

MARCUS S. QUINTANILLA, FCI Arb

Arbitrator, Mediator, Counsel

Global Dispute Resolution

Curriculum Vitae

Mobile Telephone: +1.949.689.1081

Email: Marcus.Quintanilla@MSQGDR.com

Website: www.MSQGDR.com

Admitted to Practice:

California; New York; Texas.

Principal Offices:

San Francisco; Houston; Miami.

Languages:

Spanish (fluent); French, Portuguese, Greek, and Latin (reading knowledge).



EXPERIENCE AS ARBITRATOR

Arbitral Institution Rosters

AMERICAN ARBITRATION ASSOCIATION

Commercial Panel, July 2022–Present; Construction Panel, October 2022–Present

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION

September 2022–Present

ENERGY DISPUTES ARBITRATION CENTER

July 2023–Present

Representative Cases

- ICDR: Dispute concerning engineering, transport, and installation of offshore renewable power generator.
- ICDR (Chair of Tribunal): Business-to-business sales dispute concerning performance of, and payments for, advanced dermatological treatment systems.
- AAA (Commercial): Contract and business tort claims against crypto-currency wallet system based on alleged breaches of cybersecurity protocols.

- ICDR: Cross claims for breach of contract between Chinese merchant and U.S.-based e-commerce platform regarding alleged violations of international merchandizing policies and terms of use.
- AAA (Commercial): Dispute regarding arbitrability of antitrust claims by independent spirits merchant against national beverage distributor.
- AAA (Commercial): Contract and business tort claims by lessor of vacation properties against international rental-property marketing service.
- AAA (Commercial): Contract and tort dispute regarding implementation and enforcement of antifraud policies and related warranties by international fintech firm.

EXPERIENCE AS COUNSEL

UMBERG ZIPSER, LLP, Irvine, California

Of Counsel, December 2023-Present

Practice Areas: International Commercial Arbitration, Cross-Border Litigation

JONES DAY, San Francisco, California

Partner, January 2017–December 2022; Of Counsel, January 2013–December 2016

Practice Areas: International Commercial Arbitration, Cross-Border Litigation

O'MELVENY & MYERS, LLP, Newport Beach, California

Associate, September 2000–August 2001; September 2002–December 2012

Practice Areas: International Arbitration, International White-Collar Investigations

SOLÓRZANO, CARVAJAL, GONZÁLEZ, PÉREZ-CORREA, MÉXICO

Consultant for U.S. Litigation and International Arbitration (August 2010–December 2012)

EDUCATION

HARVARD LAW SCHOOL, Cambridge, Massachusetts

J.D., June 1999

Thesis: *Finding the “Extra” Element: Copyright Preemption and the Law of Ideas*

Honors: *cum laude*; research assistant to Prof. Arthur R. Miller

HARVARD UNIVERSITY FACULTY OF ARTS AND SCIENCES, Cambridge, Massachusetts

A.M., Classical Philosophy (Ethics), June 1996

Thesis: *Foundations of the Natural Law in Cicero’s De Officiis*

Honors: Graduate Prize Fellowship

GEORGETOWN UNIVERSITY, Washington, D.C.

B.A., Philosophy, May 1993

Honors: *magna cum laude*, Phi Beta Kappa, Ryan Medalist in Rational Philosophy

JUDICIAL CLERKSHIPS

UNITED STATES COURT OF APPEALS, NINTH CIRCUIT

Law Clerk to Honorable Pamela Ann Rymer (September 2001–August 2002)

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Law Clerk to Honorable Alicemarie H. Stotler (August 1999–August 2000)

TEACHING

UC DAVIS SCHOOL OF LAW, Davis, California

Visiting Lecturer, August 2022–Present

Subjects: International Arbitration; International Mediation and Negotiation

UNIVERSIDAD NACIONAL AUTÓNOMA DE MÉXICO, México

Visiting Lecturer on International Commercial Arbitration

UNIVERSITY OF CALIFORNIA, IRVINE EXTENSION, Irvine, California

Brazilian Executive Law Program

Visiting Lecturer on International Arbitration

HARVARD UNIVERSITY FACULTY OF ARTS AND SCIENCES, Cambridge, Massachusetts

Teaching fellow for Professors John Rawls, Robert Nozick, and Stephen Jay Gould

REPRESENTATIVE MATTERS AS COUNSEL

Arbitration

Technology

Trade-Secret Dispute re: Automotive Ethernet PHY Technology, AAA, Silicon Valley

- Represent international chip developer against former employees and their start-up company in claims for trade-secret misappropriation and breach of contract. California Law.

Licensing Dispute re: Antenna-Array Technology for Handy Phones, ICC, Geneva

- Defended Japanese technology firm against claims for royalty payments under joint technology-development agreement with U.S.-based licensor. Delaware Law.

Arbitrators: Bernhard Meyer (President), John Dragseth, Steven Bauer

Warranty Dispute re: Almond Pasteurization Technology, ICC, Paris

- Represented U.S. almond producer in \$20-million dispute with supplier of raw-nut pasteurization system. German Law/CISG.

Arbitrator: Eliseo Castineira

Dispute over Early Termination of ASIC Development Agreement, ICC, San Francisco

- Counseled U.S. chip maker on arbitration strategy in dispute with Japanese electronics company following chip maker's withdrawal from agreement to produce application-specific integrated circuit. New York Law

Construction and Engineering

Construction Dispute re: South American LNG Facility, ICC, Madrid

- Defended Japanese conglomerate against \$400-million claim by EPC contractor against owner of failed LNG facility and its shareholders.
- Arbitration was conducted in Spanish and involved complex interplay of Spanish arbitration law, the civil law of Uruguay, and both Brazilian and Uruguayan insolvency regimes.

Arbitrators: Horacio Grigera-Naón (President), Eduardo Zuleta, Javier Íscar de Hoyos

Construction Dispute re: Copper Mine in Peru, ICC, Houston

- Represented EPC contractor in \$120-million dispute involving allegations of defective engineering at ore-processing facilities in Andes. New York Law.

Arbitrators: Eduardo Siqueiros (President), Horacio Grigera-Naón, Aníbal Sabater

Construction Dispute re: Systems Failure at Brazilian Power Plant, ICC, New York

- Defended EPC contractor against claims stemming from the failure of 469 MW combined-cycle power-generation facility in Brazil.
- Case involved complex engineering questions regarding the root cause of an explosion in one of the plant's gas-turbine generators. New York Law.

Arbitrators: Johnny Veeder (President), Yves Derains, Gerald Aksen

Emergency Measures re: Construction of Mexican Wind Farm, ICC, New York

- Defeated application for interim measures seeking to oust wind-farm developer from its role as balance-of-plant subcontractor through purported exercise of general contractor's step-in rights. New York Law.

Arbitrator: Stephen Drymer

Distributorships and Licensing***Licensing Dispute re: International Yogurt Brand***, ICC, New York

- Defended U.S. food producer's continued use of industry-leading yogurt trademark against efforts by licensor to nullify the parties' license agreement under French law.

Arbitrators: Gabrielle Kaufmann-Kohler (President), Eric Schwartz, Pierre Mayer

Dispute re: Tequila Production and Distribution, ICC, San Francisco

- Represented international spirits distributor against its tequila supplier and trademark licensor to halt fraudulent business practices and obtain assignment of contested brand. California Law.

Arbitrators: Gerald Ghikas (President), Horacio Grigera-Naón, Richard Chernick

Dispute re: West African Wine Distributorship, ICC, San Francisco

- Represented wine producer against West African trading company in \$40-million dispute arising from termination of the trader's distribution contract. California Law.

Arbitrators: Eric van Ginkel, Amb. (Ret.) David Huebner, Charles Ragan

Dispute re: Chilean Automobile Distributorship, ICC, New York

- Represented Japanese trading company and its local affiliate in emergency proceedings to block termination of Chilean distribution contract with Japanese automaker. Mexican Law.

Arbitrator: David Arias

Dispute re: Watercraft Engine Distributorship in Mexico, ICC, New York

- Represented Japanese manufacturer of watercraft engines in arbitration proceedings, and counselled on parallel Mexican litigation, against its exclusive distributor in Mexico.

Arbitrators: Andrés Rigo Sureda (President), Carlos Loperena, Alfonso Sepúlveda

Dispute re: Tequila Distributorship in Central America, ICDR, Delaware

- Represented producer of premium tequila in dispute with its exclusive distributor in Costa Rica based on national legislation protecting local distributors of international brands. Costa Rican Law.

Arbitrator: John Rooney

Energy

Dispute re: Price Renegotiation under Uranium Supply Agreement, Ad Hoc, Stockholm

- Defeated claimant's demand under Swedish law for price renegotiation on long-term nuclear-fuels contract. Swedish Law.

Arbitrators: David Sutton (Chair), Neil Kaplan, Prof. Johnny Herre

CISG Damages Claim for Breach of Uranium-Supply Contracts, SCC, Stockholm

- Recovered millions of dollars in damages under the U.N. Convention on International Sale of Goods for breaches of medium-term nuclear-fuels supply contract. Swedish Law.

Arbitrators: Bernard Hanotiau (Chair), Robert Briner, Justice Hans Danelius

Enforcement of Option Rights under Nuclear-Fuels Supply Agreements, Ad Hoc, London

- Enforced commodities trader's option rights valued at \$1 billion under supply contract for enriched uranium. Swedish Law.

Arbitrators: Johnny Veeder (Chair), Jan Paulsson, Robert Briner

Investment Treaty Disputes

Dispute re: Regulatory Expropriation of Landfill in Mexico, ICSID, Washington, D.C.

- Preliminary strategy development for successful BIT claim on behalf of Spanish environmental-services company against United Mexican States for *de facto* expropriation of landfill investment.

Arbitrators: Alexis Mourre (President); Juan Fernández Armesto, Eduardo Siqueiros

Litigation

KRS v. PAAMCO/PRISMA (Sup. Ct. Cal.)

- Defend state pension fund against potentially billions of dollars in indemnity claims by the advisor of its fund of hedge-funds in connection with derivative actions targeting the fund advisor for unsuitable and fraudulent investment practices.

Micron v. UMC and Jinhua (N.D. Cal.)

- Represented American DRAM producer in its claims for trade-secret misappropriation and international commercial espionage against Taiwanese semiconductor foundry and PRC-based DRAM start-up. California and U.S. Federal Law.

DxO v. Marvell (N.D. Cal.)

- Represented U.S. integrated-circuit company against royalty claims by French developer of digital photography technology. California and U.S. Federal Law.

Semiconductor Energy Laboratory v. Samsung (W.D. Wisc.)

- Defended Korean electronics company against Japanese technology firm's claims of patent infringement involving LCD display technology. California and U.S. Federal Law.

Etnía Cofán v. Chevron (Ecuador)

- Supervised local counsel in Ecuador in their defense of Chevron against claims of ethnic defamation related to the company's decades-long *Lago Agrio* environmental litigation. Ecuadorian Law.

Investigations***Investigation into Alleged Misappropriation of Ethernet Switch Technology***

- Developed and supervised technology company's internal investigation of allegations that a company employee had misappropriated a competitor's trade secrets regarding Ethernet switches. California Law.

Internal Investigation into Alleged Bribes to Philippines Tax Officials

- Led internal investigation for international consumer-goods company related to allegations that a local agent had bribed officials of the Philippine Bureau of Internal Revenue. FCPA.

Internal Investigation into Alleged Corruption in Reconstruction Efforts in Haiti

- Led internal investigation into alleged corruption by local representative of an international development bank in connection with reconstruction efforts in Haiti following devastating earthquake of January 2010. FCPA.

Pre-Acquisition Diligence on Latin American Oil-Field Supply Firms

- Led anti-corruption due diligence efforts on behalf of oil-field supply firm regarding its contemplated acquisition of a competitor's operations in Mexico, Colombia, Ecuador, and Peru. FCPA.

Pre-Investment Diligence into South American Lottery Litigation

- Conducted investigation on behalf of potential U.S. investor to determine that target lottery company's successes in major litigation were obtained without undue influence or corrupt practices. FCPA.

Internal Investigation into Expropriation of Industrial Property in Mexico

- Led multinational energy company's investigation into allegations that its local agents in Mexico bribed government officials to expropriate land planned for development as a competing LNG terminal. FCPA.

PROFESSIONAL ASSOCIATIONS

CHARTERED INSTITUTE OF ARBITRATORS

Fellow, North America Branch

AMERICAN BAR ASSOCIATION, SECTION ON INTERNATIONAL LAW

International Arbitration Committee, Steering Group

AMERICAN BAR ASSOCIATION, FORUM ON CONSTRUCTION LAW

Section 1(Disputes); Section 8 (International)

CALIFORNIA ARBITRATION, INC.

Board Member; Founding Member

CALIFORNIA LAWYERS ASSOCIATION, LITIGATION SECTION

ADR Committee, Steering Group

HOUSTON INTERNATIONAL ARBITRATION CLUB

Member

MIAMI INTERNATIONAL ARBITRATION SOCIETY

Member

INTERNATIONAL CHAMBER OF COMMERCE (USCIB), ARBITRATION COMMITTEE

Member

CLUB ESPAÑOL E IBEROAMERICANO DEL ARBITRAJE

Member

ORANGE COUNTY BAR ASSOCIATION

Former Member, Board of Directors

HISPANIC BAR ASSOCIATION OF ORANGE COUNTY

Former Member, Board of Directors

COMMUNITY SERVICE AND PRO BONO WORK

ST. THOMAS MORE SOCIETY, San Francisco, California

Former President

STELLA MARIS ACADEMY, STAR OF THE SEA PARISH, San Francisco, California

Consultant for Mission Advancement

UNIVERSITY OF CALIFORNIA, IRVINE: SATURDAY ACADEMY OF LAW
Steering Committee Chair

ORANGE COUNTY DIVERSITY TASK FORCE
Founding Member

O'MELVENY & MYERS DIVERSITY COMMITTEE
Founding Member and Chair

CATHOLIC WORKER HOMELESS-SHELTER LITIGATION
Served on steering committee for successful First-Amendment litigation

In re Baptista-Padrón (INS 2021)

Obtained asylum for Venezuelan journalist and member of the political opposition based on ongoing persecution by Maduro regime.

In re Valerio (INS 2012)

Obtained asylum for Belizean woman based on domestic violence suffered at hands of her common-law husband.

REPRESENTATIVE PUBLICATIONS AND PRESENTATIONS

Decarbonization and International ADR: Essential Tools for the Next Decade's Energy-Transition Disputes, K. Connolly, A. Lombardía, T. Meyer, N. Popovic, M. Quintanilla, ABA INTERNATIONAL LAW SECTION, ANNUAL CONFERENCE (Washington, D.C., May 2024)

International Arbitration 101 for "Domestic" Construction Lawyers, S. Nudelman, M. Quintanilla, and R. Tyler, ANNUAL MEETING OF ABA FORUM ON CONSTRUCTION LAW (New Orleans, April 2024)

Standard-Essential Patents and the Quest to Optimize Arbitration for International Disputes over FRAND Licensing, SINGAPORE INTERNATIONAL ARBITRATION CENTER (California International Arbitration Week, San Francisco, March 2024)

Interim Measures in Institutional and Ad Hoc Arbitration, K. Nash, M. Quintanilla, L. Schiefelbein, K. Taylor, STANFORD INTERNATIONAL ARBITRATION ASSOCIATION (Palo Alto, March 2024)

Psychedelic Mushrooms, Organic Groceries, and Other Surprises in Global Commerce: Anatomy of an International Arbitration, STANFORD UNIVERSITY: COLLOQUIUM ON INTERNATIONAL ECONOMIC LAW, BUSINESS & POLICY (Palo Alto, November 2023)

Tiered Dispute-Resolution Clauses: Practical Tips and Innovative Applications, CALIFORNIA ARBITRATION, INC. (Webinar, May 2023)

Strategy in the Hot Tub: Best Practices for Expert-Witness Conferencing in Commercial Arbitration, ABA FORUM ON CONSTRUCTION LAW (Webinar, May 2023)

International Arbitration in California: Current Growth, Future Prospects, STANFORD UNIVERSITY: COLLOQUIUM ON INTERNATIONAL ECONOMIC LAW, BUSINESS & POLICY (Palo Alto, May 2023)

A Coming Wave of Mining Disputes in South America's Lithium Triangle, CALIFORNIA LAWYERS ASSOCIATION (California International Arbitration Week, March 2023)

The Invisible Divide: Domestic and International Construction Arbitration Compared, AMERICAN BAR ASSOCIATION, FORUM ON CONSTRUCTION LAW, (Webinar, November 2022)

Arbitrating Domestic and Transnational IP Disputes, CALIFORNIA LAWYERS ASSOCIATION, 46TH ANNUAL IP INSTITUTE (Dana Point, November 2022)

Interim Measures and Equitable Relief in International Arbitration: A Critical Assessment, STANFORD UNIVERSITY: COLLOQUIUM ON INTERNATIONAL ECONOMIC LAW, BUSINESS & POLICY (Palo Alto, October 2022)

When Employment Disputes Become High-Stakes IP Arbitrations, STANFORD INTERNATIONAL ARBITRATION ASSOCIATION (Palo Alto, March 2022)

Competing Moral Paradigms in Contemporary American Legal Culture, ST. PATRICK'S SEMINARY AND UNIVERSITY (Menlo Park, July 2022)

Why Arbitrate International Disputes? A Primer for California International Arbitration Week 2022, Marcus S. Quintanilla, et al., CALIFORNIA LAWYERS ASSOCIATION (Webinar, March 2022)

Rhetorical Praxis and Paths of Leadership, ST. ALBERT THE GREAT PRIORY (Oakland, February 2020)

When There Is Trouble South of the Border: Strategies for Success in Business Disputes in Mexico, Marcus S. Quintanilla & José Antonio Vázquez, JONES DAY UNIVERSITY (Silicon Valley, January 2020)

Dancing with Dragons: Planning for Disputes with Pacific Rim Business Partners, Marcus S. Quintanilla & Charles Kotuby, CLIENT CLE (Silicon Valley, October 2019)

Arbitrating Commercial Disputes: Prospects, Pitfalls, and Best Practices, CLIENT CLE (Silicon Valley, June 2019)

Enforcing Agreements to Arbitrate, Steven Smith, Marcus Quintanilla & Paul Hines, INTERNATIONAL ARBITRATION IN THE UNITED STATES (L. Shore et al., eds.) (2018)

Avoiding Corruption Abroad and Prosecution at Home: What Every Business Lawyer Should Know about the Foreign Corrupt Practices Act, PRESENTATION TO THE OCBA BUSINESS AND CORPORATE LAW SECTION (Newport Beach, January 2013)

The Life of a Start-Up: From Initial Financing to IPO/Exit—Legal and Regulatory Strategies, Marcus S. Quintanilla (moderator), IBA CONFERENCE (Silicon Valley, November 2012)

International Legal Development Year in Review: 2011, Steven Smith, Ivana Cingel, Marcus S. Quintanilla, et al., INTERNATIONAL ARBITRATION (Spring 2012)

The New Multipolarity in Transnational Litigation, Marcus S. Quintanilla & Christopher A. Whytock, SOUTHWESTERN JOURNAL OF INTERNATIONAL LAW SYMPOSIUM—2021: INTERNATIONAL LAW TEN YEARS FROM NOW (Winter 2011)

International Legal Development Year in Review: 2010, Steven Smith, David Foster, Marcus S. Quintanilla, et al., INTERNATIONAL ARBITRATION (Spring 2011)

Transnational Legal Practice and the Challenges of Globalization, GUEST LECTURE ON THE LEGAL PROFESSION, UNIVERSITY OF CALIFORNIA, IRVINE—SCHOOL OF LAW (April 2011)

The FCPA in Latin America: Implementing Compliance Programs and Mitigating Legal Risks, STRAFFORD PUBLICATIONS WEBINAR (December 2010)

Ley Contra Prácticas de Corrupción en el Extranjero (“FCPA”) y Legislación Relativa, PRESENTATION TO MEXICO’S COMISIÓN FEDERAL DE ELECTRICIDAD (September 2010)

Statute of Limitations and Trade Secret Claims: Some Answers and Some Questions, Darin Snyder, Marcus Quintanilla & Michael Myers, INTELLECTUAL PROPERTY & TECHNOLOGY LAW JOURNAL (August 2008)

Going Global: Effective American Trial Advocacy in International Arbitration, ASSOCIATION OF BUSINESS TRIAL LAWYERS, ABTL REPORT, ORANGE COUNTY (Summer 2008)

Negotiating Cross-Border Agreements: Drafting Arbitration Clauses to Secure Tactical Advantage in Future Disputes, CLIENT CLE PRESENTATION (Periodic)

The Perils of E-Discovery, CLE PRESENTATION TO THE ORANGE COUNTY BAR ASSOCIATION (May 2008)

The Foreign Corrupt Practices Act: Mitigating Exposure in International Operations, CLIENT CLE PRESENTATION (October 2006)