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Quinn Smith

Mr. Smith has served as counsel or arbitrator in arbitrations administered by international and regional arbitral institutions, including the ICC, ICSID, ICDR, PCA, AAA, and others, in proceedings conducted in English, Spanish, and Portuguese. These arbitration matters have related to infrastructure projects, corporate disputes, distribution and licensing agreements, mining and airport concessions, and others. Mr. Smith has worked in a variety of roles with extensive experience in the cross-examination of technical experts. Mr. Smith is one of the founders of GST LLP and serves as its Managing Partner.

Mr. Smith also appears in state and federal courts throughout the USA representing individuals and companies in various types of commercial litigation, including litigation related to the enforcement of arbitration awards, proceedings seeking discovery in aid of foreign proceedings, defense of securities claims, and other commercial matters at all stages of trial and appeal. Litigation matters relate to many sectors, including securities and financial transactions, information technology, real estate, construction, and international trade.

RELEVANT EXPERIENCE IN INTERNATIONAL DISPUTES

Mr. Smith has participated or is acting as counsel in the following cases (selection):

INVESTMENT ARBITRATION

- *Tethyan Copper Company Pty Ltd. v. Pakistan*, representing Pakistan under the ICSID rules in a claim brought by a joint venture owned by Barrick Gold and Antofagasta Minerals regarding the denial of a mining lease application in Pakistan, with damages sought in excess of 8.5 billion USD.

- *Daniel W. Kappes and Kappes, Cassidy & Associates v. Republic of Guatemala*, representing Guatemala in a claim brought under the ICSID Arbitration Rules by an allegedly foreign investor seeking approx. \$450 million for a mining investment.
- *Agroinsumos v. Bolivarian Republic of Venezuela*, representing Venezuela in a claim brought under the ICSID Arbitration Rules by an allegedly foreign investor seeking over 5 billion USD for supposed investments in the food sector.
- *Fábrica de Vidrios Los Andes, C.A. and Owens-Illinois de Venezuela, C.A. v. Bolivarian Republic of Venezuela*, ICSID arbitration regarding the expropriation of glass manufacturing plants in Los Guayos and Valera (proceedings in Spanish), amount claimed 1 billion USD.
- *Quiborax S.A. et. al. v. Plurinational State of Bolivia*, ICSID arbitration regarding a mining concession in the Uyuni Salt Flats, Bolivia, amount claimed 250 million USD.
- *Blue Bank International Trust (Barbados) Ltd. v. Bolivarian Republic of Venezuela*, ICSID arbitration brought by a Barbadian trust in relation to a hotel development in Venezuela, case dismissed by the Tribunal with costs to Venezuela.
- *Spence International Investments et al. v. Republic of Costa Rica*, representing certain claimant investors against Costa Rica in both the arbitration and judicial proceedings seeking *vacatur* of an interim award, relating to the expropriation of coastal real-property investments.
- *Tenaris and Talta v. Bolivarian Republic of Venezuela (Tenaris 1)*, represented Venezuela in the annulment portion of the case, seeking to annul an ICSID award worth over 150 million USD.
- *Flughafen Zürich et. al. v. Bolivarian Republic of Venezuela*, ICSID arbitration regarding the construction of the Isla Margarita Airport in Venezuela (proceedings in Spanish), amount claimed 250 million USD.
- *Vestey Group Ltd. v. Bolivarian Republic of Venezuela*, ICSID arbitration regarding the expropriation of a cattle farming operation, amount in dispute above 150 million USD.

- Bolivarian Republic of Venezuela v. Certain bondholders, representing Venezuela in relation to the attempted enforcement of certain fraudulent bonds.
- *Valle Verde Sociedad Financiera S.L. v. Bolivarian Republic of Venezuela*, ICSID arbitration regarding the alleged expropriation of a bank in Venezuela, amount in dispute over 200 million USD.
- *Tenaris and Talta v. Bolivarian Republic of Venezuela (Tenaris 2)*, representing Venezuela in an ICSID annulment proceeding regarding an award worth over 150 million USD.
- *Koch Industries v. Bolivarian Republic of Venezuela*, representation of the Republic in an ICSID annulment of an award worth approximately 100 million USD.
- *Longreef v. Bolivarian Republic of Venezuela*, representation of Venezuela in an ICSID annulment of an award worth approximately 45 million USD and related to the food sector.
- Counsel for Argentinean investor in securities related arbitration under the auspices of the Financial Industry Regulatory Authority (“FINRA”), claimant sought over 14 million USD.
- *Serafín García Armas, et al. v. Bolivarian Republic of Venezuela*, represented the Republic in proceedings under the UNCITRAL Arbitration Rules, administered by the Permanent Court of Arbitration, regarding an alleged Spanish investment in the food sector in Venezuela.
- Represented various directors and relief defendants in two enforcement proceedings in Massachusetts related to a multi-level marketing business.
- *Luis García Armas, et al. v. Bolivarian Republic of Venezuela*, represented the Republic in proceedings under the UNCITRAL Arbitration Rules, administered by the Permanent Court of Arbitration, regarding an alleged Spanish investment in the food sector in Venezuela.
- *Manuel García Armas, et al. v. Bolivarian Republic of Venezuela*, represented the Republic in proceedings under the UNCITRAL Arbitration Rules, administered by the Permanent Court of Arbitration, regarding an alleged Spanish investment in the food sector in Venezuela.

- Investment bank v. an African country, represented the bank in a proceeding related to claims for expropriation under the UNCITRAL Arbitration Rules.

COMMERCIAL ARBITRATION

- *Tethyan Copper Company Pty Ltd. v. Government of Balochistan*, representing Balochistan in an ICC arbitration brought by a joint venture owned by Barrick Gold and Antofagasta Minerals, amount in dispute confidential.
- *PDVSA Servicios S.A. v. Petrosaudi International Ltd.*, *ad-hoc* arbitration under the 2010 UNCITRAL Arbitration Rules regarding a claim for damages related to the repair, maintenance, and operation of an offshore drilling rig, amount in dispute over 500 million USD.
- Represented a Brazilian purchaser of debt in a Portuguese-language arbitration brought by a large Brazilian bank regarding claims under the purchase and sale agreement, administered by the ICC, amounts confidential.
- Represented an American equipment dealer in an arbitration with a large Brazilian contractor under the rules of the Inter-American Commercial Arbitration Commission (“IACAC”), confidential settlement.
- Represented a Brazilian distributor of heavy equipment in an arbitration with a US manufacturer pursuant to the ICDR Rules, amount confidential.
- Advised Ecuadorian company in an arbitration with a Swiss company under the Rules of the Guayaquil Chamber of Commerce.
- Representing state-owned telecommunications company in an arbitration under the UNCITRAL Arbitration Rules against a Florida company under the auspices of the ICC.
- Represented a Brazilian shareholder of a closely held corporation in a Portuguese-language arbitration under the rules of the Arbitration and Mediation Center of the Chamber of Commerce Brazil-Canada (“CAM-CCBC”), amount in dispute above 5 million USD.
- Advised Brazilian group in an arbitration pursuant to the rules of the CAM-CCBC regarding a share purchase agreement, amount confidential.

- Counsel to executives named in a high value arbitration of corporate law issues for a major Brazilian company, pursuant to the arbitration rules of the Federation of Industries of the State of São Paulo (“CAM-FIESP”), amount confidential but part of dispute over control of the holding company was worth billions of dollars.
- *Triangulo Pisos e Paineis, Ltda. v. BR-111 Imports & Exports, Inc.* ICC arbitration and subsequent enforcement action in Florida regarding unpaid invoices and ownership of a trademark, award of over 1.5 million USD and counterclaim defeated of over 12 million USD.
- *Eco Tech Engenharia Ltda. v. Pothole Killers, LLC*, ICDR arbitration and related court proceedings in New York regarding an international leasing contract, amount in dispute superior to 5 million USD.
- Represented Brazilian distributor of automotive products in an ICC arbitration related to a joint venture agreement, amount claimed confidential.
- Represented Brazilian operator of a gas power plant against a US-based contractor regarding the installation of a turbine under a EPC contract, pursuant to ICC rules, amount in dispute superior to 15 million USD.
- Represented a Brazilian agricultural cooperative in a dispute under the rules of the International Seed Federation (confidential settlement before filing arbitration).
- Represented a Brazilian wind power company in a dispute with a Dutch company regarding transfer of technology and related proceedings to execute on a letter of credit in Switzerland pursuant to ICDR arbitration clause (confidential settlement before filing arbitration).
- Represented a Brazilian construction company in an arbitration under the rules of the Chamber of Mediation and Arbitration of the Paraná State Association of Commerce (“ARBITAC”) regarding damages claimed under a consulting contract, amount confidential.
- Represented a Brazilian manufacturer in an arbitration with a large US buyer pursuant to the rules of the International Institute for Conflict Prevention and Resolution (“CPR”), amount in dispute above 1.5 million USD (confidential settlement).

- Represented a Bolivian instrumentality in a dispute in two related ICC arbitrations with an Indian mining company regarding rights related to a mining concession in Bolivia, amounts claimed confidential.
- Represented a US uniform provider in numerous domestic arbitrations pursuant to the Commercial Arbitration Rules of the AAA.

LITIGATION

- *Huntington Ingalls v. Ministry of Defense of the Bolivarian Republic of Venezuela*, represented the Ministry in an *ad-hoc* arbitration administered by the ICC, amount in dispute above 500 million USD. Representation included litigation with Crystallex International Corp. regarding the proceeds of a trust in New York as well as resisting enforcement efforts by Huntington Ingalls.
- *Karkey Karadeniz Elektrik Uretim A.S. v. Pakistan*, representation of Pakistan in the annulment of the award as well as resisting enforcement in the Federal District Court of the District of Columbia.
- Enforcement of various foreign judgments in Florida courts to collect on millions of dollars that had been hidden by the debtors.
- Various applications pursuant to 28 USC § 1782 seeking documents and testimony for use in foreign proceedings in Germany, Argentina, Bolivia, Pakistan, and Brazil.
- *Owens Illinois European Group v. Bolivarian Republic of Venezuela*, representing the Republic in relation to the recognition and enforcement of an ICSID award in the Southern District of New York.
- *Denarii Systems, LLC v. Arab, et al.*, representation of two individual defendants in a claim initiated by a former employer related to theft of trade secrets and violation of federal laws regarding access to servers, counterclaims included unauthorized recordings (invasion of privacy) and whistleblower claims.
- *Comparelli, et al. v. Bolivarian Republic of Venezuela*, representing the Republic in relation to a suit in the Southern District of Florida for damages related to an alleged expropriation.

- *Environmental Solutions do Brasil v. RLC Technologies, Inc.*, dispute before courts near Richmond, Virginia, regarding the purchase and sale of a specialized environmental remediation machine.
- *JAMA Software, Inc. v. QA Systems GmbH*, dispute in the District Court for the District of Oregon regarding payment of commissions for the sale of software licenses in Europe.
- *BRFibra Inc. v. BRFibra Telecommunications LLC, et al.*, represented the plaintiff in a case for civil theft, fraud, and corporate issues of more than 10 million USD arising from the telecommunications sector, including a parallel proceeding in Federal court in regards to certain intellectual property.
- *Siemens Industry, Inc. v. Bertolla, et al.*, represented Mr. Bertolla in a lawsuit for fraud and civil theft brought by an affiliate of the Siemens companies in the courts of Florida and related to an ICC arbitration in Paris.
- Represented a United States property owner in litigation against Libya for expropriation of land without compensation by the Gaddafi Regime.

PRO BONO

- *Pro bono* representation of numerous artists in Miami in a variety of matters, as well as buyers, agents, and sellers.

PUBLICATIONS

- Co-author, *The Arbitration Review of the Americas 2021*, Chapter: "*Concession Contracts in Times of Crisis*". Co-authors Quinn Smith, Diego Brian Gosis, and Ignacio Torterola, 2020.
- Co-editor, *Latin America*, Transnational Dispute Management, (two volume special edition).
- Co-author, "Investment Treaty Arbitration," in *The Guide to Infrastructure and Energy Investment*, Latin Lawyer (2016-2018).
- "The Res Judicata Effect of International Arbitration Awards," in *International Arbitration in the United States*, Kluwer Law International (2017).

- “Salir de Pesca, Sólo en Vacaciones: La Base Adecuada para Laudos sobre Daños,” *Revista de Arbitraje de la Pontificia Universidad Católica de Perú* (No. 4, 2014).
- “Discovery y discovery en la Litigación y el Arbitraje Internacional,” *Buenos Aires Arbitration Review* (Oct. 2013).
- “La Muerte Importante y Oportuna de las Normas Extraestatutarias de Revisión en los Estados Unidos,” *Pasado, Presente y Futuro del Arbitraje Internacional*, book honoring Yves Derains and Bernardo Cremades from the Instituto Peruano de Arbitraje (2013).
- “Brazil Update,” *International Law Quarterly of the International Law Section of the Florida Bar* (quarterly publication) (2012-2016).
- “Mechanisms of Control on the Circulation of Foreign Capital, Products, and People in Brazil,” 44:2 *Inter-American Law* 219 (2013).
- Co-author of the Miami Arbitration Reports
- “The Future of Ethics in International Arbitration: A Review of Prominent Sources of Rules and Next Steps for the Profession,” 1 *Revista Académica do Grupo de Estudos em Arbitragem* (2012).
- “Responsabilidade Civil em Contrato Internacional,” *Valor Online*, August 2011.
- “The Importance and Timely Demise of Extra-Statutory Standards of Review,” *Lima Arbitration Review* (2011).
- “O Brasil na Arbitragem Internacional,” *Valor Online*, June 2, 2010.
- “Brazil in the Context of International Arbitration,” in *Infrastructure Law of Brazil*, Justen Filho, Marcal & Pereira, Cesar A.G. (eds.), (Forum, Brazil 2010).
- “A Possível Alteração do Cenário Arbitral nos Estados Unidos e seus Efeitos na Arbitragem Internacional,” in *Arbitragem e Poder Público*, eds. Cesar Augusto Guimaraes Pereira & Eduardo Talamini (2010).
- “Reviewing the History and Application of Article 7,” in the CISG-Brazil Database, republished in 1 *Transnational Dispute Management* (2011).
- “Sotomayor’s Position on Arbitration: A Survey of Past Cases and a View to the Future,” *Transnational Dispute Management*, (2009), adapted and republished in 2 *New York Dispute Resolution Lawyer* 2 (2009).

- “Addressing the New York Convention’s Latest Challenge: Enforcing Arbitral Awards in United States Courts after *Chromalloy* and *TermoRio*,” Mealeys’ Executive Summary (Oct. 2008), republished in 6 *Revista de Arbitragem e Mediação* 21 (2009).
- “Redefining International Arbitration Proceedings Located in the United States,” No. 4 *Spain Arbitration Review* (2009).
- “The Extent of the Arbitral Tribunal’s Power to Manage Discovery in the United States of America,” 19 *Mealey’s Litigation Report: Reinsurance* 20 (2009), republished in 22(6) *Revista de Arbitragem e Mediação* 156 (2009).
- “Revista: International Commercial Arbitration, United States Doctrinal Developments and American Style Discovery,” 20 *Revista Brasileira de Arbitragem* (2009).
- “On Dangerous Footing: The Non-Statutory Standards for Reviewing an Arbitral Award,” 18 *Am. Rev. Int’l Arb.* 122 (2008).
- “Arbitrating at the Crossroads of East and West: An Overview of Prominent Arab National Arbitration Laws,” 24 *International Litigation Quarterly* 3, 20 (2008).

PRESENTATIONS

- “Miami as a Seat for Arbitration,” GAR Live Miami, March 2018.
- “Do We Need New Voices? The Role of Young Practitioners in a Changing Landscape,” ICC YAF at Harvard Law School, March 2017.
- “ICSID and Other Leading Institutions in Investment Arbitration,” IV Escuela Internacional de Arbitraje, International Investment and Commercial Arbitration: A Blessing or a Curse. Hosted at the Universidad Nacional de Colombia, January 2017.
- “Introduction to Standards of Protection,” IV Escuela Internacional de Arbitraje, International Investment and Commercial Arbitration: A Blessing or a Curse. Hosted at the Universidad Nacional de Colombia, January 2017.
- “Different Perspectives on Administrative Acts & Enforcement of Awards,” ICDR Y&I Roundtable in Bogotá, Colombia, October 2016.

- “Barbados Entities as Vehicles for Investment Disputes,” ICC YAF Caribbean Series, Barbados, September 2016.
- “Derechos Humanos y Arbitraje de Inversión,” I Seminario de Arbitraje de Arbitraje de Inversiones Costa Rica, August 2016.
- “Exploring the Shades of Gray: Unanswered Questions on Enforcement of Arbitral Awards,” ICC YAF North America Regional Conference, June 2016.
- Moderator, “Reconsideration and Rehearing on Substantive Matters,” ICC YAF Conference, June 2016.
- “Centrifugal Forces and Dark Energy: Are We Pulling Arbitration Apart?” VIII Conferencia Latinoamericana de Arbitraje, June 2016 (in English).
- “Discovery in International Arbitration,” Moderator at ICC-YAF Conference on the occasion of the Curitiba Pre-Moot, March 2016.
- “The Power to Summon: Does It Apply in International Arbitration?” Moderator at ICC-YAF Conference on the occasion of the International Litigation, Arbitration & Transactions Conference of the International Law Section of the Florida Bar, February 2016.
- “El Laudo Arbitral y Ejecución de Laudos Extranjeros, Anulación de Laudos bajo el Reglamento CIADI (Causales y Procedimiento),” Professor in the Diplomado de Arbitraje Internacional, a joint program with the Procuraduría General del Estado and Universidad Privada Boliviana, November 2015.
- “Crash Course on the Cross Examination of Witnesses,” Moderator, 5th ICC YAF Global Conference, London, June 2015.
- “Arbitraje y Terceros,” Moderator in the V Jornadas Bolivianas de Arbitraje, October 2014.
- “La Evolución de la Transparencia en el Arbitraje de Inversiones,” Panelist at the VIII Congreso Internacional de Arbitraje PUCP, September 2014.
- “Debate on Finding the Best Place for International Arbitration in North America,” Panelist at the ICC North American Chapter YAF Event, September 2014.
- “Hot Topics in the Practice of International Arbitration,” Panelist at ICDR Y&I in São Paulo, Nov. 2013.

- “Brazil: Hungry for Investments and too Big to Ignore,” Roundtable Participant on panel hosted by HSBC and the South Florida Business Journal, March 2013.
- “Cross Examination in International Arbitration,” Speaker at event hosted by the Club Español de Arbitraje, Capítulo de la Florida, February 2013.
- “Enforcement of Arbitral Awards,” Lecture with Franz Stirnimann Fuentes for the Diplomado en Arbitraje Doméstico e Internacional, Comisión Interamericana de Arbitraje Comercial/Camara de Comercio de Lima, Lima, December 2012.
- “The Arbitration Experience of Large Companies in Paraná,” Panelist at the Seminário CAIEP/FIEP-ICDR – Arbitragem Nacional e Internacional na Prática, Curitiba, November 2012.
- “Rapid-Fire Discussion: Focus on United States,” Panelist at the 2012 ICDR International ADR Reporting Program Series, Bogotá, October 2012.
- “The Arbitrator and Her Economic Activities,” Speaker at the X Congress of the Brazilian Committee on Arbitration, Porto Alegre, October 2012.
- Speaker at Roundtable on the New Portuguese Arbitration Law, presented jointly by the ICDR Y&I, Young ICCA, and ICC YAF, at the Câmara de Comercio de Portugal, Lisbon, March 2012.
- “When Things Go Wrong, Take a Stand,” moderator at event hosted by ICDR Y&I, presented at the Arbitration Center of the Federation of Industries of the State of São Paulo, Nov. 28, 2011.
- “Treaty Claims under Subject-Matter Agreements,” moderator of a panel for the event “A Closer Look Beyond ICSID,” a joint presentation of Florida International University’s School of Law and the Instituto Latinoamericano de Arbitraje, Nov. 8, 2011.
- “Multi-Party Arbitration,” a lecture with Cristian Conejero Roos for the Diploma in International Arbitration from the Arbitration Center of the Chamber of Commerce of Lima, Oct. 25, 2011.
- Member of Tribunal for Mock Examination hosted at the University of Buenos Aires Law School, sponsored by ICC YAF, LCIA YIAG, ICDR Y&I, ILdeA, CIArb, and Young ICCA, Sept. 28, 2011.

- “Introducción al Derecho Estadounidense,” Escuela Superior de Economía y Negocios, San Salvador, El Salvador, March 14-18, 2011.
- “Actualiza sobre Algunos Puntos Importantes en los Estados Unidos,” Arbitraje Comercial Internacional en Argentina y las Américas, Una Conferencia de Arbitraje Internacional de la ICDR, Buenos Aires, Argentina, 30 Nov. 2010.
- “Abuse of Process in Investment Arbitration,” Current Developments in Investment Arbitration, Florida International University School of Law, Nov. 5, 2010.
- Emergency Arbitrator and Testifying Witness at Mock Arbitration under ICDR Rules, International Commercial Arbitration in Brazil, Sao Paulo, Brazil, Oct. 27, 2010.
- “Aspectos Jurídicos e Culturais da Expansão de Negócios nos EUA,” Lecture for the Brazilian Association of Bars and Restaurants, June 18, 2010.
- “O Judiciário e a Arbitragem: Considerações sobre a America Latina,” Lecture for the Magistrate School of Curitiba, Paraná, June 12, 2010.
- “Arbitragem nos EUA,” Lecture at the Brazilian Federation of Banks, Sao Paulo, May 28, 2010.
- “Arbitragem nos EUA: Entendendo o Direito Americano,” Lecture at the Pontifical Catholic University of Rio de Janeiro, May 27, 2010 (in Portuguese).
- “Danos na Arbitragem,” Lecture for Parana Section of Brazilian Bar, Sept. 10, 2009.
- “Introdução a Lei Americana,” Faculdades de Curitiba, Sept. 2009.
- “Contracts in the United States,” Faculdades de Curitiba, Sept. 2009.
- “Introdução a Lei Americana,” Faculdades de Curitiba, Aug. 2008.

MEMBERSHIP & ASSOCIATIONS

- Regional Representative for the North American Chapter of the ICC Young Arbitrators Forum; Member of the Global Advisory Board of ICDR Young & International; Member of the Comitê Brasileira de Arbitragem; International Law Section of the Florida Bar (Executive Council); Member of the Board of Directors of the Miami International Arbitration Society; Member of the Brazilian American Chamber of Commerce-Florida; Member of the Steering Committee for ICCA Miami 2014; Co-founder and Former President of Future of Arbitration: Miami; Member of ICC Young Arbitrators Forum; and Member of LCIA Young International Arbitration Group.
- Chaired the organization of various events and conferences regarding international arbitration in the USA, Caribbean, and Latin America.
- Included in the list of “Rising Stars” by Florida Super Lawyers (2011-2019) and classified as “preeminent” by Martindale Hubble.
- Co-coach of the team from the University of Miami at the “Competencia Internacional de Arbitraje Comercial” organized by Universidad de Buenos Aires and Universidad Nacional del Rosario de Bogotá (Colombia) from 2012-2016. Students have achieved numerous awards, including best oralist in 2014.
- Chairman of the Board of the Community Justice Project (a leading social justice law firm); Board Member of Resurrected Builds (a social entrepreneurship venture in Coconut Grove, Florida); Board Member of the Opa-locka Community Development Corporation (a leading community organization in North Miami providing cradle-to-grave social services for low-income families and individuals).
- Member of the Institute of Contemporary Art in Miami.

LANGUAGES

English, Spanish, and Portuguese.