



Nayuan Zouairabani-Trinidad

Capital Member, Litigation Practice Group

787.250.5619 | nzt@mcvpr.com

PRACTICES

Bankruptcy & Debt Restructuring
Consumer Bankruptcy
Government Affairs & Public Policy
Litigation
PROMESA Task Force
Securities Litigation & Arbitration

BAR ADMISSIONS

- Commonwealth of Puerto Rico
- United States District Court for the District of Puerto Rico
- Bankruptcy Court for the District of Puerto Rico
- United States Court of Appeals for the First Circuit
- Bankruptcy Appellate Panel for the First Circuit Court of Appeals

EDUCATION

B.A. in Computerized Information Systems, University of Puerto Rico, Mayaguez Campus

J.D., Interamerican University School of Law

CERTIFIED LEGAL SPECIALTY

- Civil Law Notary

His primary practice is in the area of bankruptcy, reorganization and creditors' rights. He has extensive experience in the field and has represented local banks, among other secured and unsecured creditors, in a wide array of bankruptcy and collection litigation. He is a member of the firm's PROMESA Task Force. He also represents clients in securities arbitration cases before the Financial Industry Regulatory Authority.

As member of the firm's PROMESA Task Force, Mr. Zouairabani-Trinidad represents several significant creditors in the Title III proceedings of the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority (HTA), the Puerto Rico Electric Power Authority (PREPA), and the Puerto Rico Public Buildings Authority (PBA).

He has been involved in the preparation, structuring and execution of different debt work-outs, forbearance and re-payment agreements with major debtors in Puerto Rico. He is experienced in collection and foreclosure actions pertaining to unsecured and secured debts for commercial, personal and mortgage loans, and has represented secured creditors and purchasers in the free and clear sale of assets and/or businesses in Bankruptcy Courts.

He has defended different type of creditors before the State Courts, District Courts and Bankruptcy Courts in the protection and pursuit of their interests, including relief from stay actions, violation of automatic stay issues, cash collateral litigation, objections to plans of reorganization, conversion or dismissal of bankruptcy proceedings, defense against litigious credit redemption claims, defense against stripping of liens, defense against claims under the Fair Debt Collection Practices Act and the Real Estate Settlement Procedures Act, among other related lender liability controversies.

Mr. Zouairabani-Trinidad has also been engaged in civil commercial litigation in both federal and state courts. As part of his civil litigation work, he has been defendant's attorney in contracts and tort cases, including products liability

MEMBERSHIPS

- Federal Bar Association
- American Bankruptcy Institute

controversies and municipal contracting controversies, he has been involved in RICO disputes, litigation involving the Agricultural Credit Act and the Farm Credit System, as well as other federal causes of actions.

He is recognized by *Best Lawyers in Puerto Rico* as a leading attorney in the Debt & Equity and in the Insolvency and Reorganization Law fields and as an up-and-coming Bankruptcy attorney by Chambers Latin America.

Prior to joining the firm, he clerked for the Hon. Bankruptcy Judge Mildred Cabán Flores and worked as an attorney in the litigation department at a major San Juan firm in the areas of creditors' rights, bankruptcy and commercial litigation.

REPRESENTATIVE CASES

1. Representation of the Servicer for the GDB Debt Recovery Authority in the Title III proceedings of the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, and the Puerto Rico Public Buildings Authority which resulted in the successful restructuring of more than \$34 billion dollars as part of their respective confirmed plans of adjustment.
2. Representation of concessionaire in the Title III proceedings of the Puerto Rico Highways and Transportation Authority in the successful withdrawal of a rescission Complaint filed against it by a creditor which violated the automatic stay. In re Fin. Oversight Mgmt. Brd., Dkt. No. 13447 of Case No. 17-03283 (LTS) (June 16, 2020).
3. Representation of various creditor constituencies in the Title III proceedings of the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, and the Puerto Rico Public Buildings Authority on various matters including, but not limited to, defense against objection to claims, litigation for relief from the automatic stay, adequate assurance protection issues, representation in certain adversary proceedings, active participation in mediation efforts, among other issues.
4. Representation of several parties to Power Purchase and Operating Agreements in the Title III proceeding of the Puerto Rico Electric Power Authority.
5. Representation of the Fuel Line Lenders in the Title III proceedings of the Puerto Rico Electric Power Authority on various litigation efforts and confirmation-related matters.

6. Representation of multiple vendors and suppliers of the Commonwealth of Puerto Rico in defense of Adversary Complaints filed by the Avoidance Actions Trustee, including preferences, fraudulent conveyances, and other avoidance actions, and obtained the dismissal and/or resolution in several of these cases.
7. Representation of the administrative and collateral agent for certain pre-petition lenders, and for the DIP lender in the bankruptcy proceedings for the third-largest hospital group in Puerto Rico – Grupo HIMA San Pablo – including the successful approval of several debtor-in-possession credit facilities, involvement in litigation and mediation on several disputes, obtaining the approval of the sale of debtors’ hospital facilities, and other matters.
8. Representation of a secured creditor in obtaining the denial of a debtor’s request for cash collateral in the case of In re Miguel A. Rivera Rosario, Case No. 23-02291 (MAG), where the Bankruptcy Court rejected the “replacement lien” theory as a method of adequate protection for the use of rental payments, which was an issue of first impression in the First Circuit.
9. Representation of the largest landlord in the Hospital San Jorge bankruptcy case, which proceeding resulted in the successful sale of the hospital facilities to a new purchaser under Section 363 of the Bankruptcy Code.
10. Representation of secured and unsecured creditors in a myriad of Chapter 7, Chapter 11, Chapter 12 and Chapter 13 cases, including, but not limited to, cash collateral controversies, requests for relief from stay, requests for approval of administrative expenses, disputes on approval of critical vendors, issues on dismissal and/or conversion of bankruptcy cases, objections to claims, disputes on approval of plans of reorganization, defense of creditors in controversies of violation of automatic stay, approval of bankruptcy sale of assets free and clear of liens, claims and encumbrances, and subsequent cancellation of such liens, among other things.
11. Successful representation of purchaser of the IHOP restaurants in the case of In re Cousins International Food Corp., Case No. 12-08567 (MCF).
12. Representation of secured creditor in cash collateral dispute, relief from stay and eventual conversion to Chapter 7 in the bankruptcy case of In re Builders Group & Development Corp., Case No. 13-04867 (ESL)
13. Successful denial of confirmation of a reorganization plan, and securing a precedent-setting decision in the District of Puerto Rico regarding applicability of the absolute priority rule in individual Chapter 11 bankruptcies in the case of In re Lee Min Ho Chen, Case No. 11-08170 (BKT)

14. Representation of secured creditor in relief from stay litigation on key issue on applicability of the Single Asset Real Estate provisions under the Bankruptcy Code in the case of In re Efron Dorado, Case No. 16-00283 (MCF)
15. Successful conversion to Chapter 7 liquidation in the bankruptcy case of In re Guzman & Gonzalez Management, Inc., Case No. 12-01779 (EAG)
16. Member of team involved in the representation of the secured creditor in the sale of the Ciudadela commercial/residential project in the bankruptcy case of In re Miramar Real Estate Management, Inc., Case No. 11-01786 (BKT)
17. Member of team involved in the representation of the secured creditor in the pending sale of certain real estate assets in the bankruptcy cases of In re Iglesia Mision Cristiana Fuente de Agua Viva, Inc., Case No. 12-07856 (MCF) and In re Concilio Mision Cristiana Fuente de Agua Viva, Inc., Case No. 12-07857 (MCF)
18. Successful representation of a secured creditor in dismissing a malicious prosecution claim in the case of Miguel A. Rivera v. LSREF2 Island Holdings, LTD. Inc. et al., Civil No. 20-1639 (FAB), as sub-sequently affirmed by the United States Court of Appeals for the First Circuit in Rivera-Rosario v. LSREF2 Island Holdings, Ltd. Inc., No. 21-1533, 79 F. 4th 1 (1st Cir. 2023) (where the First Circuit clarified that state law claim preclusion applies as opposed to federal claim preclusion).
19. Successful representation of a manufacturer before the United States District Court in the summary dismissal of certain product liability claims in the case of Bernardino Santos et al. Viera Torres et al., Civil No. 11-01602 (MEL), as sub-sequently affirmed by the United States Court of Appeals for the First Circuit in Santos-Rodríguez v. Seastar Sols., No. 15-2171, 858 F.3d 695 (1st Cir. 2017)
20. Member of team involved in the representation of a health insurance company before the United States District Court in the successful issuance of an Injunction against the Puerto Rico Office of the Patients' Advocate to preclude the imposition of a multibillion dollar fine in the case of MCS v. Mellado-Lopez, Civil No. 14-01223 (PG)