi and Marina Morelli. In: Revista Internacional de Arbitraje nº 23. Legis : Bogotá, 2016
- **New Brazilian Arbitration Act: The Main Changes and the New Scenario**; article by Eliana Baraldi and Marina Morelli. In: World Arbitration and Mediation Review, volume 9:3. Institute for Transnational Arbitration, JurisNet : Dallas, 2015
- **O Novo Regulamento de Arbitragem da London Court of International Arbitration**; article by Eliana B. Baraldi and Marina Morelli. In: **Revista Brasileira de Arbitragem** Nº 46, CBAr – Comitê Brasileiro de Arbitragem e Kluwer Law International : São Paulo, 2015
- **Extensão dos Efeitos da Cláusula Compromissória a Partes Não Signatárias**; chapter in book by Eliana B. Baraldi, Ana Carolina Beneti and Elina Cunha. In **Arbitragem e Mediação-Temas Controvertidos**. Joaquim de Paiva Muniz, Fabiane Verçosa, Fernanda Medina Pantoja e Diogo de Assumpção Rezende de Almeida (Coord.). Forense : Rio de Janeiro, 2014
- **Investment Arbitration and Public-Private Partnership Agreements**; chapter in book by Eliana B. Baraldi and Jorge Vargas Neto. In **Investment Protection in Brazil**. Org. Daniel de Andrade Levy, Ana Gerda de Borja, Adriana Noemi Pucci. Kluwer Law International BV : The Netherlands, 2013
- **Arbitragem como Meio de Solução de Controvérsias em Investimento: Aspectos Processuais**; chapter in book by Eliana B. Baraldi, Daniel Aun, Gilberto Giusti and Priscila Knoll Aymone. In: **Revista Brasileira de Arbitragem**-Special September Edition/2011-The Protection of the Foreign Investment. Coordination: Brazilian Arbitration Committee. Ed. Síntese: São Paulo, 2011
- **Novo regulamento da Corte Internacional de Arbitragem da Câmara de Comércio Internacional é divulgado em Paris**. Article by: Eliana B. Baraldi and Ana Carolina Beneti, September/2011. In: <http://www.bmfbovespa.com.br/juridico/noticias-e-entrevistas/Noticias/Novo-regulamento-da-Corte-Internacional-de-Arbitragem-da-CCI-busca-garantir-celeridade-dos-procedimentos.asp>
- **Jurisprudência comentada – arbitragem nas relações de consumo**. article by Eliana Baraldi. In: **Revista de Arbitragem e Mediação**, Ano V. Vol. 20. Arnaldo Wald (Coord.). Revista dos Tribunais : São Paulo, 2009
- **Notas sobre a II Conferência de Arbitragem Internacional do Rio de Janeiro**; article by Eliana Baraldi. In: **Revista de Arbitragem e Mediação**, Ano III. Vol. 11. Arnaldo Wald (Coord.). Revista dos Tribunais : São Paulo, 2007

## LECTURES IN BRAZIL AND ABROAD

- Participating in the Panel “**Arbitration and Gender**” in the event organized by Prof. Alessandro Octaviani on “Arbitration and Complex Economic Issues.”  
São Paulo, University of São Paulo-USP, April 4<sup>th</sup>, 2017
- Participating in the panel “**Cross Border Discovery**” in the Latin American Regional Meeting of the IADC-International Association of Defense Counsels  
São Paulo, TozziniFreire Advogados, March 31, 2017
- Participating in the Panel “**How to effectively solve disputes in real estate investments?**” In the 9th Real Estate Investments Annual Conference of the IBA-International Bar Association  
Rio de Janeiro, JW Marriott, March 30, 2017

- Participating in panel ***“Selecting the Arbitral Tribunal”*** at the 8<sup>th</sup> Annual Arbitration Conference organized by AIJA –Asociación Internacional de Jóvenes Abogados  
New York, New York Bar Association, 7 de outubro de 2016
- Organizing and participating in panel with Rafael Francisco Alves on ***“Arbitrators Applying the Law”***. CBar-Comitê Brasileiro de Arbitragem  
São Paulo, Mundie Advogados, August 25, 2016
- Participating in panel on ***“Arbitration and Corruption”***, part of the II Round of Arbitral Debates organized by the NDEG – Núcleo de Direito, Economia e Governança da Fundação Getúlio Vargas – São Paulo and ABEARB- Associação Brasileira de Estudantes de Arbitragem  
São Paulo, FGV Auditorium, August 24, 2016
- Organizing Seminar on ***“Negócios Jurídicos Processuais na Arbitragem”***. CBar-Comitê Brasileiro de Arbitragem  
São Paulo, Auditório da CIESP/FIESP, 2 de junho de 2016
- Panel Participation ***“Counsels’ Ethical Obligations in International Arbitration-Differing Norms and Expectations on the Production of Evidence for Party Representatives”***. 10th Americas Workshop of the Institute for Transnational Arbitration  
Mexico City, JW Marriott, November 30 to December 1<sup>st</sup>, 2015
- Organizing and participation in panel with de Leonardo Campos Melo on ***“The first Ten Years on Ordering of Foreign Arbitral Awards: a Critical View”***. CBar-Comitê Brasileiro de Arbitragem  
São Paulo, Machado Meyer, Sendacz e Opice, November 12, 2015
- Organization and Panel Participation for the IV ***Mesa Redonda sobre Arbitragem de Investimentos do CBar-Comitê Brasileiro de Arbitragem***  
São Paulo, Mundie Advogados, October 25, 2015
- Organizing and participating in panel with Octávio Fragata Martins de Barros on ***“The Convincing of the Arbitrator”***.  
São Paulo, CIESP/FIESP Auditorium, October 15, 2015
- Participation on the opening panel of the ***VI Competição Brasileira de Arbitragem***, organized by CAMARB | ICCA | ICC-YAF | ICDR  
São Paulo, FAAP, October 1<sup>st</sup>, 2015
- Lecture on ***“Foreign Direct Investment, Infrastructure and Arbitration with Public Administration in Brazil – Public-Private Partnerships in Brazil”*** in the seminar of Contratos Administrativos, Arbitraje Comercial y de Inversión in Brasil, USA, Mexico and Peru, Lecciones para la Empresa, Árbitros y Juzgadores  
Mexico City, ANADE-Asociación Nacional de Abogados de Empresa, Colegio de Abogados, August 25, 2015
- Panel Participation ***“Is international arbitration really open to new faces?”*** at the 27<sup>th</sup> Annual ITA Workshop on Subconscious Influences in International Arbitration. ITA – Institute for Transnational Arbitration  
Dallas, Texas, Westin Galleria, June 17-19, 2015
- Organizing and participating in panel with Carlos Eduardo Steffen Elias on ***“Impartiality of Arbitrators”*** – CBar-Comitê Brasileiro de Arbitragem  
São Paulo, Lefosse Advogados, August 21, 2015
- Lecture on ***“Challenges on representing multinational companies in international arbitration”*** at the seminar for International Trade and Dispute Resolution-the Swedish and Brazilian Experience in Arbitration and Mediation. AMCHAM-Swedcham  
São Paulo, AMCHAM, April 28, 2015
- Lecture on ***“Solución de Controversias no régimen legal e inversiones en las concesiones de obras públicas en Chile y Brasil”*** no seminário El Arbitraje: Apoyo a las relaciones comerciales entre Brasil y Chile.  
CAM-Santiago – CAM-CCBC  
Santiago, Chile – CAM Santiago, April 9, 2015
- **Miami International Conference**, ICDR- International Centre for Dispute Resolution  
Miami - Coral Gables-, The Biltmore Hotel, January 28-30, 2015

- Lecture on ***“Pre-Closing M&A Disputes”*** at the Half Year Conference-AIJA  
Santiago, Chile, Hotel Intercontinental, November 19-24, 2014
- Class on ***“Arbitragem”*** with visiting professor for the GV post graduate law program.  
Civil Procedure Course II  
São Paulo, Fundação Getúlio Vargas, October 14, 2014
- Organization and participation of the event ***“The Future of Investment Arbitration in Light of the Latest Developments”***, at III Round Table on Arbitragem de Investimentos do CBar-Comitê Brasileiro de Arbitragem  
São Paulo, De Vivo, Whitaker e Castro Advogados, May 7, 2014
- Lecture on ***“Influence of the International Practices on the Domestic Arbitrations”*** at the Seminar Arbitrating in Germany-Arbitrating in Brazil, Prof. Karl-Heinz Böckstiegel as special guest. Organization of CAM-CCBC (Centro de Arbitragem e Mediação da Câmara de Comércio Brasil- Canadá) and German Institution of Arbitration (DIS)  
São Paulo, Hotel Renaissance, November 12, 2013
- Participation in the debate and round table at ***“The New IBA Guidelines on Party Representation in International Arbitration”***, YIAG-Young International Arbitration Group da LCIA-London Court of International Arbitration  
São Paulo, Pinheiro Neto Advogados, September 18, 2013
- Organization and participation in the ***II Mesa Redonda sobre Arbitragem de Investimentos do CBar-Comitê Brasileiro de Arbitragem***  
São Paulo, Demarest, May 9, 2013
- Participation in the debate on ***“Novas legislações e novos regulamentos: uma nova prática arbitral?”*** at Jornada Prof. Guido Fernando da Silva Soares. CAM-CCBC (Centro de Mediação e Arbitragem da Câmara de Comércio Brasil-Canadá)  
São Paulo, Faculdade de Direito da Fundação Getúlio Vargas, October 12, 2012
- Lecture on ***“O papel do advogado na arbitragem”*** no XI Congresso Internacional de Arbitragem do CBar-Comitê Brasileiro de Arbitragem  
Porto Alegre, Hotel Sheraton, September 15, 2012
- Participation in the debate on ***“A Arbitragem de Investimentos na América Latina”*** at I Round Table on Arbitragem de Investimentos do CBar-Comitê Brasileiro de Arbitragem  
São Paulo, Pinheiro Neto Advogados, May 10, 2012
- Lecture on ***“Medidas de urgência no Novo Regulamento de Arbitragem do CAM-CCBC”***, at the event Lançamento do Novo Regulamento de Arbitragem do CAM-CCBC (Centro de Arbitragem e Mediação da Câmara de Comércio Brasil Canadá)  
São Paulo, Hotel Maksoud Plaza, December 14, 2011
- Lecture on ***“A Arbitragem como meio de solução de controvérsias”***, in the Seminar “O Direito e a crise financeira mundial. O que muda nas relações entre operadores do mercado”  
São Paulo, Insper, April 13, 2009
- Lecture at the conference ***“Latin American Oil & Gas-the ADR Practitioner’s Roundtable”*** (substitution for Gilberto Giusti), at the seminar Dispute Resolutions in the International Oil and Gas Business  
Organization: ICDR-International Centre for Dispute Resolution e AIPN-Association of International Petroleum Negotiators  
Rio de Janeiro, Hotel JW Marriott, October 21, 2008
- Lecture on ***“A evolução da arbitragem e resolução de controvérsias em relações de consumo”*** at the II Seminário Arbitragem em Contratos de Adesão- Coelho dos Santos Corretora de Seguros  
São Paulo, Hotel Paulista Plaza, March 6, 2006
- Lecture at the seminar **Arbitragem Internacional**. Joint organization: AASP - Associação dos Advogados de São Paulo, São Paulo e CESA – Centro de Estudos das Sociedades de Advogados  
São Paulo, AASP, March 31, 2004
- Lecture at the seminar on the **Novo Código de Processo Civil**, Moderator: Prof. Miguel Reale  
Organized by the British Chamber of Commerce - Brasil

São Paulo, Centro Brasileiro Britânico, June 11, 2003

- Lecture at the seminar on **Contratos no Novo Código Civil** - AMCHAM Brasil - Câmara Americana de Comércio São Paulo, AMCHAM, September 2002
- Lecture at the seminar on **Contratos no Novo Código Civil: Disposições Gerais**  
Câmara Oficial Española de Comercio en Brasil  
São Paulo, Trench, Rossi e Watanabe Advogados, August 29, 2002
- Lecture at the seminar on **Principais Alterações introduzidas pela Lei 10.444/02 – Legislação Processual**  
Organized by CESA – Centro de Estudos das Sociedades dos Advogados  
São Paulo, Associação dos Advogados de São Paulo, July 16, 2002
- Lecture at the seminar on **Principais Alterações introduzidas pelas Leis 10.352/01 e 10.358/01 - Legislação Processual** - Organization: CESA – Centro de Estudos das Sociedades dos Advogados  
São Paulo, Pinheiro Neto Advogados, March 5, 2002

#### EXAMPLES OF ARBITRAL PROCEEDINGS - ACTING AS ARBITRATOR

- Acted as president of an arbitral tribunal in an AMCHAM proceeding regarding a banking contract
- Acted as co-arbitrator in an arbitral proceeding related to infrastructure project (engineering and construction)
- Acted as President of an arbitral tribunal constituted for a corporate claim with multi parties involved seeking determination of assets, abuse of right to vote and conflicts of interest. Criminal aspects are ongoing in parallel with the arbitral proceeding
- Acted as President of an arbitral tribunal constituted for a corporate claim involving the exclusion of a minority shareholder, seeking determination of assets and administrators' liabilities
- Acting as arbitral tribunal member in arbitral proceedings related to acquisition of company, price adjustment, earn outs and others
- Acted as secretary for an Arbitral Tribunal in an AMCHAM arbitral proceeding involving an operational structure of international trade

#### EXAMPLES OF ARBITRAL PROCEEDINGS - ACTING AS COUNSEL

- Representing an American railroad transport company in an *ad-hoc* arbitral proceeding involving rendering of services of certification of breaking system, against a Brazilian construction company.
- Representing a Swedish energy, cellulose and paper multinational company against a Brazilian company in preparation for a CAM-CCBC arbitral proceeding involving an EPC project. Parallel litigation before Brazilian and Finnish courts
- Representing a minority shareholder in CCBC arbitral proceedings on withdrawal, liquidation of company and determination of assets. Judicial measures in preparation for arbitral proceedings before the courts of São Paulo
- Assistance to a multinational company in the energy and transport sector in an arbitral proceeding in the ICC discussing the economic financial balance of a contract for the construction of a wind farm against a leading Brazilian infrastructure company
- Assistance to a company controlled by an international investment fund in a CIESP proceeding on mergers and acquisitions. Precautionary measures, discussion on the jurisdiction of the arbitral tribunal and various parallel proceedings
- Assistance to a multinational leading consortium in the construction and energy sector in a multi-party proceeding in CIESP referring support facilities for the Jirau Project
- Assistance to a multinational company in the energy and transport sector in an international arbitral proceeding in CIESP to discuss the economic financial balance and defects in the construction project of facilities for the expansion of activities
- Assistance to one of the four largest paper and cellulose companies in the country in a CAM - CCBC arbitration involving breach of contract and damages against one of the three largest construction companies in Brazil
- Assistance to one of the main British traders of steel in an international arbitral proceeding in CAM-CCBC

involving maritime law, international contracts, insurance and indemnification to third parties

- Assistance to a leading German telecommunications company on a dispute arising out of the insurance/turnkey contract in a hydroelectric power plant in Brazil. ICC international arbitration involving multiple parties and multiple contracts. Parallel state court litigation in the courts of Paraná
- Assistance to a major international manufacturer in an international ICC arbitration which discussed breach and termination of EPC contracts and related insurance in the construction of several hydroelectric power plants in Brazil, involving multiple parties, including a public entity
- Assistance to a leading Brazilian mining company in two FGV connected arbitration proceedings related to mining/mergers and acquisition/construction issues. Parallel litigation before the civil courts of Rio de Janeiro
- Assistance to a foreign power generator equipment producer against a Brazilian thermoelectric company involving early termination of an agreement and repossession of all power generating equipment. Arbitration proceeding conducted in the ICC. Judicial proceedings conducted in the courts of the state of Rio Grande do Norte
- Assistance to a major international agribusiness company in an international CIESP arbitration, regarding the plant construction turn-key agreement, supply of goods, manpower, construction and maintenance of a sugar and alcohol plant
- Assistance to a French investor who acquired equities of a Brazilian agribusiness company. Multiparty dispute arising from price adjustment and inconsistencies in the financial statements in CAM-CCBC
- Assistance to an international automotive maker – Brazilian branch and international holding company – against its distributors in El Salvador and Honduras in an ad-hoc international proceeding under the UNCITRAL Rules
- Assistance to a major Brazilian agribusiness company as Brazilian co-counsel in preparation for an ICC arbitration in a dispute related to complex banking transactions and derivatives issues. Parallel judicial litigation held simultaneously in São Paulo courts and New York Courts
- Assistance to a consortium headed by a major Brazilian construction company in a multiparty ICC arbitration proceeding arising out of a number of connected agreements, (insurance agreement and a construction turn-key agreement, in a hydro electrical plant in the South of Brazil). Parallel judicial litigation held simultaneously in São Paulo courts
- Assistance to a major international agribusiness company in a CMA arbitration proceeding, regarding a joint venture agreement, shareholder agreements, breach of confidentiality, false and misleading representation and warranties, violation of trade secret, among others
- Assistance to a leading Brazilian contractor in a multiparty CIESP proceeding, regarding a disaster in a Small Power Plant (PCH) involving investigation of causes, scope of each of contractors/subcontractors and determination of amounts to redress losses and damages
- Assistance to a major petrochemical company in an AMCHAM dispute related to a supply agreement entered into with a Brazilian mixed-capital company
- Assistance to a US inoculants manufacturer in two simultaneous arbitration disputes (ARBITAC) against a Brazilian manufacturer, regarding the acquisition of equity interest by the US manufacturer, representations and warrants violation, intellectual property, execution of shareholder agreement and verification of assets. Parallel judicial proceedings in Paraná Courts
- Assistance to a Japanese company in an arbitration proceeding related to the supply of train wagons to a Brazilian transportation company (project and accounting expert examination) in the International Chamber of Commerce – ICC
- Assistance to an American oil company in a multimillion-dollar dispute arising out of a number of agreements (including but not limited to prospecting and supply of petrol) in the International Chamber of Commerce - ICC. Judicial litigation conducted simultaneously in the courts of New York and Rio de Janeiro
- Assistance to a leading Brazilian contractor in an ICC proceeding, regarding a disaster during the construction of a pipeline system for natural gas distribution and supply, involving a State and Brazilian-mixed capital company
- Assistance to a leading Brazilian company in the paper-industry in a dispute related to a supply agreement with a buyer in Germany in the ICC
- Assistance to an electric equipment supplier against a Brazilian electric sector provider in an FGV arbitration dispute. Conduction of judicial proceedings – leading case - to enforce the arbitration clause conducted in the state courts of Rio de Janeiro
- Assistance to a state electricity company in a multiparty international contractual dispute over the construction of a thermal power plant in the ICC
- Assistance to a major energy producer in Brazil in several disputes arising from supply agreements entered into with a local purchaser

- Assistance to a foreign shareholder in a corporate dispute of a reforestation industry in the CMA
  - Assistance to a mining company in an ad-hoc arbitration initiated by a Brazilian engineering company in São Paulo under UNCITRAL rules. Judicial litigation conducted simultaneously in the courts of São Paulo
  - Assistance to a shareholder in a corporate dispute within the private equity industry in an ad hoc arbitration conducted in São Paulo under UNCITRAL rules
  - Assistance to a Brazilian telecom operator in international arbitration conducted by CAM-CCBC, in a corporate dispute against foreign investors
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