



## Kelly A. Librera

Partner  
Co-Chair, New York Litigation Practice

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**Kelly is a trial lawyer whose practice focuses on business disputes and complex commercial litigation in state and federal courts, and in domestic and international arbitration fora. She is recognized as a BTI “Client Service All-Star” for exceptional client service, and a “Key Lawyer” by *The Legal 500 US* in Commercial Dispute Resolution.**

Kelly Librera es socia en el equipo de litigios en la sede del bufete ubicada en Nueva York, y asesora a los clientes en cuestiones penales por delitos financieros, arbitrajes, litigios comerciales complejos, fraude y títulos valores, litispendencia, investigaciones de la SEC/FINRA, investigaciones internas, demandas basadas en la Ley RICO y litigios relacionados con fusiones y adquisiciones. La Sra. Libera ha defendido casos ante la FINRA, la Asociación Americana de Arbitraje y paneles y tribunales arbitrales internacionales, así como tribunales estatales y federales en todo el país. También ha representado a clientes sin recursos en causas penales y de derechos civiles.

### **Representative Complex Commercial Litigation Matters**

- Representación de Macquarie Terminal Holdings LLC en un conflicto muy importante sometido a arbitraje ante el Centro Internacional de Arreglo de Diferencias Relativas a Inversiones de la Asociación Americana de Arbitraje. Consiguió un laudo arbitral por la suma de USD 221 millones.

- Representación de Deutsche Bank AG y sus subsidiarias, afiliadas y empleados en litigios civiles que surgen de una serie de supuestos paraísos fiscales fraudulentos.
- Representación de la corporación brasileña Sadia S.A. en una acción de clase en la que se alegaban violaciones a la Ley de Intercambio de Títulos Valores de 1934 y la Regla 10(b)(5).
- Representación de International Terminals Company, una subsidiaria de Mitsui & Company (EE. UU.) Inc., en un litigio con Vopak North America relacionado con una supuesta conducta anticompetitiva.
- Representación de un fabricante internacional de equipos de construcción y minería en una controversia por USD 19 millones sometida al arbitraje del Centro Internacional de Arreglo de Diferencias de la Asociación Americana de Arbitraje.
- Representación de USI Holdings Corp. y de su comité especial en una supuesta acción de clase iniciada para adherirse a la adquisición de la empresa por parte de GS Capital Partners por una suma de USD 1400 millones.
- Representación de The Talbots Inc. en un litigio iniciado para adherirse a la venta por USD 75 millones de la empresa J. Jill a Golden Gate Capital.
- Representación de The Finish Line Inc. en un proceso sumario relacionado con el financiamiento de la fusión entre Finish Line y Genesco Inc.
- Representación de MONY Group Inc. en una acción de clase relacionada con la comercialización de las denominadas pólizas “con cancelación gradual de primas con dividendos acumulados” (vanishing premium).
- Representación de UBS en una demanda resultante del colapso de National Century Financial Enterprises, Inc.
- Representación de un banco de compensación y de sus empleados en una demanda iniciada a partir de la quiebra de Lehman.
- Representación de Ovalar Makine Ticaret Ve Sanayi, A.S. en un caso emblemático dirimido en el Segundo Circuito en el cual se definieron los estándares de parcialidad evidente de un árbitro.

### **Representative White Collar Matters**

- Representación de Deutsche Bank AG, Taunus Corporation y sus subsidiarias, afiliadas y entidades relacionadas en un proceso penal y en investigaciones gubernamentales relacionadas por la supuesta obtención ilícita de beneficios fiscales por USD 29 mil millones.
- Representación de una empresa internacional de inversiones en relación con una investigación del Departamento de Justicia sobre supuestas estrategias fraudulentas de inversión.
- Representación de una empresa internacional de servicios financieros en el marco de una investigación del Departamento de Seguros del estado de Nueva York por una supuesta venta no autorizada de productos de seguros.
- Representación de un bufete en una investigación interna por la comercialización y promoción de supuestos paraísos fiscales fraudulentos.
- Representación de una empresa biotecnológica en relación con una investigación de la SEC por el uso indebido de información privilegiada.

### **Representative Pro Bono Matters**

- Representación de un peticionario sin recursos de un habeas corpus federal que dio lugar a una audiencia de reconstrucción sobre cuestiones del caso *Batson c. Kentucky*.
- Representación de las partes actoras en la causa *Aguilar c. Servicio de Inmigración*, un caso emblemático de Control de Aduanas que involucra cuestionamientos constitucionales a las redadas realizadas por el Servicio de Inmigración y Control de Aduanas (ICE) en viviendas del área de Nueva York.

La Sra. Librera obtuvo el título de Bachiller en Artes especializada en Historia y Español en 1994 de la Universidad de Virginia. Obtuvo el título de Doctora en Derecho en 2001 del Centro Legal de la Universidad de Georgetown.

## Cuestiones clave

### **Representative Matters Involving Professional Services Firms and Financial Services Providers**

- Representation of a financial institution in litigation with Federal Reserve Bank of New York and the Board of Governors concerning master account access
- Representation of a professional services firm in breach of contract and fraud litigation brought by former partner
- Representation of an international investment company in connection with a Department of Justice investigation into allegedly fraudulent investment strategies
- Representation of a global banking and financial services company and its subsidiaries, affiliates, and employees in civil litigation and investigations arising out of a series of allegedly fraudulent tax shelters
- Representation of an international investment company in connection with a Department of Justice investigation into allegedly fraudulent investment strategies
- Representation of global financial services company in New York State Insurance Department investigation of alleged unauthorized sale of insurance products
- Representation of a global financial services provider in litigation arising out of collapse of National Century Financial Enterprises, Inc.
- Representation of a financial services company in class action litigation involving the marketing of so-called “vanishing premium” policies
- Representation of a clearing bank and its employees in litigation arising out of Lehman bankruptcy

### **Representative Insurance Matters**

- Representation of an international property insurance company in nearly US\$2B coverage dispute arising out of Superstorm Sandy; secured summary judgment on all claims
- Representation of an international property insurance company in US\$150 million dispute arising out of Superstorm Sandy; obtained summary judgment on all claims
- Representation of an international property insurance company in multi-million-dollar dispute arising out of Hurricane Maria
- Representation of a national insurance company in a series of putative class actions throughout the United States concerning travel insurance product; obtained with prejudice dismissals and successful settlements of all
- Representation of a long term care insurer in case alleging fraud and statutory claims; successfully obtained dismissal
- Representation of an insurance brokerage and consulting firm and its special committee in putative class action brought to enjoin its US\$1.4 billion acquisition
- Representation of an international insurance company in cross-border coverage dispute involving Mexican law

### **Representative Employment Matters**

- Representation of an international company in class action litigation involving claims of Title VII religious discrimination
- Representation of a professional services firm in litigation involving allegations of age discrimination and retaliation

- Conducted an internal investigation for a financial services provider in response to whistleblower allegations concerning alleged inappropriate hiring practices, racial discrimination, financial misconduct, and sexual harassment by C-suite executive
- Conducted an internal investigation for renewable energy company involving allegations of impropriety by C-suite executives
- Conducted an internal investigation for a law firm in response to allegations that it marketed and promoted fraudulent tax shelters

### **Representative Fraud and Securities Matters**

- Representation of a biotechnology company in connection with an SEC investigation of insider trading
- Conducted internal investigation for a Fortune 500 technology company arising from *qui tam* complaint alleging fraud on state and federal authorities in sale of technology
- Representation of a Brazilian food corporation in class action alleging violations of the Securities Exchange Act of 1934 and Rule 10(b)(5)
- Representation of former stockbroker in appeal of conviction of Martin Act and securities fraud crimes
- Representation of a global banking and financial services company in cases brought in federal and state court alleging securities fraud
- Representation of broker in connection with District Attorney investigation and cases arising out of alleged fraudulent sale of Claude Monet Water Lily painting
- Representation of real estate development company in case and investigation alleging Martin Act violations
- Representation of an athletic retailer in expedited litigation concerning the financing of its merger

### **Representative International Arbitrations**

- Representation of an infrastructure investment company in a high-stakes dispute arbitrated before the International Centre for Dispute Resolution of the American Arbitration Association. Secured a US\$221 million arbitration award
- Representation of an international manufacturer of construction and mining equipment in a US\$19 million dispute arbitrated before the International Centre for Dispute Resolution of the American Arbitration Association
- Representation of Dubai-based luxury goods purveyor in multimillion dollar dispute concerning distribution agreement

### **Representative Pro Bono Matters**

- Representation of an indigent petitioner in a federal *habeas corpus* case that resulted in a reconstruction hearing on *Batson v. Kentucky* issues
- Representation of plaintiffs in *Aguilar v. Immigration and Customs Enforcement*, a landmark case involving constitutional challenges to ICE home raids in the New York area

## **Reconocimientos**

La Sra. Librera fue nombrada “Estrella en Ascenso” en la lista de New York Metro Super Lawyers en 2011.

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# Actividades

## Committees/Memberships

- Federal Bar Council
- Federation of Defense & Corporate Counsel (FDCC)
- New York Bar Association

## Board Membership

- Ecuadorean American Association, Board Member
  - Law360 IA Property Editorial Advisory Board Member (2021–2022)
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“ Kelly is just so down to earth and easy to work with. She has the smarts as well as excellent argumentative and writing skills. ”

BTI Client Service All-Star, client testimonial

# Credenciales

## EDUCACIÓN

Kelly received her J.D. from Georgetown University Law Center. She received a B.A. in history and a B.A. in Spanish from the University of Virginia.

## ADMISIÓN EN EL COLEGIO DE ABOGADOS

- New York

# Información y noticias relacionadas

## Speaking Engagements

- “Corporate Rep Deposition Tips and Tricks,” ALM Complex Claims & Litigation Forum, Co-panelist, Feb. 2023

## Publications

- *New York Lawyers’ Practical Skills Series*, Arbitration and Mediation, Editions 2016–2023
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## SPEAKING ENGAGEMENT

Kelly Librera Speaks at the Hispanic National Bar Association’s 2024 Encuentro Internacional

JUNE 28, 2024

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## RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2023

JUNE 7, 2023

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**SPEAKING ENGAGEMENT**

Kelly Librera and George Mastoris Speak at ALM's Complex Claims & Litigation Forum

FEBRUARY 27, 2023

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**RECOGNITIONS**

Winston Partners Named 2022 Client Service All-Stars by BTI

JULY 25, 2022

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**RECOGNITIONS**

Winston & Strawn Recognized in *The Legal 500 U.S.* 2022

JUNE 8, 2022

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**RECOGNITIONS**

Winston & Strawn Recognized in *Global Arbitration Review's* GAR 100 15th Edition

JUNE 1, 2022

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**RECOGNITIONS**

Law360 Names Winston Attorneys to 2022 Editorial Advisory Boards

MAY 6, 2022

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**RECOGNITIONS**

GAR 100 Recognizes Winston & Strawn as a Leading Arbitration Practice

JULY 16, 2021

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**RECOGNITIONS**

Law360 Names Winston Attorneys to 2021 Editorial Advisory Boards

MARCH 24, 2021

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**WEBINAR**

Class Actions in the Financial Capital of the World

AUGUST 20, 2020

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**RECOGNITIONS**

GAR 100 Recognizes Winston & Strawn as a Leading Arbitration Practice

APRIL 16, 2018

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**RECOGNITIONS**

Winston Makes LACCA List of Top International Firms Representing Latin America's Biggest Companies 2017

# Capacidades

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Class Actions & Group Litigation

Transactions

Litigation/Trials

Commercial Litigation & Disputes

Financial Services Litigation

Government Investigations, Enforcement & Compliance

International Arbitration

Labor & Employment

Insurance Litigation

Financial Services

Professional Services

Insurance