

Gustavo J. Membiela

Partner in Miami
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Gustavo is an experienced litigator whose practice focuses on complex commercial litigation and multinational disputes, including arbitration and investigations, with a particular focus on Latin American disputes.

Services	Complex Commercial Litigation, International Arbitration, Class Actions, International Trade, CFIUS, Customs, Export Controls & Sanctions
Sectors	Financial Services & Banking, Consumer Products, Real Estate, Energy & Infrastructure
Admissions	District of Columbia, New York, Florida
Court Admissions	U.S. Court of Appeals, Second Circuit, U.S. Court of Appeals, Seventh Circuit, U.S. Court of Appeals, Eleventh Circuit, Eastern District of Wisconsin, Southern District of New York, Northern District of Florida, Southern District of Florida, Middle District of Florida
Education	University of Pennsylvania, JD, 2001 Villanova University, BS, 1998

Gus has over 20 years of experience handling a wide variety of commercial arbitrations matters around the world. He has successfully represented consumer product companies, financial institutions and corporations, developers, and investors in multi-jurisdictional disputes.

Gus also represents institutions in various litigations, multinational investigations, and sanctions compliance. He counsels clients both pre-and-post litigation on matters of corporate significance, which includes advising boards and other business leaders.

Gus also maintains an active pro bono practice. He currently serves on the boards of Amigos for Kids and Area Stage Company and Theater Conservatory.

Experience

Consumer Goods/Products

- Represented a leading beverage company in a Florida state court action through a two-week jury trial and appeal on claims related to the termination of distribution agreements in the Dominican Republic.
- Represented a leading logistics provider in multiple Florida state court actions involving claims related to termination of agreements with clients and collection on open invoices.

- Advised Spanish consumer goods company interested in understanding the applicability of US sanctions toward Cuba and the Helms-Burton Act regarding the renovation and/or construction of manufacturing facilities in Cuba, operating the same and distributing the products within Cuba. Also provided advice regarding jurisdictions where such products may be sold.
- Advised multinational alcoholic beverages company interested in entering into distribution relationships to export Cuban products with regard to jurisdictions where such products may be sold.
- Advised global tobacco company in relation to exporting its products for sale in the Cuban market as well as other potential market opportunities in Cuba.
- Advised multinational cigarette and tobacco manufacturing company interested in exporting its products for sale in the Cuban market.
- Advised international supplier of frozen and fresh baked goods on trademark registration in Cuba.
- Advised multinational manufacturer and distributor of disposable consumer products interested in exporting its products for sale in the Cuban market.
- Advised an Argentine company operating online marketplaces dedicated to e-commerce and online auctions with respect to expanding its e-commerce services to Cuba.

Financial Institutions

- Represented a top European bank in connection with lawsuits and ICDR and ICC arbitrations filed on behalf of bank customers seeking recovery from the estate of Madoff's brokerage firm related to an alleged international Ponzi scheme.
- Routinely develops sanctions compliance programs for international financial institutions and corporations, covering OFAC, anti-money laundering and sanctions towards Cuba, Nicaragua, Venezuela, and others.
- Counsel to a leading financial institution regarding US rules and regulations that apply to institutions with a US presence seeking to engage in business with/operate in Cuba.
- Advised European public industrial and commercial institution organized under the laws of France with respect to understanding the applicability of Helms-Burton Act and other US rules and regulations applicable to financial institutions that do not have a US presence and may want to engage in business with/operate in Cuba.
- Advised multiple financial institution clients in connection with claims related to the garnishment of Cuban assets.

Tourism / Hotel

- Counsel to Spanish hotel management company interested in understanding the applicability of US sanctions toward Cuba and the Helms-Burton Act to non-US hotel management companies proposing to manage one or more hotels in Cuba.
- Advised Mexican travel and hospitality company with regard to the applicability of US sanctions toward Cuba and the Helms-Burton Act to non-US travel and hospitality companies seeking to offer Cuban hotels and vacation packages as part of their products and services.

Construction

- Represented a REIT in a Florida state court action involving claims of breach of note and foreclosure of property in connection with a self-storage warehouse facility.
- Representing a client in an ICC arbitration related to the purchase of land in Honduras.
- Represented a consortium in international arbitration proceedings arising out of expansions of the Panama Canal.
- Counsel to a manufacturer of plumbing fixtures interested in exporting construction products to Cuba.

Media

- Advised a sports marketing and talent management company headquartered in California with respect to US regulations governing the hiring of Cubans living outside the US and Cuba.

Some of the experience represented here may have been handled at a previous firm.

Honors & Awards

- *Chambers USA*, Litigation: General Commercial - Florida, 2019-2022
- *The Legal 500 Latin America*, City Focus: Miami, 2021-2022
- *The Best Lawyers in America*, International Trade and Finance Law, Florida, 2017-2022
- AV-Rated and named among South Florida's "Top Rated Lawyers" and "Top Rated Litigators" in Legal Leaders by Martindale-Hubbell and ALM, 2015-Current
- *South Florida Legal Guide*, "Top Lawyer," 2015, 2016, 2021
- Florida Theater Guild, Remy Award for Outstanding Board Member, 2020
- *Super Lawyers* "Rising Star" - Florida, 2009-2016
- *South Florida Business & Wealth*, Up & Comer for Law for Miami-Dade County, 2016
- *Daily Business Review*, "Rising Star," 2014
- *South Florida Legal Guide*, "Top Up and Comer," 2012-2014
- *South Florida Business & Wealth*, Up & Comer Law for Miami-Dade County (finalist), 2014
- *Brickell Magazine*, "Top 20 Professionals Under 40," June 7, 2013
- *Daily Business Review*, "Most Effective Lawyer" (finalist), December 12, 2012
- Cystic Fibrosis Foundation, South Florida Chapter, "40 Under 40 Outstanding Lawyers" of Miami-Dade County, June 19, 2012
- *South Florida Business Journal*, "Up & Comer" - South Florida, 2006

Activities

- Member, International Bar Association
- Board Member, Amigos for Kids
- Member, Area Stage Company and Theatre Conservatory

Credentials

Gus received his B.S. from Villanova University in 1998. He received his J.D. from the University of Pennsylvania Law School in 2001.

Publications & Speaking Engagements

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Events

- Speaker, "Arbitraje en ICDR, Spain," U.S. Chamber of Commerce (June 26, 2019)
- Speaker, "Arbitraje internacional en Miami," ICEX España Exportación e Inversiones (March 20, 2019)
- Speaker, "Cuba Opportunities," FELABAN (November 16, 2015)

Publications

- Co-author, "OFAC Settles With Digital Currency Services Provider for Apparent Violations of Multiple Sanctions Programs," *Journal of Robotics, Artificial Intelligence & Law* (July- August 2021)
- Co-author, "Cuba: Amazon Wins Helms-Burton Case," *Latinvex* (February 24, 2021)
- Co-author, "Helms-Burton Lawsuits: A Status Overview—A year and a half of Helms- Burton claims: "Where do things stand?," *Latinvex* (October 14, 2020)
- Co-author, "Cuba: Carnival Loses Attempt to Dismiss Lawsuit," *Latinvex* (September 23, 2020)

