

# Diana Paraguacuto-Mahéo

## Partner

Paris

**PHONE:** +33(0)173026905

**FAX:** +33(0)170366131

**EMAIL:** dparaguacuto@foleyhoag.com

Diana Paraguacuto-Mahéo is a partner in Foley Hoag's Paris office and a member of the International Litigation & Arbitration Department, where she specializes in international arbitration and litigation, alternative dispute resolution (ADR) and sovereign representation. Diana regularly serves as counsel in complex arbitral proceedings either ad hoc or held under the auspices of major institutions such as the International Chamber of Commerce (ICC), the International Center for Settlement of Investment Disputes (ICSID), the London Court of International Arbitration (LCIA), and the Centre de Mediation et d'Arbitrage de Paris (CMAP). She has considerable experience in conflict of laws and represents clients in connection with litigation and arbitration proceedings throughout the world, arguing such matters as governing law, jurisdiction, the enforcement of arbitration agreements, complex discovery disputes, and cross-border judgment enforcement.

In addition, Diana has a particular expertise in international disputes involving state entities, including Spanish and Latin American parties. She has solved issues of sovereign immunity and international treaties and their impact on the outcome of cases and the enforcement of awards, and she has a strong knowledge of asset tracing and recovery.

Diana regularly assists clients in complex negotiations, and has acted as mediator in more than 20 international commercial mediations. She further acts as arbitrator and emergency arbitrator in international commercial cases, which gives her a valuable insight into the keys to successful arbitration. Diana is also a court member of the International Court of Arbitration of the ICC where she scrutinizes hundreds of awards from all over the world.

Diana is co-chair of the Task Force on Emergency Arbitrator of the ICC International Commission and President of the Global Pound Conference in Paris.

## BAR ADMISSIONS

- Paris
- New York
- Madrid (omitted)

## REPRESENTATIVE EXPERIENCE

*Counsel to:*

- A global company in a post-acquisition multi-million Euro dispute involving corruption charges (Mediation)
- A Latin American State entity in a mining dispute involving corruption charges (ICC arbitration)
- A German company against a Tunisian company in a dispute in relation to the



## INDUSTRIES

Sovereign States

## PRACTICES

International Litigation & Arbitration

Investor-State Arbitration

International Commercial Arbitration

Trade Sanctions & Export Controls

## EDUCATION

Columbia University, Fulbright Scholar, 2001

Paris University, Master in Business and Tax Law, *magna cum laude*, 2000

Paris University, J.D., *summa cum laude*, 1999

Complutense Madrid University, J.D., *summa cum laude*, 1999

## LANGUAGES

English

French

Spanish

Italian

Portuguese

international sale of heavy equipment (ICC Arbitration)

- A Middle Eastern State against a Danish company in a dispute arising from an alleged breach of a traveling exhibition contract (ICC Arbitration)
- A major American art gallery against a French art gallery in a dispute arising from the counterfeiting of works of art, unfair competition and faulty interference (American and French Courts)
- A Swiss fortune against a large auction house in a dispute arising from the sale of antique furniture (Settlement)
- A French monitoring company against an oil company in North Africa in a dispute in relation to the consequences of insolvency proceedings (ICC Arbitration)
- A Latin American State against foreign investors in two disputes in relation to the tax rate increase (ICSID Arbitration)
- A producer of liquefied natural gas against a Spanish gas distributor in a dispute arising from the implementation of a price renegotiation clause in the context of a long-term sales contract (ad hoc Arbitration)
- A South American oil joint venture in a dispute arising from changes to a collective labor agreement in an oil refinery (ICC Arbitration)
- A South American oil joint venture in a dispute arising from the implementation of the force majeure clause of an engineering, supply and construction contract (ICC Arbitration)
- A Japanese pharmaceutical company against a French shareholder in a dispute arising from the implementation of put options (ICC Arbitration)
- A French company in a dispute in relation to the purchase of heavy agricultural equipment and the appeal of guarantees (ICC Arbitration)
- A Dutch company against an African company in a dispute arising from the termination of a supply contract in Africa (ad hoc Arbitration)
- A German company against the Republic of the Philippines arising from the expropriation of an airport terminal (ICSID Arbitration)
- A French entrepreneur against a royal family in the Middle East in a dispute in relation to the construction of a palace (CMAP Arbitration)
- A gaming company / lottery against a public company, in the context of a dispute between partners (SIAC Arbitration)
- An Asian firm against a Southeast Asian State in a dispute arising from the legislative amendments on lottery gaming in Southeast Asia (ICSID Arbitration)
- A British company against a Ukrainian company in an emergency procedure to obtain provisional measures (ICC Emergency Arbitration)
- A real estate investor in an ad hoc Geneva arbitration against a property developer regarding the sale of two luxury apartment blocks. The dispute was subject to German law.
- A Spanish public company in a dispute arising from the construction of a military submarine and the alleged infringement of intellectual property rights (ICC Arbitration)
- An Asian state entity in a dispute in relation to the performance of an armament contract and involving the payment of unlawful commissions in excess of US \$ 2 billion (ICC Arbitration and French Courts)

- A prime international real estate development company seated in Germany in a UNCITRAL arbitration in a dispute arising out of a share purchase option agreement
- An American investor against a South American State in a dispute arising from the nationalization of the country's largest telecommunications company (ICSID Arbitration)
- A large property developer in an ad hoc arbitration concerning the construction and development of a major retail real estate project, with claims exceeding EUR 30.000.000
- A leader company of the beer industry against its former distributor in Honduras (American Courts)
- A luxury goods manufacturing company in a lawsuit for violation of established commercial relations (French Courts)

**Arbitrator, Emergency Arbitrator or Mediator in:**

- Corte de Arbitraje de Madrid €1billion emergency arbitration case governed by the laws of Spain
- ICC Arbitration in a telecommunication dispute governed by French law
- ICC Arbitration in a price commodity related dispute
- ICC Arbitration dispute among partners of a joint venture over the building of a construction in the middle east governed by English law
- CMAP Mediation involving a defense company in a dispute related to the enforcement of a foreign award
- CMAP Mediation in a dispute arising from an international contract between a brand owner and its foreign producer
- CMAP Mediation in a dispute arising from agricultural commodities contracts
- Ad-hoc mediations in disputes between parties in the investment funds industry

**HONORS & INVOLVEMENT**

**Honors**

- Who's Who Legal: Arbitration – Future Leaders (2017-2019)
- Who's Who Legal – France (2017-2019)

**Involvement**

- Arbitral Women, member
- International Bar Association (IBA), member
- CEDR Exchange, member
- French Arbitration Committee (CFA), member
- Spanish Arbitration Committee (CEA), member

**PUBLICATIONS**

- Paris se dote d'une Chambre Internationale à la Cour d'Appel de Paris, *Echanges Internationaux*, septembre 2018
- L'arbitre d'urgence: un nouvel outil, *Echanges Internationaux*, septembre 2017

- “Emergency Arbitration: The French Perspective,” *Fordham International Law Review*, June 2017
- “Paris, Place of International Mediation?,” *Le Monde du Droit*, 1 October 2012
- “For more mediation in international arbitration,” *Gazette du Palais*, 14 October 2012
- “Think Outside the Box: for an optimized management of international arbitration,” *Droit Option & Affaires*, 21 November 2012

## **SPEAKING ENGAGEMENTS**

- ICC Report on Emergency Arbitrator Proceedings – Global Kickoff Launch, Paris, April 3, 2019
- Paris Arbitration Week, President of the Third Edition Global Pound Conference and Moderator to a Round Table on Financial Institutions, Paris, April 4, 2019
- CMAP, Breakfast debate, The evolution of investment arbitration: a boulevard for mediation?, Paris, 29 November 2018
- 16th ICC Miami Conference, Save my money: Interim and precautionary measures in international arbitration, Miami, 11-13 November 2018
- IBA Conference, New Frontier of ADR: from commercial and investment matters to regulatory violations, comparative approaches to ethics, transparency, third party funding and financial interests in arbitration and mediation proceedings; Montréal, 6-7 November 2018
- Global Pound Conference: The envisaged reform of ADR in France, Paris, 15 February 2018
- Regards croisés Franco-Espagnol, CFA/CEA: Systems available to obtain provisional measures and mechanisms available to enforce them, Paris, 2 February 2018
- ICC PANARB 2018, Simulation of an ICC session: Scrutiny of the award, Panama, 19 January 2018
- Squire Patton Boggs, Fast Track Mode: Emergency Arbitration, Expedited Procedure and Early Dismissal of Unmeritorious Claims, Paris, 24 January 2018
- Dispute Resolution and Construction Contracts in Egypt: Interim Measures and Emergency Arbitration proceedings (“EA proceedings”) in construction disputes, Cairo, 19 November 2017
- Paraguay’s ICC Arbitration day: The use and practice of the ICC Arbitration new rules and the Expedited procedure, Asunción, 13 November 2017
- Coaching of ICC Dutch mediation team on international mediation, Paris, 17 October 2017
- CMAP, GER, The use of caucus in mediation, Paris, 19 September 2017
- Le club de l’Arbitrage, l’Arbitrage d’Urgence, Paris, 28 June 2017
- ODR Conference 2017, Opening statement, Paris, 12 June 2017
- Shaping the future of dispute resolution, GPC Paris, 26 April 2017
- St Catherine’s College, Current Issues in Arbitration and Dispute Resolution, Oxford, 16-17 December 2016
- IBA Mediation v. Arbitration: Best Friends or Best Enemies? A View from Asia, HK, 2 December 2016

- ICC International Commission: report on the Emergency Arbitration task force, Paris, Sydney, Rome from October 2015 until October 2018
- Fordham International Arbitration and Mediation Conference, New York, 14 October 2016
- ASLA Emergency Arbitration: Theory & Practice, Roma, 29 September 2016
- IBA Annual Conference 2016, Mediation and Third Party Funding, Washington DC, 18-23 September 2016
- St Catherine's College, Current Issues in Arbitration and Dispute Resolution, Oxford, December 2014
- ICC/IBA International Mediation Conference, Dubai, 11 November 2013