

MARCUS SALVATO QUINTANILLA

Curriculum Vitae

Partner, Global Disputes

JONES DAY

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Admitted to Practice:

California; New York; Washington, D.C.

Languages:

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

PROFESSIONAL EXPERIENCE

JONES DAY, San Francisco, California

Partner, January 2017–Present; 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)

TEACHING

UC IRVINE SCHOOL OF LAW, Irvine, California

Visiting Lecturer on Transnational Legal Practice

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

NEW OXFORD COLLEGIATE ACADEMY, San Francisco, California
Tutor in Classical Rhetoric and Ethics

HARVARD UNIVERSITY FACULTY OF ARTS AND SCIENCES, Cambridge, Massachusetts
Teaching fellow for Professors John Rawls, Robert Nozick, and Stephen Jay Gould

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)

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., Ethics, June 1996
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

COMMUNITY SERVICE AND PRO BONO WORK

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

ST. THOMAS MORE SOCIETY, San Francisco, California
Board of Directors

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.

SIDDHARTHA SCHOOL PROJECT, Leh, Ladakh, India
Co-founder and promoter of project to found and support primary school in Tibetan cultural region of northern India.

In re Baptista-Padrón (INS 2021)
Represent Venezuelan journalist and member of the political opposition in application for asylum 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.

PROFESSIONAL ASSOCIATIONS

AMERICAN BAR ASSOCIATION, SECTION ON INTERNATIONAL LAW
International Arbitration Committee, Steering Group

CALIFORNIA ARBITRATION
Founding Member

CLUB ESPAÑOL DE ARBITRAJE
Miembro

INTERNATIONAL LAW SECTION, STATE BAR OF CALIFORNIA
Former Executive Committee Advisor

ORANGE COUNTY BAR ASSOCIATION
Former Member, Board of Directors

HISPANIC BAR ASSOCIATION OF ORANGE COUNTY
Former Member, Board of Directors

REPRESENTATIVE MATTERS

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.

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.

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.

Arbitrator: Eliseo Castineira

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

- Counselling 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

Litigation

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

- Represent American DRAM producer in its claims for trade-secret misappropriation and international commercial espionage against Taiwanese semiconductor foundry and PRC-based DRAM start-up.

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

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

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.

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.

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.

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.

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.

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.

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.

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.

REPRESENTATIVE PUBLICATIONS AND PRESENTATIONS

International Arbitration, Marcus Quintanilla, et al. (eds.), THE YEAR IN REVIEW: ANNUAL PUBLICATION OF THE ABA SECTION OF INTERNATIONAL LAW (2018, 2019, 2020, 2021)

Strategies of Classical Rhetoric and the Praxis of Leadership, Marcus Quintanilla, ST. ALBERT THE GREAT PRIORY (Oakland, November 2021)

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)