



Damaris Hernández

PARTNER, LITIGATION

dhernandez@cravath.com

New York
+1-212-474-1486

Damaris Hernández focuses her practice on complex civil litigation related to antitrust, contractual disputes and securities. She has represented a wide range of clients, including American Express, Bausch Health Companies, Costamare, Credit Suisse, Crown Castle, IBM, Merck, Morgan Stanley, Novartis, PG&E, the Republic of Argentina, Vivendi and YPF.

Ms. Hernández's representative matters include:

- Representing American Express ("Amex") in antitrust class action litigations in New York federal courts brought by merchants alleging a conspiracy among Amex and other credit and charge card issuers to shift the costs of fraudulent charges from the issuers to merchants through the implementation of chip cards.

- Representing Morgan Stanley in a series of individual and class action lawsuits in New York federal court alleging collusion among banks to restrain competition by preventing the development of anonymous exchange trading of various complex financial products, including credit default swaps, interest rate swaps and stock loans, as well as in related regulatory inquiries.
- Representing PG&E in connection with mass tort litigation related to the 2019 Kincade Fire. She previously represented the company in numerous lawsuits arising out of the unprecedented 2017 and 2018 California wildfires—one of the largest and most complex sets of mass tort litigation in recent years. She also represented PG&E in its chapter 11 reorganization proceedings—the largest utility bankruptcy in U.S. history—which the company successfully emerged from in 2020.
- Represented The Walt Disney Company and its subsidiary ESPN in antitrust litigation brought by FuboTV seeking to block a joint venture through which Disney, ESPN, Fox and Warner Brothers Discovery would distribute their sports portfolios through a combined streaming platform. In January 2025, the parties announced a settlement in connection with an agreement to combine Disney's Hulu + Live TV streaming business with Fubo.
- Represented Bausch Health Companies in litigation filed by Humana alleging restraint of trade, monopolization and other claims in connection with an alleged reverse-payment settlement in a patent lawsuit relating to Glumetza, a type 2 diabetes drug. Ms. Hernández helped secure a favorable settlement for Bausch to resolve the action shortly before a scheduled jury trial.
- Represented Crown Castle in a breach of contract action filed against DISH Wireless asserting that DISH breached the parties' Master Lease Agreement, which permits DISH to lease space for its communications equipment on up to 20,000 Crown Castle towers.
- Represented The Walt Disney Company and its subsidiary FSLA Holdings LLC as trial counsel in an action filed by Santos Laguna S.A. de C.V. in California state court, which alleged breach of contract and other claims arising out of Disney's divestment of certain broadcasting assets in Mexico. Won the dismissal of multiple claims and secured summary adjudication and other pretrial rulings that reduced Santos's claimed damages by 70%. The parties subsequently reached a settlement partway through a jury trial on the remaining claims.
- Represented Costamare Shipping and related entities in connection with litigation filed in California federal court, including a consolidated putative class action, alleging various theories of liability concerning the October 2021 San Pedro Bay pipeline leak off the coast of California, ultimately securing a series of settlements.
- Represented Novartis Pharmaceuticals in three *qui tam* actions in New York federal court alleging violations of the False Claims Act and Anti-Kickback Statute. The government intervened in two of the suits, which settled, and the third suit was dismissed with prejudice.
- Represented the Republic of Argentina in connection with litigation brought by holders of its defaulted sovereign debt. After being retained as new counsel to Argentina in 2016, Ms. Hernández was part of the team that

obtained the vacatur of extraordinary injunctions that had been imposed on Argentina in 2012 and 2015, first at the district court level and then on an expedited appeal before the Second Circuit. The victory cleared the way for Argentina to resolve the vast majority of its litigation with holdout creditors and return to the international capital markets for the first time since its \$80 billion default in 2001, with what was at the time the largest-ever emerging markets debt offering.

- Represented oil company YPF in litigation brought by minority shareholders arising out of Argentina's 2012 expropriation of a controlling stake in YPF.
- Represented Merck in a consolidated, multidistrict shareholder fraud class action and related ERISA litigation arising out of alleged misrepresentations and omissions relating to Merck's sale of the pain medication Vioxx®, which settled.
- Represented Credit Suisse in defense of actions relating to residential mortgage-backed securities nationwide.
- Represented International Business Machines Corporation ("IBM") in FCPA matters, including a DOJ investigation relating to IBM's operations in Poland, Argentina, Bangladesh and Ukraine.
- Represented Vivendi in long-running complex securities litigation in New York federal court, including in a four-month jury trial.

Ms. Hernández also devotes substantial time to pro bono and community work. She is currently representing juveniles sentenced to indeterminate life sentences with the possibility of parole in a suit seeking to reform the parole hearing process in New York. She served as lead counsel in a lawsuit in Alabama federal court that challenged Jefferson County, Alabama's compliance with a consent decree after findings of discrimination in the hiring of firefighters and police. After nearly 40 years, the case reached its conclusion under her leadership, helping to ensure the County's government agencies and departments hire and promote without discrimination.

Ms. Hernández is a member of the Board of Trustees of New York University. She is also a Trustee of New York University School of Law and a mentor to students in the school's AnBryce Scholarship program. In 2023, she was appointed by the New York State Bar Association as a co-chair of a special committee to examine the selection of judges for the New York State Court of Appeals. Ms. Hernández is a fellow of the Leadership Council on Legal Diversity and was selected to serve as a member of *Law360's* 2023 Diversity & Inclusion Editorial Advisory Board. In addition, she was elected to serve as a member of The American Law Institute and the Litigation Advisory Board for Practical Law. Ms. Hernández is also a board member of the Neighborhood Defender Service of Harlem, the Central Park Conservancy and the Lawyers' Committee for Civil Rights Under Law.

Ms. Hernández has received numerous honors, including being named to *Lawdragon's* "500 Leading Lawyers in America," "500 Leading Litigators in America" and "500 Leading Global Antitrust & Competition Lawyers" lists. She has been recognized by other publications, including *Benchmark Litigation*, *The Best Lawyers in America*, *Crain's New York Business*, *The Legal 500 US* and *New York Law Journal*. Ms. Hernández has additionally received

awards from organizations including the Council of Urban Professionals, LatinoJustice and the Puerto Rican Bar Association.

Ms. Hernández was born in Brooklyn, New York. She received an A.B. *magna cum laude* in Literature from Harvard College in 2003 and a J.D. from New York University School of Law in 2007, where she was an associate editor of the *Review of Law and Social Change* and an AnBryce Scholar.

Ms. Hernández joined Cravath in 2007 and was elected a partner in 2015.

EDUCATION

- J.D., 2007, New York University School of Law
AnBryce Scholar
- A.B., 2003, Harvard College
magna cum laude

ADMITTED IN

- New York

PROFESSIONAL AFFILIATIONS

The American Law Institute

New York State Bar Association

- New York County District Leader

Puerto Rican Bar Association

ORGANIZATIONS

New York University

- Member, Board of Trustees

New York University School of Law

- Member, Board of Trustees
- Mentor, AnBryce Scholarship Program

Central Park Conservancy

- Member, Board of Trustees

Lawyers' Committee for Civil Rights Under Law

- Member, Board of Directors

Leadership Council on Legal Diversity

- Fellow (2017)

Neighborhood Defender Service of Harlem

- Member, Board

RANKINGS

Benchmark Litigation

- Future Star (2025-2019)
- 40 & Under List (2019, 2018, 2017)

Best Lawyers in America

- Commercial Litigation (2025-2021)

Crain's New York Business

- 40 Under 40 (2017)

Lawdragon

- 500 Leading Lawyers in America (2025-2020)
- 500 Leading Litigators in America (2025, 2024, 2023)
- 500 Leading Global Antitrust & Competition Lawyers (2025)

The Legal 500 US

- Antitrust (2021, 2020, 2018)

New York Law Journal

- Rising Star (2017)

"40 Under 40 Rising Star," New York University's Law Alumni of Color Association, 2018

Liderazgo Award, MetroLALSA's Pa'lante VIII Conference, 2018

Flor de Maga Award, Puerto Rican Bar Association, 2017

Recent Graduate Award, New York University, 2017

Latina Trailblazer Award, LatinoJustice, 2016

CUP Catalyst Award, Council of Urban Professionals, 2016

Mujeres Destacadas Award, *El Diario*, 2016