

Eliana Baraldi

ADVOGADOS

ARBITRATION AND MEDIATION

CORPORATE LITIGATION



ACADEMIC BACKGROUND

2019 - Graduated with honors in Law from the Pontifical Catholic University of São Paulo

2023 - Master in International Economic Relations Law from the Pontifical Catholic University of São Paulo

OTHERS

2021 - Advocacy Techniques Course: sophistication, efficiency and organization, organized by the Practical Arbitration Course (CPA)

2020 - Contract Design provided by FGV-SP

2020 - Introduction to Arbitration course provided by GARB-USP

2019 - Advanced Course in Arbitration, ministered by Prof. Dr. Stefan Kröll

2017 - Advanced Skills in International Arbitration, ministered by Professor Louise Barrington

PRACTICE AREAS

Dispute resolution. Cases related to corporate disputes, contracts in general, construction, infrastructure and energy disputes

LANGUAGES

English

Japanese (N3)

Spanish

PAULA AKEMI TABA VAZ

ELIANA BARALDI ADVOGADOS

LAWYER

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PROFESSIONAL EXPERIENCE

Represents clients in the resolution of complex disputes in arbitration and litigation proceedings

Acts as administrative secretary to arbitral tribunals

Author of national and foreign publications

ASSOCIATIONS AND CURRENT ACADEMIC ACTIVITIES

- Member of the Brazilian Arbitration Committee - CBar, AMCHAM New Arbitrators Initiative - INOVARB, New Generation CAM-CCBC - NewGen CAM-CCBC, Brazil Very Young Arbitration Practitioners - BRVYAP.
- Member of the International Arbitration Study Group at PUC-SP on the theme "Extension of the Atypical Jurisdiction of Arbitral Institutions in the Brazilian Scenario".
- Coach of the Pontifical Catholic University of São Paulo student team in the Brazilian Competition for Arbitration and Business Mediation CAMARB (2024).
- Coach of the Pontifical Catholic University of São Paulo student team in the Willem C. Vis International Commercial Arbitration Moot (2024).
- Member of the Academic and Professional Mentoring Program of Brazil Very Young Arbitration Practitioners - BRVYAP (2020-2021).
- Member of the team of students from the Pontifical Catholic University of São Paulo in the 25th Williem C. Vis International Commercial Arbitration Moot (2017-2018) as a speaker and researcher.
- Member of the team of students from the Pontifical Catholic University of São Paulo of the Brazilian Competition of Arbitration and Business Mediation CAMARB (2018) as a researcher.

EXAMPLES OF ARBITRAL PROCEEDINGS - ACTING AS COUNSEL

- Representing partners in arbitration proceedings under CAMCA rules to determine assets, among other requests.
- Representing a company in arbitration proceedings under ICC rules relating to an M&A transaction.
- Representing a company in arbitration proceedings under CAM-CCBC rules relating to the construction of a pulp mill - damages, additional costs, force majeure, among others.
- Representing a company in arbitration proceedings under the rules of CAM-B3/Market Arbitration Chamber in a corporate dispute related to the determination of assets.
- Representing a company in arbitration proceedings under CAM-CCBC rules involving termination of a real estate contract involving reimbursement of unamortized investments, among others.
- Representing a company and shareholders in arbitration proceedings under CAM-B3-Camara do Mercado (CAM) rules involving rights relating to the withdrawing partner, non-compete clause, guarantees of the costs of the proceedings and precautionary request.
- Representing a company in the electricity sector in arbitration proceedings under the rules of the FGV Chamber involving termination of an energy purchase and sale contract.
- Representing a company in arbitration proceedings under CAM-CCBC rules involving M&A transactions, compensation for damages, earn outs, price adjustments and other indemnities.
- Representing a shareholder in AMCHAM Brazil arbitration proceedings relating to breach of a shareholders' agreement, abuse of control and consequent compensation for damages.
- Representing a company in the electricity sector in arbitration proceedings under the rules of the FGV Chamber involving a power purchase agreement.
- Representing a company in the infrastructure sector, an equipment manufacturer, in arbitration proceedings under the rules of the CAM-CCBC involving the supply of equipment for a wind farm, the application of penalties, out-of-scope services and early termination of the contract.
- Representing a service provider company in multi-party arbitration proceedings under FIESP/CIESP rules related to an M&A transaction, involving compensation for damages, price adjustments, earn outs and other indemnities.
- Representing an engineering company in CAM-CCBC arbitration. Multi-party dispute related to breaches of a transmission line construction contract.
- Representing a company in the electricity sector in Arbitration Proceedings under the rules of the FGV Chamber of Mediation and Arbitration. Dispute related to a contract for the purchase and sale of energy in the free environment.

EXAMPLES OF NATIONAL COURTS PROCEEDINGS - ACTING AS COUNSEL

- Representing a parking company in a contractual review lawsuit.
- Representing an individual whose property has been seized in a third-party claim.

- Representing a company in the construction sector in relation to alleged defaults in a “take or pay” contract.
- Representing a company in the electricity sector in an enforcement action involving a fine for contractual termination and defaulted amounts in a contract for the purchase and sale of energy in the free environment.
- Representing a company in the electricity sector involving a contract for the purchase and sale of energy in the free environment.
- Representing a company in the electricity sector in compliance with an arbitration award, seeking to correctly apply the decision of the Arbitration Court.

EXAMPLES OF ARBITRAL PROCEEDINGS – ACTING AS SECRETARY OF THE ARBITRAL TRIBUNAL

- Acting as secretary of the arbitral tribunal in arbitral proceedings under ARBITAC rules relating to the payment of damages and any penalties arising from breach of contract.
- Acting as secretary of the arbitral tribunal in arbitral proceedings under ARBITAC rules relating to termination of contract and payment of assets.
- Acting as secretary of the arbitral tribunal in arbitral proceedings under CAM-CCBC rules relating to the breach or otherwise of a non-compete clause.
- Acting as secretary of the arbitral tribunal in arbitral proceedings under FGV rules relating to corporate law, involving discussions on possible breaches of consent in relation to an investment agreement.
- Acting as secretary of the arbitral tribunal in arbitral proceedings under CAMCA (OAB/SP) rules relating to partial dissolution of a law firm and determination of assets.
- Acting as secretary of the arbitral tribunal in an arbitration under CAMARB rules involving an investment contract signed for the purpose of acquiring debentures from a certain company.
- Acting as secretary of the arbitral tribunal in FGV arbitration proceedings involving discussions on a contract for the purchase and sale of energy in the free environment.
- Acting as secretary of the sole arbitrator in arbitration proceedings under ARBITAC rules relating to a franchise agreement, breach of the non-compete clause.
- Acting as secretary of the arbitral tribunal in arbitration proceedings under CAMNORTE rules relating to a franchise agreement, with judicial developments of various kinds.

PUBLICATIONS AND COORDINATIONS

- “The Future of Arbitration: The X CAM-CCBC Arbitration Congress”. BARALDI, Eliana, SANTANA, Giovanna. VAZ, Paula Akemi Taba, RAMOS, Caio Henrique de Campos. 2024. Available: <https://dailyjus.com/news/2024/02/the-future-of-arbitration-the-x-cam-ccbc-arbitration-congress>
- “Drafting the arbitration agreement: the importance of express provision about the authority of the arbitral tribunal and the state courts”. BARALDI, Eliana, SANTANA, Giovanna. VAZ, Paula Akemi Taba, RAMOS, Caio Henrique de Campos. 2023. Available: <https://www.ibanet.org/drafting-arbitration-agreement-importance-express-provision>
- “Arbitragem e Poder Judiciário”. Coordinators Gilberto Giusti, Eliana Baraldi, Eduardo Vieira de Almeida, Gustavo Favero Vaughn; Organization VAZ, Paula Akemi Taba. 1. ed. Ribeirão Preto (SP): Migalhas, 2023.
- “Art. 14”. BARALDI, Eliana; VAZ, Paula Akemi Taba. In: WEBER, Ana Carolina; LEITE, Fabiane de Cerqueira (coords.). Lei de Arbitragem Comentada: Lei nº 9.307/1996. São Paulo: Thomson Reuters Brasil, 2023.
- “CISG - Convenção de Viena das Nações Unidas sobre Contratos de e Venda Internacional de Mercadorias no ordenamento jurídico e no cenário econômico brasileiro”. DIGE - Direito Internacional e Globalização Econômica, v. 9, p. 125-140, 2022.
- VAZ, Paula Akemi Taba. “Violação ao dever de revelação: caso Abengoa e caso Fazon”. In: FINKELSTEIN, Cláudio. Arbitragem e Direito estudos pós-graduados. Belo Horizonte, São Paulo: D’Plácido, 2021, p. 333-360.
- BARALDI, Eliana; VAZ, Paula Akemi Taba. “Derivativos: Solução de Controvérsias Por Arbitragem À Luz Da Nova Lei Do Agronegócio”. In: GALLI, Francisco; FAVACHO, Frederico; REIS, Marcos Hokumura (coords.). Gestão de Conflitos do Argonegócio. Londrina: Thoth Editora, 2021.
- “A homologação de sentença arbitral estrangeira pelo STJ e o dever de revelação”. VAZ, Paula Akemi Taba. Revista de Arbitragem e Mediação, Revista de Arbitragem e Mediação, p. 117 - 138, 01 jul. 2020.