



LEGALINK

INTERNATIONAL BUT PERSONAL

THE INTERVIEWS
SERIES

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Jorge Mestre

RIVERO MESTRE

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What is new with your firm?

We are looking at an exciting year. We're working on some of the most important cases in the United States. We are involved in the Valsartan litigation; the Bitcoin case in the Southern District of Florida; we are defending directors and officers of two failed banks against about \$260 million worth of claims brought by the FDIC, the banking regulator in the United States; and we are continuing our representation of clients in cross border arbitrations, particularly in Central America where we're involved in an ICC arbitration in Spanish, under Guatemalan law, with the juridical seat in Miami. But what's really exciting is that we're developing a new concept, which is this concept of a litigation fund for the Spanish and Portuguese-speaking world. Right now, we're negotiating with a private equity firm and a couple of banks in New York to create this fund, so we can deliver litigation funding solutions to Latin American companies or companies anywhere in the Spanish/Portuguese-speaking world with cross-border legal clients. The concept is to have a \$30 million, non-recourse fund

to start. With the backing of our litigation team and this litigation fund, we will provide individuals and companies with the legal and financial resources they need to bring commercial litigation claims that they might not otherwise be able to afford or bring against international competitors. We're very excited about this initiative. I think it can be a game changer and I'll tell you why. My observation in over 20 years of doing this is that there are two problems in Latin America with regard to litigation. First, Latin American individuals or companies may not necessarily want to be in litigation in their local courts where there is often some kind of political or outside influence. Venezuela, right now, would be a very good example of that. We've been able to address this first litigation problem and solve those issues by finding ways to obtain jurisdiction in the United States.

But the second problem is that some of these individuals and companies haven't had the means to fund that litigation on their own. This issue really is what the litigation fund seeks to resolve. Again, we're very excited about it and we're going to be able to possibly make a more official announcement about this fund by the time of the Legalink conference in Amsterdam.

Are you working on any cases you may find particularly relevant to share?

Sure! I wanted to talk, very briefly, about the three most exciting cases that we're working on. According to the local media, one of those cases is going to be one of the most watched cases this year in the United States. That's the case in which we represent Dr. Craig Wright in a lawsuit alleging he is both the inventor of the cryptocurrency bitcoin and the blockchain itself. Dr. Wright

was sued in federal district court in Florida for conversion and unjust enrichment for about \$11 billion. So that's a very important representation and something that we're excited about.

Another major claim, and kind of a shift in our practice, is a move towards more plaintiffs work. For example, we are currently representing third-party payers in a claim against manufacturers of Valsartan, a high blood pressure prescription drug contaminated with a cancer-causing carcinogen. We sued the manufacturers alleging claims under federal racketeering laws and breach of warranties, among other claims. At the moment, we think there are about 40 million prescriptions filled each year. After the United States Food & Drug Administration discovered that Sartan-based drugs were contaminated with this carcinogen, a Class I recall was issued, which, as of this moment, is the largest Class I recall in the history of the United States. Class I recalls are reserved for drugs that cause serious health problems or death. European regulators in about 20 countries have also taken similar steps and we believe that these damages are going to be in the billions. As a result of our lawsuit, we've applied to be on the executive committee in addition to our direct claims and that hearing is actually next week in New Jersey. This is certainly a big matter we are working on.

The third case I will mention is a combination of two cases that we expect to be tried this year. We have assumed the lead role in litigation arising out of the FDIC's closure of two Puerto Rico banks. We represent the former directors and officers of Eurobank and R-G Bank against these FDIC lawsuits alleging gross negligence in approvals of several loans. The damages in those cases

combined are well over \$300 million, and we are the lead defense counsel in both of those claims. As I said, we expect these cases to be tried this year, keeping us extremely busy.

Aside from these matters, we also had other successful results. We defended Morgan Stanley in a case in which we obtained a zero defense judgment for them. We were hired by SpaceX, one of Elon Musk's companies, and we favorably resolved a couple of cases for them as well. We continue to have Fortune 10 clients that we're doing all kinds of work for. Things are great for us and part of that has been our involvement with Legalink. We think it has been a very successful relationship.

Can you share an example of cross-border work with another Legalink member?

We have a great referral network among our Legalink colleagues. Not only do we have work coming in, but we have also been able to refer work out. I'll give you a couple of examples. We were able to hire Gordon Grieve, from the Piper Alderman firm in Australia, related to one of our significant commercial litigation matters in Florida. This particular matter had a connection to Australia and Gordon was able to help us there. It just goes to show that the personal relationships forged through Legalink are very valuable. Gordon is a fantastic lawyer whose depth of knowledge has been a tremendous help to us. That is one example of a case going out.

In terms of work coming in, we've been able to work with Yoshi (Yoshihisa Hayakawa), from Uryu & Itoga. They referred one of their important clients to us, which, of course, is an incredible compliment. We've been able to

work with Yoshi on the matter and have witnessed firsthand his dedication to his clients, attention to detail, and sound judgment. It just goes to show the amount of depth and talent that exists within Legalink. I already knew our group was impressive from going to the conferences but when you work with other member attorneys on actual matters, it really confirms that everyone in Legalink is playing in the premier leagues.

This really is the premier leagues of law globally and it's incredible to be part of an organization like that. So, I'm very pleased.

This sentiment also extends to our LATAM Regional Group. The amount of talent that we've been able to assemble already in the region is remarkable.

What can be improved in Legalink?

I don't think it is what Legalink can do better; I think it's what we, as members of Legalink, can do better. I think you do a terrific job. The problem becomes that as practicing lawyers we get so busy on the actual legal work our cases generate that we don't keep in contact as much as we should. I would love to see more systematic communication between everyone but also specifically within the region. Regular communication with our region, which for us happens to be the United States and Latin America, would be helpful. I don't know if the solution entails phone calls, regional meetings, regular e-mails, etc. But if you ask me what we would improve, it's more communication and more interaction.

What do you do at your spare time?

As you might imagine, I do not have a lot of spare time, but I am very lucky to have a wonderful wife, we're celebrating our 20th anniversary this year, and two beautiful daughters, so any spare moment that I have is spent with them. And we all love to read and travel. Thankfully, we all love the same things.

Thank you!