

Henry O. Freese-Souffront

Capital Member and Vice-Chair, Litigation Practice Group

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Leader, Maritime Practice Team

Chairman, Strategic Planning Committee

PRACTICES

Construction Litigation

Distribution & Franchising

Health Care

Insurance Litigation

Litigation

Maritime

Mediation & Dispute Resolution

BAR ADMISSIONS

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

EDUCATION

Bachelor of Liberal Arts, *Magna Cum Laude*, University of Puerto Rico

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

MEMBERSHIPS

- Puerto Rico Bar Association

Mr. Freese-Souffront is a seasoned civil and commercial litigator with extensive trial experience. His practice focuses on high stakes insurance litigation, distribution/franchise disputes, complex maritime and admiralty law matters, commercial construction disputes, shareholders' disputes and derivative actions. His other practice areas include personal injury and wrongful death claims, constitutional law disputes, and the defense of health institutions.

He provides correspondent services to some of the most important protection and indemnity clubs in the maritime field and has successfully defended them from complex personal injury complaints and cargo claims.

Since 2018, he has successfully prosecuted dozens of claims exceeding \$200 million dollars in property damage against local insurance carriers stemming from the damages caused by Hurricane Maria in 2017, including a two-week trial held in 2024 involving a matter of first impression under Puerto Rico law, i.e., the imposition of punitive damages under the 2018 amendments to the Puerto Rico Insurance Code due to disloyal practices in the adjustment process.

Since 2020, he is ranked as a leading attorney in the Litigation and in the Corporate and M&A Law fields of the Best Lawyers in Puerto Rico guide. Until recently he served as the firm's Professional Development Committee Chairman and now Chairs the firm's Strategic Planning Committee. He also is an instructor of the Federal Rules of Civil Procedure review course for the Federal Bar Association and a member and attorney coach for the Federal District Court's Program on Civil Discourse.

Mr. Freese-Souffront holds two German language certificates from the University of Puerto Rico.

REPRESENTATIVE CASES

Some of Mr. Freese-Souffront's representative cases include:

- Representation of leading U.S. manufacturers in distribution litigation and disputes in Puerto Rico, including BMW NA, Smithfield Packaged Meats Corp., UNILEVER, *John Deere Constr. & Forestry Co.*, *SCA Tissue NA*, *Georgia Pacific*, *ESSITY*, *Cuervo*, and *HP Hood LLC*, among others.
- Representation of over a dozen condominiums and several commercial property owners in insurance claims exceeding \$200 million dollars for property damage caused by Hurricane Maria in 2017.
- Representation of a local teaching hospital and its insurance carrier in a medical malpractice suit seeking to impose liability on its insurance carrier over and above the limitation of liability limits afforded to teaching hospitals under Puerto Rico law.
- Representation of several health-related associations/bars to defend the constitutional validity of the compulsory association requirement vs. the individual right to freedom of association.
- *Jose Santiago, Inc. v. Smithfield Packaged Meats Corp.*, 66 F. 4th 329 (1st Cir. 2023): Finding that dispute between food distributor and supplier over the extent to which distributor could have exclusive rights to distribute supplier's products in Puerto Rico resulting from a nationwide brand consolidation process constituted just cause, under the Puerto Rico Dealer's Act (Law 75), for supplier to impair the parties' distribution relationship.
- *Ricardo De Jesús, et al. v. Matos Ruiz*, 18-cv-01305 (WGY): Finding that client shareholders had properly terminated another shareholder for cause and dismissing derivative action.
- *Noyda Parker d/b/a Bill Parker v. Hach Company*, 21-cv-01458 (WGY): Finding that rights belonging to deceased distributor were personal in nature and did not pass-on after death to widow who alleged that distribution rights under Act 75 belonged to the d/b/a not to her deceased husband.
- *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.
- *Sultán v. Pleasure Craft Contender 25'*, 139 F. Supp. 2d 230 (DPR): Precedent-setting case raising several issues of first impression in our district concerning the supremacy of maritime law over state law.
- *MOAC v. Lilac Marine Corporation*, 296 F.Supp.2d 91 (DPR): Finding that clients - steel bar seller and its insurer - were real parties in interest to bring COGSA

claim against vessel owner, even though title to the goods had passed to buyer at port of loading, because seller had assumed buyer's loss when it granted buyer price reductions as compensation for damage.

- *Matosantos Commercial Corporation v. SCA Tissue North America, LLC*, 369 F. Supp.2d 191 (DPR): Granting motions *in limine* to exclude plaintiff's Act 75 expert report and finding evidence of pre-existing indemnity agreement inadmissible at jury trial.
- *CPA Group International, Inc. v. American International Insurance Company of Puerto Rico*, 202 WL 31944044 (DPR): Denying motion that sought to dismiss - under abstention grounds - the declaratory judgment complaint filed by clients in connection with multimillion dollar suit involving the North Coast Superaqueduct project.