



## Hunter T. Carter

INTERNATIONAL PRACTICE CO-LEADER

Hunter is a veteran commercial attorney in New York and Washington, DC.



### Practices

Communications & Technology  
Complex Litigation  
International Arbitration & Dispute Resolution

### International

Latin America

### Education

University of Virginia School of Law JD, 1988  
University of Virginia BA, 1984  
Université Catholique de l'ouest (Angers, France),  
1980

### Offices

New York

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Hunter is co-chair of **AFInternational**, the firm's international services group, focusing on Latin America. He is a vigorous advocate and sophisticated strategist whose experience is widely varied. He has served as a trial attorney in federal and state trial and appellate courts. He has led cases in foreign and domestic arbitration including serving as an arbitrator appointed by the International Chamber of Commerce. He has tried a case involving torture against Chile in the Inter-American Court on Human Rights, has addressed the full Colombian Senate on international human rights law and marriage equality, and has represented the people of Easter Island. For multinational corporations throughout the region, he has led domestic and international internal corporate investigations especially in anti-corruption, and teaches corporate clients international compliance. He has handled cases in a wide range of industries as diverse as pharmaceuticals and devices, real estate, financial advisors, heavy equipment manufacturers, agricultural products, manufactured foods, oilfield services, aircraft leasing, intellectual property development and licensing, media and entertainment, telecommunications, health care facilities, and law firms and legal ethics. He has represented clients from throughout South and Central America, as well as Europe and the United States, and is fully fluent in Spanish.

He has chaired the New York City Bar Association Committee on Inter-American Affairs, been a member of the New York City Bar Council on International Affairs, and serves on the New York City Bar's Committee for the Vance Center for International Justice. He is a founding board member of Global Americans, an innovative Latin America focused think tank. He is one of the most active lawyers in the hemisphere in cases pursuing marriage equality. He is also an active leader of the profession in the field of attorney responsibility and legal ethics. He has served two terms as a member of the New York State Bar Ethics Committee, has chaired the ethics committee of the New York Intellectual Property Law Association, and is the ethics partner for the firm's New York office.

### Client Work

Representative matters:

#### International

- Prize-winning leading Colombian investigative journalist Daniel Coronell of *Revista Semana* rejecting libel threat by Senator and former two-term President Alvaro Uribe.
- ICC arbitrator in share purchase agreement dispute, involving parties from Panama and Colombia. Award confirmed: *Superior Energy Services Colombia SAS v Premium Petroleum Services, et al.*, 2019 WL 2717692 (S.D.N.Y.).
- US based crop-protection products distributor in ICC arbitration claim against European manufacturer.
- Luitpold Pharmaceuticals, Inc. Hunter led a team that brought and favorably settled on the eve of trial a \$250 million pharmaceutical distribution agreement wrongful termination claim against a Swiss company, reversing summary judgment once on appeal and once more on reconsideration by the District Court, which apologized in a published order and prompted a favorable settlement.
- Peruvian investor in dispute with co-investors and quinoa vendor for theft of funds and misrepresentation.
- Peruvian cocoa growers cooperative in New York federal court decision setting aside an arbitration award due to the absence of an agreement to arbitrate. *Cooperativa Agraria Industrial Naranjillo Ltda. v. Transmar Commodity Group Ltd.*, 2016 WL 5334984 (SDNY), case dismissed after appeal without confirmation of award.
- ICC arbitration claim on behalf of Brazilian executive of multinational to enforce severance package rights.
- FCPA compliance and implementation engagement for Chile-based multinational corporation.
- International internal investigation for South American commodities producer.
- International internal investigation for Brazil-based pharmaceutical device manufacturer.
- Colombia-based financial services multinational in US commercial legal advice.
- Co-chaired trial team and conducted examination of the UN Special Rapporteur on Torture, Dr. Juan Mendez, at trial before the InterAmerican Court on Human Rights, Cartagena, Colombia. (in Spanish)
- Special board committee of a US holding company investing in a next-generation Eastern European wireless broadband telecommunications system, investigating derivative claims against corporate management concerning capital raising, asset disposition, capital infusion, and change of management/control transaction.
- International metals manufacturer and distributor in international arbitration of claims arising out of acquisition of a South American producer.
- International metals manufacturer and distributor in arbitration and litigation matters relating to supply purchase and sales agreements.
- Italian glass manufacturer involved in commercial distribution dispute in the United States.

### **Commercial, Corporate, and Bankruptcy**

- Transcom Enhanced Services, Inc. in a precedent-setting 7-0 victory in the New York Court of Appeals holding, for the first time, that an agreement that is terminable at will and which does not contain a non-contingent payment obligation cannot be attached creditors seeking to enforce a judgment under New York's restraining notice statute.
- Represented family members of Ruth Madoff in the investigation into Bernard L. Madoff Investment Securities and in settlements reached with the BLMIS and SIPC Trustee in the United States Bankruptcy Court for the Southern District of New York.
- Fortgang family members who were directors, officers, and controlling shareholders of M. Fabrikant & Sons, a worldwide diamond and jewelry manufacturing and distribution company. Led the defense against a creditors' trust that secured a restraining order freezing \$200 million in assets after the company filed for bankruptcy. The creditor trust withdrew its request for the seizure of assets and the case settled favorably for the client.
- Bond trustee against an airline holding company guarantor of a bankrupt airline's lease of a Boeing 757, winning summary judgment on liability and trying the damages case for two weeks in New York County Supreme Court Commercial Division to victory.

- National dialysis services company in a putative class action seeking to enjoin a \$115 million acquisition and follow-on merger. Hunter led the team whose early motion to dismiss and vigorous opposition to discovery ensured the timely and successful completion of the acquisition and merger with no settlement or payment to the plaintiffs.
- Leading Internet co-location and data center services provider in enforcing terms of service against major nationwide data and voice carrier, securing injunctive relief permitting termination of services and posting of a significant bond, resulting in settlement of all disputes.
- Fund holding hundreds of millions of dollars' worth of subprime mortgage-backed securities in fraud and breach of contract litigation over misrepresentations in exchange offer about valuation and other attributes of the securities.
- Borrower in claims of fraudulent stock-based lending scheme in civil litigation and related criminal proceedings resulting in conviction and full sentence, with property forfeiture and substantial victim compensation.
- US broadband communications product manufacturer/distributor in litigation with PIPE lender/investor.
- Various debtors-in-possession, creditors' committees, trustees and secured creditors in numerous aspects of bankruptcy litigation.
- Major mortgage lenders in consumer class actions alleging predatory lending, unfair trade practices, and violation of mortgage borrower protection laws.
- Prominent financial advisor and fund manager in arbitration over claims against and by former marketing and management consultants.
- Formerly registered broker-dealer in claims during winding-down procedures.
- National financial institutions serving as bond trustee in various bankruptcy matters.

## **Real Estate**

- National women's health and reproductive services core provider in arbitration against commercial landlord owner rights to purchase \$40 million national headquarters office consisting of half an office building, and related trial and appellate litigation to enforce arbitration, resulting in enforcement of a purchase below-market option and significant facilitation of cost savings.
- Receiver and mortgagee in environmental disputes and cleanup cost claims associated with a former rocket-fuel and nuclear facility in suburban Virginia.
- Former scrap yard operator defending against environmental claims brought by railroad as ground lessor in suburban Virginia.
- Funds of worldwide investment bank in various real estate portfolio litigation in numerous states concerning purchase and sale, leasing, operations, and partnership dispute issues involving commercial, hospitality, multifamily, and marina properties.
- Funds of worldwide investment bank in arbitration of retail properties acquisition on claims for breach of representation and warranty.
- National senior residential facilities owner/operator regarding claims concerning broker commissions and other acquisition and disposition matters.
- National senior residential facilities owner/operator regarding claims concerning upstream liability in connection with patient care allegations.
- National real estate investment trust in all aspects of commercial operations leasing litigation for Class A office properties in New York City.
- Purchaser of thrift portfolio defending claims to recoup or offset damages from alleged breach of refinancing agreement, resulting in DC Circuit decision affirming that the thrift's assets were sold free and clear of all liabilities including recoupment defenses.
- International online information services provider in resolution of commercial lease issues for national call center.
- International investment bank in various real estate restructuring litigation and bankruptcy matters.
- Former managers of government-leased real estate investment trust in earn-out claims.
- Various New York and Washington, DC businesses in commercial leasing disputes.

## **Intellectual Property and Entertainment**

- US based major research university professor on inventorship and ownership of breakthrough patent related to treatment for glaucoma, kidney, and other diseases.
- International TV network in claims against producer for breach of contract, first refusal and holdback rights relating to distribution of competing and derivative programming.
- International TV network in claims against on-air talent for breach of contract and restraining order.
- Broadcast TV group in arbitration of claims against TV network for misrepresentation and breach of contract in the acquisition of several stations.
- Consumer products distributor in two trademark infringement federal jury trials.
- Consumer products distributor in false advertising cases brought as class actions and before state attorneys general and the FTC.
- Consumer products distributor in patent infringement and mismarking, unfair trade practice federal court litigation.
- International hotel franchisor in claims concerning international master franchise agreement.
- International retailer in credit card services agreement dispute.
- International online services provider in website content licensing dispute.
- National intergovernmental association in litigation and licensing regarding national consumer database and website.
- Telephone-based entertainment company in numerous consumer protection and commercial litigation, bankruptcy, and line acquisition and licensing and matters.
- Specialty food products manufacturer and distributor in investigation regarding trade secret misappropriation, unfair competition, and trademark infringement.
- Immigration attorney association in ending copyright infringement of professional education materials.

## **Health Care**

- Major national senior residential facilities owner/operator in litigation and resolution of claims relating to incident resulting in death of tenant.
- Major HIV and AIDS primary care medical and social services clinic as general counsel and as principal outside counsel supervising labor, employment, real estate finance, leasing and development, litigation, and government relations matters.
- Audit committee of major health care nonprofit organization in investigations concerning accounting and reporting practices and cost reimbursement.
- Professional provider group in American Health Lawyers Association arbitration of group compensation claims.

## **Congressional**

- Leads the Arent Fox team that serves as a national legislative advocate for the Communities Advocating Emergency AIDS Relief Coalition, which represents more than 300 grantees under Title I and Title III of the Ryan White Comprehensive AIDS Resources Emergency Act, including the 51 major metropolitan areas most adversely affected by the HIV and AIDS epidemics.
- Defended manufacturer and distributor of major ephedra-based dietary supplements in Congressional hearings and investigation into weight loss products and the death of a Major League Baseball player.

## **Professional Activities**

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Active in the bar and public interest arena, Hunter was chair of the New York City Bar Committee on Inter-American Affairs and a member of the Council on International Affairs. The Committee's work included a detailed look at private equity in Colombia, Mexico, and Brazil. Hunter also works with US clients looking for investment opportunities or acquisitions in Colombia.

He is a member of the Bar Associations of New York State, New York City, as well as the International Bar Association and is a Fellow of the American Bar Foundation. He is an award-winning advocate for HIV and AIDS care in the lesbian, gay, bisexual, and transgender community. In June 2016, Hunter, as co-lead counsel, signed a settlement agreement with the Chilean government, which agreed to legislate marriage equality. The case that was settled was filed in May 2012, by Hunter and Ciro Colombara, the leading Chilean human rights lawyer, before the Inter-American Commission on Human Rights alleging that the Chilean Constitutional Tribunal and Supreme Court committed human rights violations under the American Convention on Human Rights when they ruled that same sex couples are not entitled to civil marriage licenses, even couples who are legally married in Canada and Argentina. He was selected for this international case because he was the co-author (with Prof. Elizabeth Cooper of Fordham University Law School) of the New York State Bar Association's acclaimed 2009 Report on Same-sex Couples and Marriage.

Hunter is an honorary member for *familiares y amigo unidos por la diversidad sexual* (FAUDS) and is a member of The Vestry of St. Bartholomew's Church in the City of New York.

## Publications, Presentations & Recognitions

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Hunter has lectured frequently on current corporate, litigation, and Latin America related issues. He has also contributed to various publications, blogs, and seminar materials. Some recent speaking engagements and publications include:

- "Venezuela: Questions for the day after," *Global Americans*, February 7, 2019
- "The IACHR Held a Hearing on Marriage Equality After a Year of Delays from the Region in Implementing the Court's 2017 Decision," *Global Americans*, December 12, 2018
- "Regional: Equal Marriage," *Inter-American Commission on Human Rights*, December 5, 2018 (in Spanish)
- "Gobierno respalda solicitud de Rapa Nui para repatriar moai desde Londres," *Revista Capital*, August 6, 2018 (in Spanish)
- "Daniel Coronell recibe desafiante advertencia para callar sus columnas contra Uribe," *Pulzo*, July 22, 2018 (in Spanish)
- "Panelists Question Miami's Arbitration Credentials," *Latin Lawyer*, June 20, 2018
- Latin Lawyer / GAR on International Arbitration in LatAm in Miami, April 2018
- LatAm Regional Pro Bono Summit in Mexico, April 2018
- Hunter Carter Rated Among Latin America's Top Lawyers for the Third Consecutive Year, *Latinvex*, February 15, 2018
- "3 International Arbitration Trends To Watch In 2018," *Law360*, January 1, 2018
- NYSBA International Section in Guatemala – Host Committee, Chair of Keynote Panel on Ethics in International Practice, Panelist on International Arbitration, September 2017
- Chambers Diversity in Guatemala, September 2017
- "Advances in marriage equality in unlikely places in the Americas," *Global Americans*, June 21, 2017
- "Un amigo a favor de la igualdad," *La Prensa*, June 15, 2017 (in Spanish)
- NYS Bar Annual Convention, Panelist on International Ethics at International Section meetings, January 2016 and January 2017
- LatAm Regional Pro Bono Summit at NY City Bar, December 2015
- "Caso FIFA y la alerta para las empresas multinacionales," *Capital*, June 12, 2015
- "Yo soy un varón que ama a otro varón," *El Mundo*, May 23, 2015 (in Spanish)

- "Lawyers Weigh In On High Court's Same-Sex Marriage Silence," *Law360*, October 6, 2014
- "Observations and Recommendations of New York City Bar Association Follow-Up Delegation of Lawyers of the Americas to Guatemala," 2014
  - "Observaciones y Recomendaciones de la Delegación de Abogados Comerciales de Distintos Países de América Que Viajaron a Guatemala en Representación del Colegio de Abogados de la Ciudad de Nueva York," 2013 (in Spanish)
  - "Caso Ríos Montt: Un termómetro del clima de negocios en Guatemala," *Plaza Pública*, August 14, 2013
  - "Aseguran sentencia a Ríos Montt por genocidio fortalece al Estado guatemalteco," *La Gente*, August 13, 2013
  - Gay marriage debate with conservative Colombian Senator, Edgar Espindola, *W Radio Colombia*; April 17, 2013 (in Spanish)
  - "Will Supreme Court Punt on Gay Marriage Case?" *Lawyers.com*; March 26, 2013
  - "Hunter Carter, a lawyer who sponsors IACHR complaint against Chile: The AVP is a form of discrimination," *The Clinic*; March 25, 2013
  - "Senadores y sociedad civil analizan con experto internacional el matrimonio igualitario y el AVP," *MOVILH*, March 12, 2013
  - "Mexican Supreme Court: American Cases Demand Marriage Equality," *Buzzfeed.com*; February 18, 2013
  - "Same-Sex Marriage in Chile," *Americas Quarterly*; June 7, 2012
  - "Guest Column: Train Leaves the Station, Slowly," *Financial Times*; May 8, 2012
  - Conference Moderator, "Exporting to Russia Forum," Arent Fox New York Office; October 6, 2011
  - "A Proposed New Arbitration Law is Circulating Among Circles in Colombia," *Latin American Law & Business Report*; July 13, 2011
  - "Preventing Piracy or Creativity? The "Ley Lleras" – Colombia's Version of the Digital Millennium Copyright Act," *Latin American Law & Business Report*; May 4, 2011
  - Report on Private Equity Developments and Related Legal Issues in Brazil, Colombia and Mexico, *Latin American Law & Business Report*; October 18, 2010
  - The Colombia Law & Business Forum (Conference Chair) – Investors conference with 80 participants and 14 presenters, Colombian American Association; October 14, 2010
  - Conference Moderator, "Uribismo – What Is It and What Does It Mean For Colombia and the Region," New York City Bar; May 2010
  - Private Equity in Latin America, Conference Sponsored by New York City Bar Association, Speaker and Author of Dispute Resolution Chapter; May 2010
  - Report on Private Equity Developments and Related Legal Issues in Brazil, Colombia and Mexico, New York State Bar Association; May 2010
  - Report and Recommendations on Marriage Rights For Same-Sex Couples and Marriage, New York State Bar Association; May 2009
  - The Colombia Law and Business Post, which covers subjects such as FCPA, the OFAC list, foreign arbitration, legal stability contracts, and IFC investment in Colombia

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## Bar Admissions

District of Columbia

New York

Virginia

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## Court Admissions

Supreme Court of the United States

US District Court, District of Connecticut

US District Court, District of Maryland

US District Court, Eastern District of New York

US District Court, Eastern District of Virginia

US District Court, Eastern District of Wisconsin  
US District Court, Southern District of New York  
US Court of Appeals, District of Columbia Circuit  
US Court of Appeals, 4th Circuit  
US Court of Appeals, 2nd Circuit  
US District Court, District of Columbia  
US District Court, Western District of Virginia