

# LITIGATION AND ALTERNATIVE DISPUTE RESOLUTION

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#### Litigation and Alternative Dispute Resolution (ADR)

The Litigation and ADR practice group, advices clients in the review and audit of documents related to commercial and credit transactions of companies and individuals (i.e. purchase agreements, purchase orders, etc.) for strengthening their effectiveness in trial; analysis and improvement of operational protocols to reduce risks derived from the lack of payment / delivery of products or services; in mediation and conciliation procedures that precede a judicial case or arbitration process; enforcement and implementation of collection strategies and out-of-court contractual compliance; general counseling and representation in litigation, enforcement of agreements, clauses, penalties, among others.

In addition, we assist clients in the analysis of feasibility of any type of civil, commercial, insolvency and constitutional (amparo) case.

We also represent our clients in disputes deriving from agreements, commercial relationships, public bidding processes, lease, promissory notes, bankruptcy and restructuring cases, mortgages and civil cases; we provide assistance in the recognition and enforcement of resolutions rendered abroad in accordance with Mexican Law and international principles and prepare legal analysis as experts in Mexican Law, either for judicial or arbitration procedures being handled abroad.

## Industries we serve

The Litigation and ADR team serves to companies in the following industries: construction, services, manufacturing, logistics, energy, transport and communications







# **Representative experience**

- Bankruptcy procedure. We represent an Italian automotive entity for the inclusion of the company as creditor in the Bankruptcy Estate. After filing an appeal (the acknowledgment of creditors resolution was issued, without having included our client), we obtained a favorable resolution that ordered the inclusion of our client as creditor in the bankruptcy, with a recognized amount of 50 million pesos.
- Civil dispute. The plaintiff claimed 23 million pesos in damages deriving from a water leak. After prevailing in the first instance resolution, our client reached a settlement with the counter party, avoiding payment of approximately 21 million pesos for the company. The case was terminated and settled before the Court.
- Representing a major US Bank in its role of creditor in a judicial bankruptcy process in Mexico, asking for a recognition of credit for USD 20 million. This case has received significant press coverage in Mexico, due to the importance of the bankrupt company as former contractor of Pemex. We participated in the negotiation process of creditors.
- Dispute with a company in the oil and gas sectir, deriving from two EPC. We represent a US based company in a constitutional remedy (amparo) procedure, and arbitration, with a value of more than 140 MDD.
- Represented a large international real estate developer in litigation to collect a sizeable commission arising from the sale of real estate property in Monterrey.
- Succesfully represented an American toy distributor to recover an outstanding debt of over US\$1.2 million.
- Defended one of the world's best-regarded international consulting firms in a civil judicial case involving multi-million US\$ indemnification claims.
- Chief litigator in a lawsuit involving contractors working for the automotive industry in Mexico and Detroit. The litigation was held in Mexico City and evolved into a mediation process in the US, resulting in a settlement of US\$3.5 million.
- Chief litigator for a US bank in Mexico for the collection of more
  than US\$30 million.

## **Our Alternative Dispute Resolution team**

The Litigation and ADR team is conformed by attorneys with extensive experience in Litigation matters, also the team has the knowledge and contacts in several organizations to provide prompt response to our clients' needs.

#### Alfonso López-Lajud

Alfonso heads the Civil and Commercial Litigation and Alternative Dispute Resolution practice group, representing clients in dispute resolution before courts, arbitrators, and negotiators, and acting as expert in court, mediation, and arbitration proceedings. Alfonso is also part of the Energy Industry Group, that includes practitioners of different law practice areas specialized in advising energy sector clients. Within the Energy Industry Group, Alfonso specializes in dispute resolution and land acquisition for energy projects.

He has extensive experience in the constitutional remedy process (amparo proceedings) and commercial arbitrations, as well as in international legal proceedings. He has more than 17 years of experience practicing law and has participated as counsel and litigator before federal and local courts throughout Mexico in civil, commercial, insolvency and real estate matters.

He also has experience advising several banking institutions in the liquidation process, and has collaborated with the Instituto para la Protección al Ahorro Bancario (IPAB), as external legal counsel in the transfer of assets, coordinating real estate auctions, including due-diligences in connection with the legal status of the properties. His practice includes participation in several insolvency and bankruptcy proceedings before federal courts, as well as out-of-court restructuring transactions.

- Successful litigation on behalf of a Mexican company sued by an agrarian association for the reinstatement of over 145 hectares of land located in Mexico City.
- Represented a global fast food company in an extra judicial settlement with a national debtor to restructure a debt of over Mex\$10 million and avoid litigation.
- Participated in arbitration and mediation both in Mexico and abroad.
- Advised a diaper and paper manufacturing company on the restructuring and renegotiation of its commercial debt with five commercial banks and several creditors for purposes of entering into a formal insolvency process in Mexico.
- Advised several Mexican subsidiaries of US and Canadian companies subject to foreign restructuring processes (Chapter 7 and Chapter 11 bankruptcy) on dissolution and liquidation. Helped the client to avoid an insolvency process in Mexico and to recover significant assets.
- Advised foreign investors and their Mexican subsidiaries on the orderly liquidation of their goods in Mexico out of a Mexican judicial insolvency proceeding when the US parent company was subject to reorganization.
- Advised foreign companies on the exclusion of assets from Mexican insolvency proceedings and from the Labor Boards of Conciliation and Arbitration (Juntas de Conciliación y Arbitraje).
- Advised creditors of an important iron and steel industry company on its judicial insolvency proceeding.

#### Who we are

Sánchez Devanny is a leading Mexican law firm that provides full-service legal advice both to Mexican and international clients.

With distinct practice areas that regularly collaborate with one another, we provide comprehensive counsel to help our clients make better decisions for their businesses as a whole for many industries.

## More than attorney-client services

We build enduring client relationships that go beyond individual service contracts because we make every effort to understand our clients' businesses and expectations, to serve as an ally, and to provide complete, accessible and personalized advice. As a testament to these efforts, we continue to advise clients today who have trusted us with their legal matters since Jorge Sánchez Devanny founded the firm in 1996.

# **Experience and creativity**

Throughout the firm, we take pride in serving our clients with a combined approach of experience and creativity because we recognize that when you know how things are done it is easier to think outside the box. Our partners offer a wealth of experience, including in prior roles as in-house counsels at global companies and government agencies, and key roles within international law firms.

We have more than 80 practitioners engaged in 15 different practice groups and several industry groups. With offices in **Mexico City**, **Monterrey**, and **Querétaro**, as well as several strategic alliances worldwide, the firm is well-positioned to quickly and efficiently represent and respond to clients' needs, shortening the distance between us and our clients. Our services are delivered in an efficient, professional, cost effective and timely manner, keeping always in mind that, as lawyers, we are business facilitators for our clients and must maintain a proactive and preventive approach.





Sánchez Devanny refers to Sánchez - Devanny Eseverri, S.C., a leading Mexican law firm that provides full-service legal advice both to Mexican and international clients.

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Sánchez Devanny provides legal services in the areas of Corporate and M&A; Corporate and Project Finance; International Trade and Customs; Real Estate, Infrastructure and Hospitality; Tax; Labor, Social Security and Immigration; Corporate Governance and Regulatory Compliance; Energy, Natural Resources and Environmental; Life Sciences; Intellectual Property, Entertainment and Sports Law; Litigation and Alternative Dispute Resolution; Antitrust; Financial Institutions and Services; Private Wealth Management and Estate Planning and Data Privacy and Information Technology to both public and private clients, especially in the automotive, retail, pharmaceutical, manufacturing, real estate and energy industries.

### **Team and Location**

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