

ARBITRATION

CORPORATE, COMMERCIAL AND CIVIL LITIGATION



ACADEMIC BACKGROUND

2011 – Graduated with honors in Law from Pontifícia Universidade Católica de São Paulo.

2016 – LLM in Corporate Law from Insper.

OTHER COURSES

2016 – Theoretical and Practical Aspects of the Energy Sector for Arbitrators – CAMARB and CCEE.

2012 – Advanced Techniques for Handling an International Arbitration – Center on International Commercial Arbitration of American University Washington College of Law.

AREAS OF PRACTICE

Practice in dispute resolution involving especially cases related to commercial disputes, corporate matters and contractual defaults in various business sectors.

LANGUAGES

English

ELIANA BARALDI ADVOGADOS

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DESCRIPTION OF PROFESSIONAL PRACTICE

Legal advice and 'Representation of clients in arbitrations, ADR cases, litigation and pre-litigation in various areas of law, with a focus on construction, energy, logistics, mining, sanitation, corporate matters and contracts in general.

Experience in civil litigation in these sectors, as well as in the technology, automotive, pharmaceutical and judicial recovery sectors. Works with civil and corporate advisory.

Secretary of arbitral tribunals.

Author of national and international publications.

ASSOCIATIONS AND RECOGNITIONS

- Member of the Brazilian Arbitration Committee – CBAr
- Member of the Brazilian Institute of Construction Law- IBDic
- Recognized as one of the most admired lawyers in the fields of arbitration and civil litigation, in the construction/engineering, economic, technology and automotive sectors, as well as in the State of São Paulo, in 2021, 2023 and 2024 (Análise Advocacia Mulher).
- Recognized as one of the most admired lawyers in the field of Arbitration, in the Automotive/Auto Parts sector and in the State of São Paulo (Análise Editorial).

EXAMPLES OF ARBITRAL PROCEEDINGS IN WHICH SHE ACTS OR HAS ACTED AS COUNSEL

- Representation of a company providing assembly, installation and commissioning services for electrical systems in wind farms against the company responsible for implementing the project, in arbitral proceedings under the CAM-CCBC rules, involving compensation for costs and losses incurred.
- Representation of the sellers of a company in the agribusiness sector in arbitral proceedings brought against the buyers. The dispute involves discussion of amounts payable to the Sellers under the SPA, as well as amounts related to Losses, in arbitral proceedings under the CAM-CCBC rules.
- Representation of a consortium of companies in ad hoc arbitral proceedings against the Public Administration to discuss a sanitation contract.
- Representation of a pioneering company in the provision of monitoring services in arbitral proceedings against distribution companies, to discuss losses incurred in the implementation of systems in Brazil, under the CAM-CCBC rules.
- Representation of a construction company in ad hoc arbitration under the CAM-CCBC rules involving a public entity, in a dispute concerning the termination of an administrative contract for the construction of highways. Representation also in related court proceedings.
- Representation of a consortium in arbitration under the CAM-CCBC rules concerning losses arising from the construction of wind farms. Representation also in related court proceedings.
- Representation of a supplier of airport systems in arbitration against a construction company under the CAM-CCBC rules. Representation also in related court proceedings.
- Representation of a company controlled by an international investment fund in CIESP M&A proceedings, including applications for interim measures, jurisdictional challenges before the arbitral tribunal and several parallel court proceedings.
- Representation of multinational consortium companies leading in the construction and energy sectors in multiparty CIESP arbitration involving discussion of economic-financial rebalancing and demobilization of support facilities for the Jirau Project.
- Representation of a company in arbitration under the CAM-CCBC rules related to the construction of a pulp mill, involving claims for damages, additional costs, force majeure, among other issues.
- Representation of one of the largest multinational British steel trading companies in international arbitration under the CAM-CCBC rules involving maritime law (demurrage/detention), international contracts, insurance and compensation to third parties.
- Representation of a company in the electric energy sector in arbitration under the rules of the FGV Chamber involving termination of a power purchase agreement.
- Representation of the developer of a major real estate project against the company that would implement the project, in arbitration under the CAM-CCBC rules.
- Representation of an international heavy machinery manufacturer — Brazilian subsidiary and Swedish holding company — against its distributors in El Salvador and Honduras in international ad hoc arbitration under the UNCITRAL rules.
- Representation of a mining company in arbitration initiated by a Brazilian engineering company arising from a dam accident, under the FGV rules.
- Representation of a major international construction company in ICC international arbitration concerning breach and termination of EPC contracts related to the construction of several small hydropower plants (PCHs) in Brazil.
- Representation of a mining company in arbitration concerning the acquisition of a mine, under the FGV rules.

- Representation of a company in the electric energy sector in arbitration under the rules of the FGV Chamber of Mediation and Arbitration concerning a power purchase agreement in the free market environment.

EXAMPLES OF ARBITRAL PROCEEDINGS IN WHICH SHE ACTS OR HAS ACTED AS SECRETARY OF THE ARBITRAL TRIBUNAL

- Acting as secretary of the arbitral tribunal in arbitral proceedings under the CAM-CCBC rules related to the structuring of an investment fund, including assessment of losses and discussions on payments due.
- Acting as secretary of the arbitral tribunal in proceedings under the CAM-CCBC rules related to the termination of a consultancy services agreement, assessment of potential contractual breaches and liability for delays in the works.
- Acting as secretary of the arbitral tribunal in arbitral proceedings under the CAM-CCBC rules related to the performance of contracts for the supply of towers for wind turbines, including assessment of potential contractual breaches and liability for delays in the works.
- Acting as secretary of the arbitral tribunal in proceedings under the CAMCA (OAB/SP) rules related to the partial dissolution of a law firm partnership and determination of partner buyout amounts (valuation of shares).

PUBLICATIONS

- Year in review: Construction Disputes in Brazil. MADEIRA, Victor; MORELLI, Marina. SIMÕES, Gabriel. Lexology. Available at <https://www.lexology.com/library/detail.aspx?g=ae66b142-f7d7-4a01-aa8b-22d85cac7242>
- Nueva ley brasileña de arbitraje: los principales cambios y el nuevo escenario. BARALDI, Eliana B.; MORELLI, Marina. Revista Internacional de Arbitraje, n. 23, p. 130-155, Legis : Bogotá, jul./dic. 2015. ISSN 1794-4252.
- New brazilian arbitration act: the main changes and the new scenario. BARALDI, Eliana B.; MORELLI, Marina. World Arbitration and Mediation Review, v. 9, n. 3, 2015.
- O Novo regulamento de arbitragem da London Court of International Arbitration. BARALDI, Eliana B.; MORELLI, Marina. Revista Brasileira de Arbitragem, São Paulo, v.12, n. 46, p. 56-66, abr./jun. 2015.