GARRIGUES



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Dispute Resolution: Litigation and Arbitration

Antonio Fabregat is a senior associate in the Dispute Resolution: Litigation and Arbitration department, specializing in the analysis and resolution of business disputes, both in the context of negotiations, as well as defending in civil, commercial and arbitration proceedings. He participates in cases of great economic relevance, combining technical knowledge with a strategic approach, aimed at the prevention and efficient resolution of disputes.

His practice covers different areas: corporate litigation and M&A (private equity, project finance SPAs, SHAs, corporate disputes), antitrust litigation (stand-alone, follow-on and injunctions), civil liability, unfair competition and insurance.

Experienced in international environments, he handles multi-jurisdictional disputes with a global perspective. In addition, he integrates innovative technological resources into his practice, enhancing the effectiveness of defence strategies and contributing to the achievement of better results.

He is a world champion debater and shares his experience by providing training in communication and argumentation techniques at various universities.

Experience

Antonio joined Garrigues in 2018 and is a Senior Associate in the Dispute Resolution (Litigation and Arbitration) department. Since then, he has advised and defended national and international companies in civil, commercial and arbitration proceedings of major economic importance.

He has extensive experience in the context of highly complex technical negotiations and litigation -including international (ICC, NAI) and national (CAM, CIMA) arbitrations- in which he is directly involved with each client's business in order to gain an in-depth understanding of its operations and strategic objectives. This approach allows him to anticipate risks, tailor defence strategies to the real needs of the business and offer customized solutions that maximize the likelihood of success in highly complex disputes.

His main areas of specialization include:

Litigation arising from M&A processes (company valuations, earn-outs, SPAs, SHAs, disputes in project finance projects). Recent highlights include:

- Advising a private equity fund (PEF) in arbitration proceedings brought before the International Chamber of Commerce (ICC), in relation to the annulment of a contract for the sale and purchase of a group of companies valued at c. €100 million.
- Advising and defending three major Spanish industrial companies in two civil proceedings brought against them by debt securitization funds (for an aggregate amount of c. EUR 1.2 billion), in connection with bank financing granted for the construction of two toll roads.
- Defence of an American listed multinational in a legal claim against a Swiss company to which it had sold industrial plants located in Spain due to breach of the SPA regulating the sale.

Litigation in corporate disputes: disputes relating to challenges to corporate resolutions, shareholders' agreements, directors' liability. Recent highlights include:

- Defence of the interests of an PEF in two arbitrations (NAI and CAM) initiated by said PEFagainst the minority shareholders of a Spanish company with a valuation of c. €1 billion, for breach of the shareholders' agreement regulating their internal relations.
- Defence of the interests of a Spanish company in the transport sector in a series of legal proceedings brought by the minority shareholder challenging the corporate resolutions adopted within the company, inter alia, in relation to the company's financing system (cash-pooling with other companies in the group) and the annual distribution of dividends for more than five years.

Antitrust litigation and private enforcement of competition law (stand-alone and follow-on proceedings), injunctions and defence against anti-competitive practices. Among them, the most recent highlights include:

- Defence before the Commercial Courts of a state-owned company against a company in liquidation claiming 300 million euros for alleged abusive practices, in one of the largest private competition law enforcement proceedings ever brought before Spanish courts.
- Advising a Spanish company against a sports federation in three proceedings brought before the Commercial Courts for abuse of the latter's dominant position (contrary to art. 2 LDC and 102 TFEU), and in claiming damages suffered as a result.
- Advising various sports associations and agents against an international sports federation in interim proceedings for the suspension of certain regulatory provisions which, in breach of art. 102 TFEU, threatened the viability of their business.
- Defence of a major player in the Spanish market in proceedings for access to sources of evidence, and a subsequent claim for damages, for alleged abusive practices in a market in which it held a dominant position.
- Defence and coordination of a team of professionals for the defence of a vehicle manufacturer against follow-on actions brought by consumers and purchasers of large fleets of vehicles in relation to the CNMC Resolution of 23 July 2015.

Civil and commercial litigation: contractual and non-contractual liability, unfair competition and insurance. Among others, recent highlights include:

- Defence of a Spanish listed company against a claim brought by a former managing director of the company, as well as in the counterclaim brought by the company (in the exercise of clawback actions on the variable remuneration received by said Managing Director).
- Defence before the commercial jurisdiction of the partner of a large consultancy firm in unfair competition proceedings in which a start-up claimed €150 million from him for alleged damages arising from conduct contrary to the Unfair Competition Act (specifically, the alleged inducement of contractual infringement by the firm of which he was a partner).

In the aforementioned processes, Antonio has developed skills in the use of technological tools and artificial intelligence that allow him to optimize the management of litigation, speed up decision-making and offer solutions tailored to the needs of each client. By way of example, in the context of litigation arising from a series of follow-on claims brought against a client, Antonio promoted and led - together with Garrigues' Agiliz@ Business team - the development of the “LitigIA” project, a technological solution based on artificial intelligence for the management of proceedings with a high number of claims, which enables the automation of certain processes, as well as offering clients a detailed and intelligent analysis of the status of their litigation (with various KPIs that are updated in real time).

Academic background

Graduate in Law and Business Administration and Management from the Universidad Pontifica de Comillas (ICADE, E-3), with a specialization in finance.

Teaching activity

Antonio has been intensely involved in teaching for more than a decade in various university programmes. Specifically, he teaches legal argumentation in the Law and Business Administration degree at the Universidad Pontificia Comillas (E-3), civil liability derived from Artificial Intelligence at the Centro de Estudios Garrigues, and public speaking and negotiation in the MBAs at the Centro de Estudios Financieros (CEF). He also regularly gives workshops on effective communication.

Memberships

- Member of the Madrid Bar Association
- Member of the Spanish Business Litigation Club

Distinctions

- In the last four years he has been recognized by the Best Lawyers directory in the ‘ones to watch’ category, an award given by Best Lawyers for outstanding professional excellence in private practice.
- Recognition by Expansión as one of the 10 most influential young lawyers of the year 2023.
- World Champion of Debate in Spanish in 2017 (in Guatemala), World Champion of Debate in English in 2018 (in Mexico), and four times best speaker of the World Debate Championship (in the editions held in Colombia, Spain, Chile and South Africa).
- Champion of the Elsa Moot Court Competition of Antitrust Law, organized by Uría Menéndez and ELSA.

Publications

Antonio frequently publishes analyses and articles in relation to his areas of practice. Among them, the following stand out in recent years:

- Acciones follow-on: delimitación de la responsabilidad civil en casos de infracciones únicas y continuadas integradas por una pluralidad de conductas', Practica Contenciosa para abogados, Garrigues, Madrid, 2024, p. 664.
- The CJEU rejects that the parent company can claim before the courts of its registered office for damages suffered by its subsidiaries in other States (2024).
- The Supreme Court declares that it is possible for there to be a lag effect resulting from a cartel, but the plaintiff must prove it (2024).
- Truck cartel: the Supreme Court assesses (and rejects) an expert report submitted in hundreds of proceedings that has led to contradictory rulings (2024).
- The Supreme Court rules on the first appeals on follow-on actions arising from the truck cartel (2023).
- Analysis of the CNMC Guide for the quantification of damages for competition law infringements (2023).
- New CJEU ruling on damages arising from collusive conduct: procedural costs in 'antitrust' litigation and conditions for the judicial assessment of damages (2023).
- The CJEU opens the door to the possibility of asking the opposing party to produce tailor-made documents in proceedings (2022).

In addition, as part of his passion for education, Antonio has had the opportunity to publish two books with Editorial Planeta, in which he synthesises his learning in argumentation, public speaking and effective communication techniques: Convence y Vencerás (2017) and Debatir bien: una asignatura pendiente (2020).