

# HK>A DECODING COMPLEXITY

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LATAM International  
Arbitration

# Who we are

HKA is the world's leading consultancy of choice for multi-disciplinary expert and specialist services in risk mitigation and dispute resolution within the capital projects and infrastructure sector. We also have extensive experience advising clients on the economic impact of commercial and investment treaty disputes and in forensic accounting matters.

We bring a proud record of excellent service and high achievement – established over more than 40 years – to bear on today's challenges.

As trusted independent consultants, experts and advisers, we deliver solutions amid uncertainty, dispute and overrun for public and private sector clients worldwide.

Our people have vast first-hand experience spanning all major industries and the world's most complex megaprojects, as well as an international track record of achieving successful outcomes. HKA's global portfolio includes some of the world's largest and most prestigious projects across a wide range of industries including aerospace and

defence, construction and engineering, energy and natural resources, financial services, life sciences and healthcare, manufacturing and industrial, marine and shipping, real estate and tourism, environment and climate change, sports and entertainment and technology, media and telecoms.

Clients have access to proven leaders and problem-solvers who decode complexity through collaborative working and innovative thinking.

Our forensic accounting and commercial damages teams specialise in areas such as valuations, economic damages, investigations, bankruptcy and intellectual property.

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—“—  
**Clients have access to thought leaders with diverse skills and the ability to anticipate, investigate and resolve complex challenges.**  
—”—



**Renny Borhan**  
Partner &  
Chief Executive Officer

# HKA in numbers

people



**1,000+**  
people

including

**500+**  
consultants & advisors  
(Including Project  
Service Specialists)

**500+**  
quantum, engineering,  
architecture and  
technical, delay,  
disruption, damages,  
forensic accounting  
and government  
contracts experts

reach



**45+**  
offices

across

**17**

countries

experience in

**100+**

countries on all

**7**

continents

clients



**6,500+**  
clients  
worldwide

including government agencies,  
local authorities, investors,  
developers, owners, operators,  
architects, engineers, project &  
construction managers,  
contractors, specialist  
suppliers, manufacturers,  
banks, lawyers and insurers

Instructed by

**100%**

of the world's

**top 20**

law firms (by revenue)

impact



**100k+**  
project disputes  
resolved

valued in excess of

**\$250bn**

**2,000+**

engagements per year

**40+** years' experience

**30+** of the world's most  
spoken languages

**250+** first-of-a-kind global  
megaprojects

# International arbitration expert services

HKA is the world's leading expert witness firm in the engineering and construction industries. Our teams draw on hundreds of experts and vast experience in every major industry sector and discipline. They have the commercial, financial, planning, scheduling, technical and language skills to get quickly to the heart of the most complex issues.

Our experts also quantify various types of damages involving lost profits, business valuation, business interruption, bankruptcy, class action or intellectual property, as well as leading fraud and regulatory investigations; and we have a similarly strong track record supporting contractors to the federal government.

Whether providing expert advisory, expert determination or expert witness services, HKA provides the unique, multidisciplinary service that combines quantum, engineering, delay, disruption, damages, and government contracts.

HKA has hundreds of forensic technical experts who operate in many disciplines. Our engineering experts operate in many disciplines, including architectural and building services; civil and structural; geotechnical; health, safety and environmental; instrumentation and control systems; marine; mechanical and electrical; metallurgy and materials; and process and energy.

Clients have seamless access to stand-alone experts or an integrated multidisciplinary expert team of problem-solvers, who thrive on decoding complexity.

Our multidisciplinary expert service streamlines and improves the entire dispute resolution process. Expert teams with the most comprehensive experience from our global network are assembled and deployed rapidly. This approach promotes greater collaboration and provides value for money.

HKA experts help to resolve disputes in expert determination, mediation, adjudication, arbitration and litigation. Experienced as party- and tribunal-appointed experts, we are able to advise and, if needed, give evidence under cross-examination – including concurrent ‘hottubbing’ – in every jurisdiction.

HKA was awarded Who's Who Legal's (WWL) Construction Expert Witness Firm of the Year in 2018, 2020, and 2022. We have ranked as the top firm in WWL's Construction Expert Witnesses analysis for several years, with our leading quantum, engineering and delay experts being recognised for their skills and reputation.

Our expert witnesses also feature in WWL's Arbitration, Litigation, Quantum of Damages, Forensic Accounting, and Investigations analysis, selected for their excellence across a wide range of matters in dispute.

We share this unparalleled expert knowledge with industry stakeholders. HKA has long hosted knowledge forums, seminars and workshops in association with Senior Counsel, KCs, barristers, lawyers and trade associations around the world. Our expert witnesses have provided expertise at arbitral bodies across the world including, but not limited to, the ICC, ICSID, LCIA, UNCITRAL, ICDR, PCA, DIAC, and HKIAC.

HKA's experts have addressed valuation and damages issues, market and economic conditions, financing and project viability as well as assessing project delays, cost overruns and a vast range of technical issues. Our expertise in these arbitrations spans a wide range of industry sectors and includes some of the most high profile arbitrations in history.

## Recognition and professional standing



### GAR TOP 100

Ranked in the Top 5 of the GAR 100 Expert Witness Firms' Power Index



WWL Construction Expert Witnesses analysis  
90 Expert Witnesses listed in Who's Who Legal (WWL)



Ranked #1 in WWL Construction Expert Witnesses analysis

for seven consecutive years (2017-2023)



The Academy of Experts  
HKA is the world's largest Corporate Provider

HKA employs some of the world's foremost experts in many disciplines, including:

- Architectural
- Aviation
- Forensic accounting
- Commercial damages
- Business valuation
- Business interruption
- Insurance claims
- Construction management
- Delay and disruption
- Financial quantum
- Planning and scheduling
- Project management
- Project monitoring
- Civil engineering
- Electrical engineering
- ESG
- Fire engineering
- Health, safety and environmental
- Instrumentation and control systems
- Marine engineering
- Mechanical engineering
- Metallurgy and materials
- Mining
- Power engineering
- Process engineering
- Structural engineering
- Systems engineering
- Buildings defects
- Construction failure
- Professional competence
- Standard of care

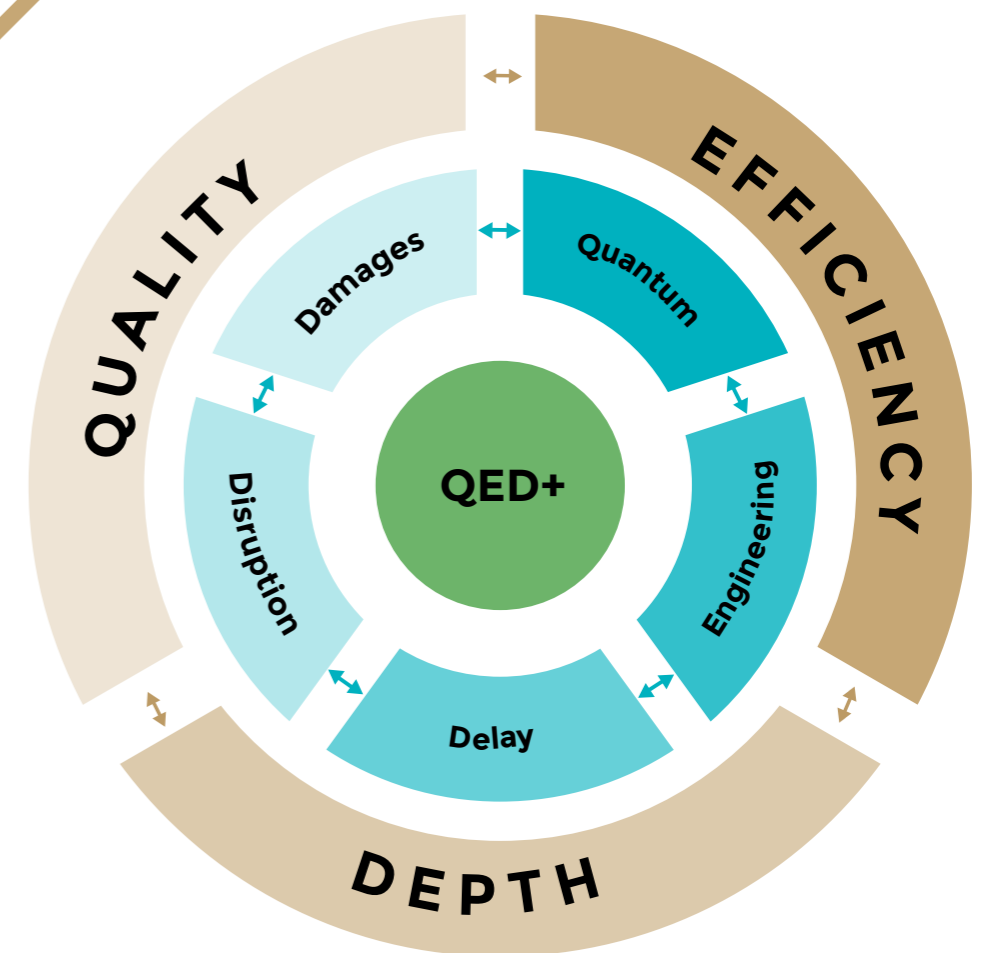
Browse our Expert Centre to find the expertise that matches your needs:

# A multi-disciplinary approach to disputes

We use our knowledge and experience to untangle the complex web of causes and effects for our clients. Quantifying the cost and time impacts, investigating engineering issues, assessing the effectiveness of project management, and analysing delay, disruption and damages – all require specialist expertise.

HKA's multidisciplinary expert service streamlines and improves the entire dispute resolution process. Expert teams are assembled to embody the most comprehensive experience from our global network, and deployed rapidly.

Clients tell us that this coordinated approach delivers significant added value. They deal with an experienced Expert Lead, who is responsible for managing the assignment and maximising the benefits of collaboration by HKA experts from multiple disciplines.



# Selected international arbitration experience

Construction

Clients and international law practices typically select and appoint our quantum, engineering, architecture and technical, delay, disruption and damages (QED+) experts either individually or as a coordinated team in support of international arbitration cases for a wide range of industries and issues.



EMGESA S.A. E.S.P vs. IMPREGILO COLOMBIA S.A.S, OHL COLOMBIA S.A.S Y AXA Colpatría Seguros S.A.

HKA filed an expert report and provided expert testimony on the damage, stability, and geotechnical evaluation of a 150-foot-high dam in Colombia. The dispute involved instabilities on the downstream embankment.



Aluminum Supplier vs. Confidential Client

HKA experts reviewed loss of design document claims for a Bolivian sodium cyanide plant. We reviewed plans for the construction and operation of the plant, as well as an associated gold mining operation. An expert report was issued prior to settlement.



Autopista Rio Magdalena S.A.S vs. Obrascon Huarte Lain S.A. y OHL Colombia S.A.S y Construcciones Colombianas OHL S.A.S

HKA filed an expert report on delay and breach of contract of a highway project in Colombia. The dispute involved an analysis of delay and construction costs.



LATAM Mining Companies vs. Confidential Clients

HKA experts analyzed claims of improper invoicing on a terminated gold and silver mining project in Argentina and Chile. We provided expert testimony in an international arbitration.

# Selected international arbitration experience

Construction



## Concesionaria San Rafael vs. Agencia Nacional de Infraestructura

HKA filed an expert report and testified on reported deficiencies of a concrete bridge in Colombia. The dispute involved the bridge's deflections and vertical curvature.



## Transportadora de Gas Internacional S.A. (TGI) vs. Transgas de Occidente S.A.

HKA filed an expert report and testified on the corrosion and geotechnical evaluation of a Colombian gas pipeline project. The dispute involved the operation of the gas pipeline.



## Confidential Client vs. Honduras Construction Owner

HKA experts assisted in preparing claims related to the construction of a power project.



## Energy Power Development Corporation vs. Entergy

HKA experts reviewed the developer's claims against a utility related to a failed power plant project in Mexico.



## Northrop Corporation vs. the Government of Venezuela

HKA experts assisted in preparing claims related to a shipbuilding program for the government of Venezuela related to design and other owner changes. We also provided expert testimony in international arbitration seated in Brazil.

# Selected international arbitration experience

Construction



## UEG Araucaria Ltda. vs. Companhia Paranaense de Energia

HKA personnel filed expert reports in an ICC case on the losses sustained by a consortium of investors contracted to build a gas-fired thermal power plant in Brazil.



## Empresas Publicas de Medellín E.S.P vs. AZACAN S.A.S Y Seguros del Estado S.A.

HKA filed an expert report on the deficiencies of a sewer and drainage system in Colombia. The dispute involved an analysis of delay and construction costs.



## MGM Sustainable Energy S.A.S vs. MAPFRE Seguros Generales de Colombia S.A.

HKA was engaged to provide expert witness services for a claim related to the failure of a diesel generator that was part of an industrial facility. We also prepared an expert report and testified in court for this breach of contract dispute.



## Subcontractor vs. Confidential Client

HKA experts analyzed claims on a mining project in Trinidad, including an assessment of cost and schedule issues. We assisted in facilitating a settlement between our client and the subcontractor.



# Selected international arbitration experience

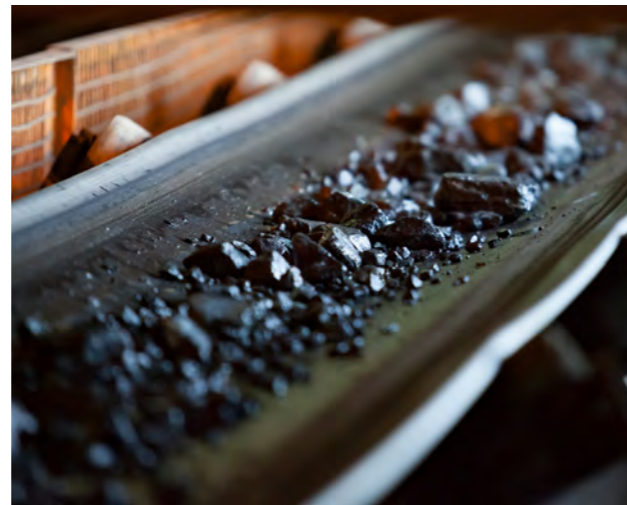
Commercial

Clients and international law firms select our forensic accounting, fraud, commercial damages and valuations experts either individually or as a team in support of international arbitration cases for a wide range of industries and issues.



Eoltec Energy, S.L. and Corporación Montevalto XXI, S.L. vs. ContourGlobal Latam, S.A.

HKA personnel filed expert reports and provided expert testimony on the financial position of several companies connected to a dispute over the operation of wind farms in Peru.



MMX Corumbá Mineração LTDA and MMX Trade & Shipping LLC vs. Ereğli Demir Ve Çelik Fabrikalari

HKA personnel filed an expert report on damages for a dispute involving a supply contract for iron ore involving parties from Brazil, Turkey, and the United States.



Asarco LLC., Southern Asarco Peru Holdings LLC vs. America Mining Corporation

HKA experts assessed a subsidiary's bankruptcy claims against its Mexican parent company regarding the fraudulent conveyance of assets from an insolvent company. We reviewed the subsidiary's financial condition, operations, and solvency (including its ability to pay debts, a valuation of assets and liabilities, and reasonableness of operation capital) and conducted a valuation of a major Peruvian copper mining operation. HKA experts also provided expert testimony in federal court in Texas.

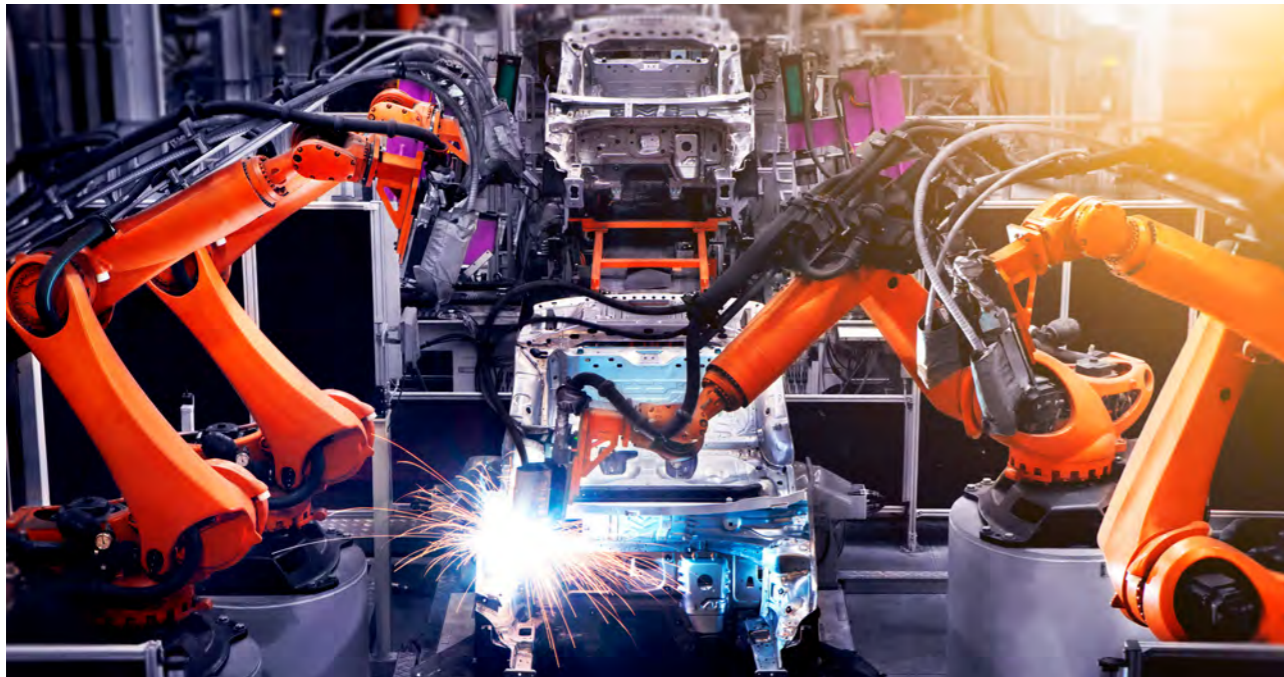


Ferrocarriles del Norte de Colombia S.A. ("FENOCO") vs. Drummond Coal Mining LLC, Drummond Ltd., et al.

HKA personnel filed expert reports and testified on damages for a breach of contract dispute involving a coal mining operation in Colombia. The dispute involved claims of alleged breaches in contractual obligations involving the rail transport of the coal and issues at the port.

# Selected international arbitration experience

Commercial



## Auto Parts Companies vs. Banco Do Brasil

HKA experts analyzed lender liability claims from five auto parts companies that claimed that Banco do Brasil's failure to lend additional funds directly led to business failure. We testified in California civil court.



## New Jersey Department of Environmental Protection, et. al. vs. Occidental Chemical Corporation, Maxus Energy Corporation, Repsol YPF S.A. YPF Holdings, Inc. et. al.

HKA experts analyzed the solvency of an oil and gas entity with operations throughout Central and South America. The acquiring companies alleged that the oil and gas entity was fraudulently stripped of its assets prior to the acquisition. HKA experts studied the entity's operations, the acquisition of its assets, and the subsequent transfer of assets, and then testified on the matter in deposition.



## Regis Paillardon vs. Archer-Daniels-Midland Company and ADM Latin America, Inc.

HKA personnel filed an expert report and testified on damages for a dispute involving a joint venture dealing in agricultural commodities.



## Fluviomar International Ltd. vs. MMX Corumbá Mineracão S.A. and MMX Metálicos Corumbá Ltda

HKA personnel filed an expert report, testified, and filed a post-award affidavit on damages for a breach of contract dispute involving a shipping contract for iron ore and pig iron.

# Selected international arbitration experience

Commercial



## Confidential Construction Management Company vs. Coworking Space Provider

HKA personnel filed an expert report on damages and other financial issues for a dispute involving the acquisition of a Latin American construction management firm.



## Nejapa Power Company, LLC vs. Comisión Ejecutiva Hidroeléctrica Del Río Lempa

HKA personnel filed expert reports and testified on damages in an international arbitration conducted under the rules of the UN Commission on International Trade Law. The dispute was related to a power purchase agreement in El Salvador.



## Diners Club Ecuador S.A. vs. Diners Club International Ltd

HKA personnel filed expert reports and testified on damages for a dispute involving the operation of payment card operations in Ecuador.



## Televisa, S.A. de C.V. vs. Univision Communications Inc

HKA personnel provided expert testimony in deposition on claims that a major communications entity committed material breaches on a long-term contract by failing to provide free television ad time.

# Selected international arbitration experience

Investor-state

Clients and international law firms choose our global, multidisciplinary experts, either individually or as a team, in support of international investor-state arbitrations for a wide range of industries and issues. HKA's experts have acted in hundreds of investor-state arbitrations, including 125+ investor-state cases, working frequently for both claimants and respondents.



## Crystallex International Corporation vs. Bolivarian Republic of Venezuela

HKA personnel filed expert reports and provided testimony on damages for an investor-state dispute involving the valuation of an investment in a gold mining concession in Venezuela. The award was for \$1.2 billion of the \$3.1 billion claimed.



## Energía y Renovación Holding, S.A. vs. Republic of Guatemala (ICSID Case No. ARB/21/56)

HKA personnel are addressing claims related to the Republic of Guatemala's alleged failure to protect the claimant's investment in two hydropower plants and a transmission line.



## GAMI Investments, Inc. vs. Government of the United Mexican States

HKA personnel filed expert reports for a matter involving the valuation of an investment in five sugar mills and the damages related to expropriation in Mexico. The mills were returned to the claimant just prior to the hearings.



## Hydrika 1 S.A.C. and others vs. Republic of Peru (ICSID Case No. ARB/18/48)

HKA personnel filed expert reports and provided testimony for a breach of contract matter involving a cost claim related to the construction and operation of six renewable energy plants.

# Selected international arbitration experience

Investor-state



## Merck Sharpe & Dohme (I.A.) Corporation vs. Republic of Ecuador

HKA personnel filed expert reports regarding the financial condition of the claimant. The dispute involved a request for interim measures pertaining to a \$150 million judgment in Ecuador. The interim measures were denied.



## Michael Ballantine and Lisa Ballantine vs. Dominican Republic

HKA personnel filed expert reports and provided testimony on damages for a dispute involving real estate for a resort development in the Dominican Republic.



## David R. Aven, et al vs. Republic of Costa Rica

HKA personnel filed expert reports and provided testimony on damages for an investor-state dispute involving an investment in a planned real estate resort development in Costa Rica.



## Supervisión y Control S.A. vs. Republic of Costa Rica

HKA personnel filed expert reports and provided testimony on damages for a breach of contract dispute related to the tariffs for the national vehicle inspection services concession in Costa Rica.



## Rutas de Lima, S.A.C. vs. Municipalidad Metropolitana de Lima (MML) (Ad hoc arbitration under UNCITRAL Rules, 2010)

HKA personnel filed expert reports and provided testimony on damages for a concession contract matter related to toll roads and toll collections in Lima, Peru.

# Selected international arbitration experience

Investor-state



## Tenaris S.A. and Talta - Trading e Marketing Sociedade Unipessoal Lda vs. Bolivarian Republic of Venezuela (1, 2)

HKA personnel filed expert reports and provided testimony for an investor-state dispute involving the valuation of a hot briquetted iron plant in Venezuela. The award was for \$87 million of the \$324 million claimed. HKA personnel also filed expert reports and provided testimony on damages for a dispute involving the valuation of a steel tube factory and a minority investment in a hot briquetted iron plant in Venezuela.



## Quadrant Pacific Growth Fund L.P. and Canasco Holdings Inc. vs. Republic of Costa Rica (ICSID Case No. ARB(AF)/08/1)

HKA personnel filed two expert reports related to the quantification of damages for an investor-state dispute over a real estate investment by Canadian investors in Costa Rica.



## South American Telecommunication Arbitration

HKA personnel prepared an expert report on damages involving the construction and operation of broadband networks in rural regions of Peru. Our work involved the review and analysis of contracts and other legal documents related to land acquisitions and operations of broadband networks.



## Vannessa Ventures Ltd. vs. Bolivarian Republic of Venezuela

HKA personnel filed expert reports on damages for an investor-state dispute involving the valuation of a gold mine in Venezuela. The final award found no liability.



## Valores Mundiales, S.L. Consorcio Andion, S.L. vs. Bolivarian Republic of Venezuela

HKA personnel filed joint expert reports and provided testimony on damages for a dispute involving grain milling and distribution in Venezuela.

The background features a teal field with a glowing particle trail that curves from the bottom left towards the right. This teal field is overlaid on a brown background. A yellow line runs diagonally across the teal area, and a thin purple line is visible in the top left corner.

# DECODING COMPLEXITY

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