



Arturo J. García-Solá

Capital Member, Litigation Practice Group and McV's
Managing Director

787.250.5632 | ajg@mcvpr.com

Managing Director

Leader, Insurance Litigation
Practice Team

PRACTICES

Bankruptcy & Debt Restructuring

Class Actions

Cuba

Data Privacy & Cybersecurity
Practice Team

Distribution & Franchising

Government Affairs & Public
Policy

Health Care

Infrastructure/Public-Private
Partnerships

Insurance Litigation

Litigation

PROMESA Task Force

Securities & Public Finance

Trusts & Estates

BAR ADMISSIONS

- Commonwealth of Puerto Rico
- U.S. District Court District of Puerto Rico
- U.S. Court of Appeals First Circuit
- U.S. Supreme Court

He has developed a general civil and commercial litigation practice with emphasis in insurance litigation, franchise and distribution laws, constitutional law, contractual disputes, and trusts and estates litigation. He also has significant experience in government and legislative affairs, municipal financing, and has dealt with many bankruptcy matters.

Mr. García-Solá is ranked as one of Puerto Rico's Leading Attorneys in the Dispute Resolution field by the renowned international publication *Chambers & Partners* in both its Global and its Latin America Guides. He is also ranked in the Arbitration and Mediation field of *The Best Lawyers in Puerto Rico* guide, and ranked as a Leading Individual in Dispute Resolution by Legal 500.

As a litigator, he practices extensively before the federal courts, both at trial and appellate levels, and the United States Supreme Court.

Mr. García-Solá has argued three times before the Supreme Court of Puerto Rico, the highest court in Puerto Rico which allows oral arguments only in few cases of significant public interest, such as *Watchtower Bible Tract Society of New York, Inc. v. Santa Isabel*, Civil No. 04-1452(GAG), where Mr. García-Solá made an oral argument as *Amicus Curiae* on behalf of three hospitality industry clients in a certification to the Puerto Rico Supreme Court made by the United States District Court for the District of Puerto Rico. In this case, the District Court certified to the Puerto Rico Supreme Court the question of whether private roads are permitted under Puerto Rico law. He has also appeared many times before the United States Court of Appeals for the First Circuit.

His litigation practice has ranged from handling complex settlement negotiations to leading the litigation strategy in administrative proceedings before Puerto Rico's Department of the Treasury.

EDUCATION

BA, Columbia University, 1980

JD, Columbia Law School, 1983

MEMBERSHIPS

- Federal Bar Association
- Fellow of the Foundation of the Federal Bar Association

His recent cases include representing AmeriNat, the largest single creditor in the Title III proceeding for the Puerto Rico Highways and Transportation Authority and a significant creditor in the Title III case of the Commonwealth of Puerto Rico, and acting as lead counsel in two complex Consent Decree litigations: one representing the Puerto Rico Police Bureau and the other representing the Commonwealth of Puerto Rico, and particularly its Division for Services for Adults with Intellectual and Developmental Disabilities, concerning allegations of violations of civil and constitutional rights.

In 2008, he participated as counsel for Governor Luis Fortuño's Transition Committee and was a member of Governor Fortuño's Talent Selection Committee.

He initiated his career clerking for the Hon. Juan M. Pérez-Giménez, then Chief Judge of the United States District Court for the District of Puerto Rico, from September 1983 until October 1985, when he joined the Firm's Litigation Practice Group.

Mr. García-Solá served as President of the Federal Bar Association's Puerto Rico Chapter in 2001. He has served as member of various Merit Selection Panels that assisted the United States District Court for the District of Puerto Rico in selecting magistrate judges for the court. He has also been a member of the First Circuit Judicial Conference Planning Committee.

For almost a decade he presided the Board of Trustees of the Museo de Arte de Puerto Rico. During his tenure as President of the Board of Trustees, the museum received the prestigious American Alliance of Museums accreditation.

REPRESENTATIVE CASES

The diversity of Mr. García Solá's practice is evident in the variety of litigation and government affairs matters he undertakes for his clients:

- Representing a major oil company before the Puerto Rico Supreme Court and in post judgment proceedings in a consumer class action.
- Representing AmeriNational Community Services, LLC ("AmeriNat"), as servicer for the GDB Debt Recovery Authority, who is the holder of over \$4 billion of debt between the Commonwealth of Puerto Rico (the "Commonwealth"), various of the Commonwealth's instrumentalities, several of its municipalities, and many of its public corporations. AmeriNat is the largest single creditor in the Title III proceeding for the Puerto Rico Highways and Transportation Authority ("HTA") and is a significant creditor in the Title

III case of the Commonwealth.

- Representing the Puerto Rico Police in a case involving the implementation and compliance with a consent decree between the USA, the Commonwealth of Puerto Rico and the PRPB for the reform of the Puerto Rico Police. This matter went to the heart of constitutional policing and ensuring that the PRPB safeguards the civil rights of the citizens of Puerto Rico.
- Representing the Commonwealth of Puerto Rico, and particularly its Division for Services for Adults with Intellectual and Developmental Disabilities, in a 20-year-old Consent Decree litigation. The Complaint, filed by the USA, alleged violations to the civil and constitutional rights of the program participants who, at the time, resided in state-run or contracted institutions.
- Represented MMM Healthcare, LLC, MMM Holdings, LLC, and Castellana Physician Services, LLC in a complaint for false and misleading advertising, false association, unfair competition, trademark dilution, and defamation filed by MCS Advantage, Inc. and MCS Healthcare Holdings, Inc. in the U.S. District Court for the District of Puerto Rico. Plaintiffs also requested a preliminary injunction. MMM entities filed a counterclaim for false advertising, unfair competition, and defamation.
- Representing Petrobras in a class action complaint filed on behalf of over 3 million customers of the Puerto Rico Electric Power Authority (“PREPA”), certain former PREPA employees, multiple fuel oil suppliers and various fuel oil laboratories under the Racketeer Influenced and Corrupt Organizations (“RICO”) Act. The class action complaint charges defendants, including Petrobras, with having allegedly conspired to sell and having actually sold non-compliant, cheaper, fuel oil to PREPA, who was a participant in the alleged scheme, at artificially higher prices for what should have been compliant fuel oil, while passing said cost to electricity consumers by way of the fuel adjustment formula in PREPA’s monthly bills.
- Counseling Pattern Energy in its successful negotiations with the government of Puerto Rico to build the first large, commercial-scale wind energy project in Puerto Rico –the largest in the Caribbean— with 65 wind turbines, for a 75 megawatt (MW) load capacity, providing clean, renewable energy for Puerto Rico’s residents.
- Representing Scientific Games Corporation, a publicly-traded company and a global leader in providing customized, end-to-end gaming solutions to lottery and international gaming organizations, in its negotiations with the Puerto Rico Department of the Treasury leading to a four-year extension to the professional services agreement with the Government of Puerto Rico, for

the management of selected lottery games, including electronic lottery, instant lottery games and marketing.

- Advising the University of Puerto Rico with respect to the management of the legal issues stemming from numerous students riots against the authorities which shut-down the University during several months. Mr. García designed a comprehensive legal strategy that eventually allowed University officials to broker an agreement in court allowing the re-opening of the Island-wide University system, saving the University from financial default and millions of dollars in potential, related losses.
- Representing Abertis Infraestructuras S.A., a Spanish infrastructure, airports, and telecommunications management company, in its negotiations with the government of Puerto Rico for the management contracts of certain toll roads and bridges and with respect to a dispute arising from an earn-out provision in an agreement for the purchase and sale of a stake in a special partnership operating a toll bridge in Puerto Rico.
- Advising the Corrections Corporation of America (CCA), the largest private corrections company and full-service corrections management provider in the United States, with respect to CCA's relationship with the government of Puerto Rico, and is currently assisting the company in important growth opportunities on the Island.
- Serving as the local chief government affairs counsel and strategist for Oracle, the world's largest international business software company (with over 345,000 customers and over \$35 billion in revenue world-wide), related to its local public-sector technology and preintegrated applications and services. Oracle's global and local competition requires Mr. García to assist in the day-to-day management of Oracle's government relationship and strategically assist the company in related matters.
- Serving as the local chief government affairs counsel and strategist for Xerox, the world's leading enterprise for business process and document management (with over \$21 billion in revenue world-wide), helping it manage its numerous government services contracts so as to allow Xerox to focus on operating more efficiently and effectively in this area.