

Eduardo A. Zayas-Marxuach

Capital Member, Litigation Practice Group

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Member, Policy Committee

PRACTICES

Class Actions

Distribution & Franchising

Insurance Litigation

Litigation

Mediation & Dispute Resolution

Product Liability

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

EDUCATION

B.A., *Summa Cum Laude*,
University of Puerto Rico

J.D., *Magna Cum Laude*,
University of Puerto Rico Law
School

MEMBERSHIPS

- Federal Bar Association

Mr. Zayas-Marxuach has developed a commercial and general civil litigation practice in federal and state courts, with emphasis on distribution and franchising, class actions, the Racketeer Influenced and Corrupt Organizations (RICO) Act, insurance litigation, and product liability, particularly prescription drug litigation.

Additionally, Mr. Zayas-Marxuach regularly provides litigation and counseling services to individuals in estate and probate matters.

Mr. Zayas-Marxuach has trial experience, including jury trial experience in federal court.

He is ranked as one of Puerto Rico's Leading Attorneys in the Dispute Resolution field by the renowned international publication *Chambers & Partners* in its Latin America Guide. He has also been selected by his peers for inclusion in the Litigation *Best Lawyers* guide.

He joined McConnell Valdés in 2000 after serving as a judicial clerk to the Honorable José A. Andréu García, then Chief Justice of the Supreme Court of Puerto Rico, and the Honorable Salvador E. Casellas of the United States District Court for the District of Puerto Rico.

REPRESENTATIVE CASES

Some of Mr. Zayas-Marxuach's significant cases include:

- Representation of major U.S. distributor in Puerto Rico opioid-related litigation.
- Representation of major U.S. distributor in Puerto Rico ranitidine private and generic label litigation.
- Representation of leading U.S. manufacturers in distribution litigation and disputes in Puerto Rico.

- Representation of a leading U.S. provider of excess and surplus lines insurance in the transition of several hundred legal claims upon exhaustion of its aggregate limit of liability on a municipal liability policy, and in complex settlement negotiations with the Puerto Rico Treasury Department related to such policy.
- Representation of one of Puerto Rico's largest banks and a leading insurance agency in a multi-million insurance class action by consumers challenging Puerto Rico's contingent commission framework.
- Representation of one of Puerto Rico's largest banks and a leading insurance agency in a multi-million insurance consumer class action for damages purportedly stemming from the defendants' alleged breach of fiduciary duties and actions in restraint of trade.
- *Gov't of Puerto Rico v. Express Scripts, Inc.*, 119 F.4th 174 (1st Cir. 2024): Reversing remand of action removed under the federal officer removal statute.
- *Torres-Ronda v. Nationwide Mut. Ins. Co.*, 18 F.4th 80 (1st Cir. 2021): Affirming dismissal, on summary judgment, of class action under the Racketeer Influenced and Corrupt Organization (RICO) Act and Puerto Rico law.
- *Casco, Inc. v. John Deere Constr. & Forestry Co.*, 990 F.3d 1 (1st Cir. 2021): Holding that Puerto Rico's distributor statute does not recognize constructive termination; only actual termination, or alternatively, impairment.
- *In re Fin. Oversight & Mgmt. Bd. for Puerto Rico*, 633 B.R. 437 (D.P.R. 2021): Granting summary judgment for energy company defendants dismissing claims brought by the Puerto Rico Electric Power Authority seeking to nullify six fuel supply contracts with defendants, and recover close to four billion dollars in gross profits under such contracts; further granting defendants' counterclaim for breach of contract, seeking more than \$28 million for delivered fuel the Authority had declined to pay.
- *Gov't of Puerto Rico v. Carpenter Co.*, 442 F. Supp. 3d 464 (D.P.R. 2020): Granting motion to dismiss action for damages and injunctive relief under the Clayton Act.
- *Méndez Internet Management Services, Inc. v. Banco Santander de Puerto Rico*, 631 F.3d 10 (1st Cir. 2010): Affirming dismissal, on summary judgment, of an action raising claims under the RICO Act, the Sherman Antitrust Act, the Bank Holding Company Act and Puerto Rico's general tort statute.
- *Sánchez v. Triple-S Management Corp.*, 492 F.3d 1 (1st Cir. 2007): Affirming dismissal, on summary judgment, of a purported class action under the RICO Act.

- *Nikitine v. Wilmington Trust Co.*, 715 F.3d 388 (1st 2013) & *Calderón-Serra v. Wilmington Trust Co.*, 715 F.3d 14 (1st Cir. 2013): Affirming dismissal of state law claims for civil fraud and breach of fiduciary duty in connection with securities transactions.
- *Nieves-Ortiz v. Corporación del Centro Cardiovascular de Puerto Rico y del Caribe*, 2022 WL 2292832 (D.P.R. June 23, 2022): Dismissing action asserting federal antitrust, Puerto Rico antitrust, and Puerto Rico tort law claims.
- *A. Hakim Corp. v. New WinCup Holdings, Inc.*, 2013 WL 2896867 (D.P.R. June 11, 2013) & 2012 WL 4678128 (D.P.R. Sept. 28, 2012): Dismissing action under Puerto Rico's distributors and sales representatives statutes.