

WATSON FARLEY
&
WILLIAMS

DISPUTE RESOLUTION



WATSON FARLEY & WILLIAMS: KEY FACTS

150
PARTNERS

ESTABLISHED **1982**

14
OFFICES

OVER 500
LAWYERS

11
JURISDICTIONS

22
LANGUAGES SPOKEN

OUR DISPUTE RESOLUTION PRACTICE

With a strong track-record of achieving positive outcomes, our dispute resolution lawyers provide high quality advice in commercial and financial litigation, arbitration, and alternative dispute resolution.



"PERFECT IN ALL RESPECTS ... [THE] TEAM IS ABSOLUTELY IMPRESSIVE, AND IT HAS A PRACTICAL AND SOLUTION-ORIENTED APPROACH TOWARDS ITS CLIENTS".

LEGAL 500 UK 2017

Effective and commercially astute, our dispute resolution lawyers regularly represent clients in large scale, cross-border, and complex commercial matters, managing cases through to trial, final hearing, and appeal where necessary.

We work closely with clients from a wide range of organisations, including global energy and natural resources companies, financial institutions, real estate and infrastructure developers, shipping lines, insurers, and government entities. We align our approach to our clients' commercial best interests, including settling disputes if appropriate.

We understand the importance of preventing, minimising, managing, and resolving issues where possible before formal proceedings are commenced. We regularly provide continuing contract-management and litigation-risk assistance.

With some of our partners acting as arbitrators, our lawyers have specific strategic insight when delivering both litigation and arbitration services.

Experienced in acting for our global client base, our lawyers have deep and broad experience of the complex issues that arise in cross-border matters – be they jurisdictional, choice of law, procedural, or evidentiary. We frequently provide advice in relation to multi-jurisdictional laws and procedural rules, whether in courts or arbitration.

Our lawyers have particular expertise litigating at all levels of the English court system, before various US courts, including the state and federal courts in New York, and before well-known arbitration centres around the world, including the London Court of International Arbitration (LCIA), International Chamber of Commerce (ICC), Singapore International

Arbitration Centre (SIAC), the Arbitration Institute of the Stockholm Chamber of Commerce (SCC), the Vienna International Arbitral Centre (VIAC), the American Arbitration Association (AAA), the International Centre for Settlement of Investment Disputes (ICSID) and others.

We have the capability, experience and expertise to provide advice and act in relation to disputes across jurisdictions, either through our own offices, or using trusted correspondent law firms, ensuring a smooth and efficient process.

DISPUTE RESOLUTION SPECIALISMS

Acting for both plaintiffs/claimants and defendants/respondents in all manners of contentious matters, we deal with difficult, unusual, and high-stakes commercial and legal problems across the world.

Maritime disputes

With a renowned reputation in the maritime sector, we have extensive experience in relation to shipbuilding disputes, issues arising out of sale & purchase agreements, charters, cargo claims and enforcement matters. In addition to litigation and arbitration, we are regularly involved in pre-action advice, risk mitigation and alternative dispute resolution.

Insolvency & workouts

Our lawyers advise in relation to debt restructuring, the duties of directors and potential liabilities, mortgage enforcement and enforcement of security, liquidation, administration/administrative receiverships, bondholder actions, syndicated loan and derivatives disputes, asset tracing, and the acquisition and trading of distressed debt.

Real estate/Real estate finance disputes

With a dedicated and proactive team of highly experienced practitioners, we advise in relation to the full range of real estate disputes, from joint-venture disputes, construction-related disputes, and financing disputes, through to development obstacles, insolvency matters and neighbour rights.

Regulatory issues

We advise on a range of contentious and investigatory matters arising out of regulatory regimes, from competition claims and disputes involving allegations of bribery and corruption through to financial regulatory matters and issues in other sectors regulated by statute.

Finance disputes

We regularly act for banks, financial institutions, and hedge funds. The finance-litigation cases we are involved in are complex and high value. They include asset finance and structured finance disputes, derivatives disputes, trade finance disputes, and capital markets related work.



Transport disputes

Advising across aviation, rail, and automotive, we work with banks, ECAs, financiers and investors, owners, operators and contractors to deliver local and cross-border solutions.

Investment Treaty Arbitration

With notable experience acting on behalf of and against governments and state bodies, we can advise clients whose investment has been lost or devalued on rights of recourse and the availability and conduct of a treaty claim.

Corporate and commercial disputes

We advise in relation to a broad range of disputes arising out of commercial contracts, as well as joint venture disputes, shareholder disputes, and issues arising out of mergers and acquisitions.

Construction disputes

With detailed understanding of the infrastructure and construction industries, we have experience of all major standard forms of contract and a range of dispute resolution processes, providing high quality advice on issues arising out of both domestic and cross-border projects.

Energy disputes

Acting for participants across the energy sector, we advise on a full range of contentious matters, from contractual issues through to regulatory disputes and investment treaty arbitration claims.

Oil & Gas disputes

With extensive experience and a significant understanding of the industry, we deliver advice to an international client base involved in the extraction, processing, distribution, trading and financing of oil & gas activities globally.

Natural resources disputes

Supporting clients across the commodities sector, we act for producers, traders and banks in relation to disputes concerning metals, minerals and soft commodities, as well as in relation to trade finance issues and insurance disputes.

Competition disputes

Providing clients with pragmatic, commercial assistance, we advise on all aspects of competition law and regularly litigate or appear before the European Commission, national competition authorities and sector regulators.

SELECTED EXPERIENCE

RUSSIAN DISPUTE

Acting for a Russian client in a successful US\$35m claim against Avaz Nazarov and Ansol Ltd before both the English High Court and the Court of Appeal. The case involved detailed consideration of Russian law as well as issues relating to service of the claim in Russia and enforcement of the judgment.

THAILAND OIL SPILL CLAIMS

Advising reinsurers on coverage and quantum issues arising out of a high-profile oil spill in the Gulf of Thailand involving the Thai national petroleum corporation.

MINING PRE-PACK

Acting on behalf of administrators in relation to a US\$52m professional negligence High Court claim against former administrators arising from the pre-pack sale of a Peruvian mine.



MAJOR DERIVATIVES DISPUTE

Successfully acting for the liquidators of a major financial institution in a derivatives-related dispute before the English Commercial Court against a German private banking group. The dispute concerned the interpretation of the calculation of settlement amounts under the ISDA Master Agreement.

WORLD TRADE CENTER

Advising One World Trade Center LLC and the Port Authority of New York and New Jersey in a series of construction-related disputes related to the reconstruction of the World Trade Center Site in lower Manhattan.



BELENERGIA ICSID ARBITRATION

Representing Belenergia, a Luxembourg company producing solar energy plants in Italy and one of the top players in the renewable energy sector, in international arbitration proceedings before ICSID for damages arising out of the breach of the ECT by the Italian State.

BIOMASS POWER PLANT DISPUTE

Advising one of the leaders in energy and renewable energy business, a part of Thailand's Double A Power Group, in relation to a dispute against a Chinese supplier and contractor concerning supply and construction contracts for a biomass power plant. This US\$42m dispute is referred to ICC arbitration proceedings and governed by Chinese law.

GHANAIAN POWER PLANT

Acting for a Korean EPC contractor in connection with a £multi-million claim relating to the construction of a combined-cycle power plant in Ghana. Advising on arbitration claims under the EAR policy and contractual disputes.

PETROCHEMICAL REFINERY CLAIMS

Advising the owners/operators of the largest integrated petrochemical refinery in Thailand in disputes with a Hong Kong company, concerning alleged breaches of the duty of confidence, infringement of intellectual property rights and trade secrets and breaches of contracts of exclusivity under both English and Thai law. There were 21 concurrent arbitrations in London (subject to jurisdictional challenges) and the total claims exceeded US\$450m.

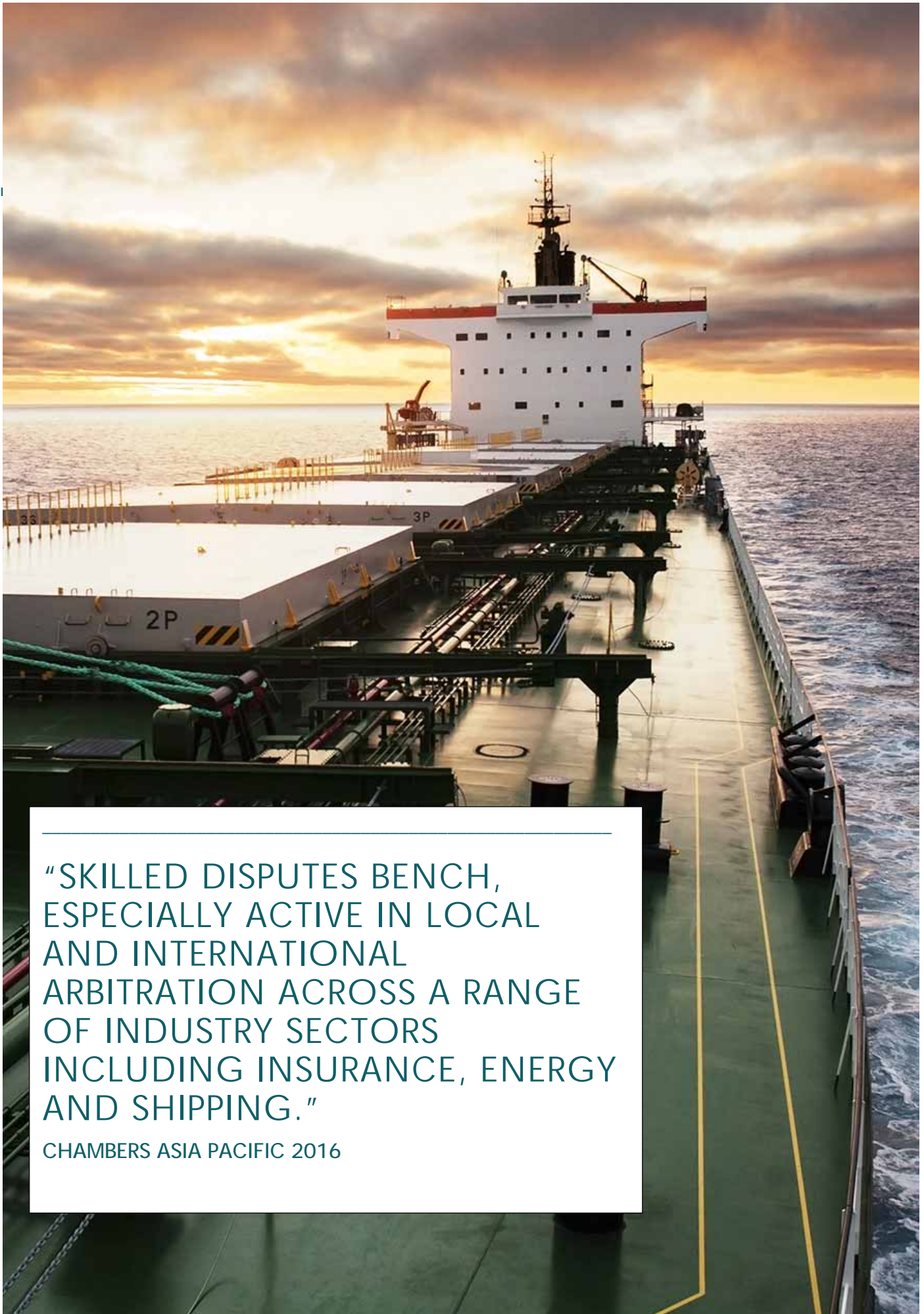


CRUDE OIL SUPPLY AGREEMENT

Acting on behalf of the largest global oil trading company, Vitol, over a substantial claim concerning a long-term supply agreement for crude oil. The case involved a claim for repudiatory breach of the agreement, analysis of the operation of a prepayment facility and quantum issues, and demonstrated our understanding of the strategic importance to trading companies of enforcing long-term supply agreements.

FOREX TRADER

Advising a forex trader in relation to allegations of market fixing and in the context of a series of FSA protocol interviews.



“SKILLED DISPUTES BENCH,
ESPECIALLY ACTIVE IN LOCAL
AND INTERNATIONAL
ARBITRATION ACROSS A RANGE
OF INDUSTRY SECTORS
INCLUDING INSURANCE, ENERGY
AND SHIPPING.”

CHAMBERS ASIA PACIFIC 2016

£272M LANDMARK PENSION DEFICIT LIABILITIES

Acting on behalf of Sealion Shipping Ltd, the representative of a group of former employers, in relation to a claim by the trustee of the Merchant Navy Ratings Pension Fund (MNRPF). This complex and high profile matter was listed as one of the top 20 cases of 2014 by The Lawyer magazine.

ISDA MASTER AGREEMENT

Acting successfully for Britannia Bulk Plc (in liquidation) in proceedings before both the English High Court and the Court of Appeal. The case concerned the interpretation of key ISDA Master Agreement provisions and the appeal, which was heard in conjunction with three other cases, has been welcomed for the clarity it provides for users of that agreement.



SUCCESSFUL APPEAL FROM LME ARBITRATION AWARD

Acting for MRI on a successful appeal to the English Commercial Court in relation to an award made by a London Metal Exchange (LME) arbitration tribunal on a US\$10m case concerning a copper concentrates contract. The case was brought against Erdenet Mining Corporation LLC, a Mongolian copper concentrates producer. The Commercial Court's decision was subsequently upheld by the Court of Appeal.

SEC ENFORCEMENT ACTIONS

Significant experience advising hedge funds and brokers/dealers in SEC investigations and enforcement actions alleging violations of federal securities laws.

AN INTERNATIONAL INSURER

Defending a leading provider of security solutions and their insurers, in a US\$4m gemstone theft case. The court limited our clients' liability to the customs invoice value of US\$350,000. The case is now on appeal. It is one of the largest gemstone disappearance cases to go to trial in Asia and the outcome will have an impact on how gemstones and diamonds are moved between cities in Asia and to/from Europe.

LANDMARK ARBITRATION CASE

Acting for the Government of Pakistan in this case which arose out of a US\$345m agreement for the building and lease of housing in Mecca for Hajj pilgrims. Dallah had obtained an ICC award in Paris in its favour and sought to enforce this in England. We advised our client to resist enforcement and secured a unanimous decision of the English Supreme Court in their favour, which upheld previous decisions of the Court of Appeal and the Commercial Court. The case has attracted massive interest in the international arbitration community.



MAJOR THAI PAPER MANUFACTURER

Representing a major Thai paper manufacturer in disputes with a Chinese machinery manufacturer and a Chinese state-owned corporation. The matter involves claims in excess of US\$50m for breach of contract, misrepresentation and enforcement of guarantee obligations.

TELECOMMUNICATIONS OPERATOR

Advising a leading UK telecommunications operator and infrastructure manager in a variety of disputes arising out of network expansion and upgrades and the Electronic Communications Code.



PRE-EXPORT FINANCE FACILITY

Representing a global metals producer in respect of defaults under a huge pre-export finance facility with a CIS based state entity. Our client faced allegations that it was on notice of a fraud and that consequently it was not entitled to make recoveries of any of the outstanding finance. The case involved a number of confidential arbitrations and one of the largest Commercial Court cases of the last few years. We made a full recovery for our client.

CHINESE INVESTMENT COMPANY

Advising Jiangsu Zongyi Co., Ltd, a major Chinese investment company, on international arbitration proceedings before the International Chamber of Milan (CAM) against an Italian constructor company, in relation to several breaches of a construction agreement.



COMMERCIAL PAPER FRAUD

Representing a leading German bank in a claim arising out of a €50m commercial paper fraud. The case required multi-jurisdictional litigation and freezing injunctions and search orders in multiple jurisdictions, all of which we managed.

BREACHES OF FIDUCIARY DUTY/FRAUD

Litigating numerous actions alleging breaches of fiduciary duty and fraud against former officers and directors of public and private companies. These representations include trials in the Southern District of New York and New York Supreme Court.

LOAN DEFAULT

Advising a major French bank on the workout of a €10m Greek bond loan transaction and related litigation before the Athens court.

INSURANCE DISPUTE FOR GLOBAL AUTOMOTIVE COMPANY

Advising and acting for a global automotive company on contingent business interruption claims arising out of the Thailand floods in 2011 valued at approximately US\$69m.

JACK-UP DRILLING RIG

Advising Global Process Systems against their Malaysian insurers for the cost of replacing three legs of a jack-up drilling rig. The legs were lost at sea while the rig was being dry-towed on the back of a semi-submersible barge around the Cape of Good Hope. The case involved controversial, but well known, aspects of insurance law. Our client lost at first instance, however, we then took the case to the Court of Appeal and Supreme Court and succeeded before both Courts.



OFFSHORE CONSTRUCTION CASE

Representing an Iranian state entity in a Geneva seated ICC arbitration where our client faced claims in excess of US\$100m. Before a pre-eminent tribunal made up of three of the world's leading arbitrators, we obtained an award fully vindicating our client's position.

IT DISPUTE IN THE OIL SECTOR

Representing an international oil and gas consultancy in a dispute with its associate over the development of bespoke software used for advising clients on efficiency savings in the operation of refinery facilities. The case turned into a corporate battle over the ownership of the software, involving a third party that, during the dispute, bought the associate company. The dispute required two arbitrations and the management of parallel court proceedings in the US, by which the associate company and its parent sought, unsuccessfully, to interfere with the English arbitration proceedings.

SECURITIES FRAUD

Significant experience defending issuers, officers, and directors in securities-fraud actions alleging violations of Sections 10(b), 11, and 12. These cases have been litigated primarily in the Southern District of New York and the Second Circuit.



DEFECTS IN DESIGN

Acting for the buyer in a series of high profile disputes against an insolvent shipyard in relation to alleged defects in the design of 14 bulk carriers.

INSURANCE PROCEEDS

Representing Italian company SANA in long running High Court (and Court of Appeal) proceedings against the Brazilian state oil company Petrobras in connection with the US\$350m insurance proceeds from the losses of the P36 drilling rig off the Brazilian coast.



INSURANCE CLAIM

Acting for a Greek wind farm corporate in a €multi-million insurance claim arising out of extended damage arising in the gear boxes of the wind farm's turbine towers.

LA RÉUNION POWER PLANT

Representing a Spanish ACS subsidiary in ICC arbitration proceedings regarding damage claims in connection with the erection of a power plant on the island of La Réunion.



IRANIAN TRADING FRAUD

Acting for an Iranian national in a multi-million dollar fraud case brought by Vitol SA arising out of the alleged fraudulent sale of oil cargoes in Iran that had been transported by truck and rail from the Caspian Sea to the Persian Gulf as part of a joint venture between Vitol and a number of Iranian parties. The case included issues as to alleged admissions made by the alleged fraudster in without prejudice discussions and their admissibility, which we successfully had held inadmissible in Commercial Court proceedings which we took to the Court of Appeal.

CORPORATE FRAUD

Acting for a US conglomerate in a €multi-million fraud case arising out of allegedly fraudulent behaviour connected with misappropriation of funds and embezzlement of the corporate bank accounts of the Greek subsidiaries of the US conglomerate.



REPUBLIC OF CONGO

Defending companies said to be emanations of the Republic of Congo at trial in the English High Court against a US vulture fund (Kensington) in respect of a US\$100m judgment against the State.

COAL SHIPMENTS

Acting successfully for a Chinese state owned commodity importer in ICC arbitration proceedings in Singapore in relation to a dispute concerning an alleged failure to take delivery of a shipment of coal.

DISPUTE WITH US SOFTWARE COMPANY

Advising and representing the largest integrated petrochemical refinery in Thailand in a dispute with a Connecticut-based software company at the London High Court. The dispute relates to the termination of the contract on Commodity Trading, Transaction and Risk Management Software (CTRM) Project. Value of dispute is over US\$8m.

PERSONAL GUARANTEES

Acting for ING Bank in claims relating to an asset finance deal where very substantial personal guarantees were called by the bank. This resulted in a counterclaim in excess of US\$100m by the guarantor and we were required to manage court proceedings in England and Greece, ultimately with a successful conclusion for our client.

REPUTATION

"OFFERS EXTRAORDINARY QUALITY AND THE TEAM IS CLEVER AND HARDWORKING."

LEGAL 500 UK 2017

"...THE KEY PLAYER IN THE THAI INTERNATIONAL ARBITRATION MARKET..."

LEGAL 500 ASIA PACIFIC 2016

"[WFW] PROVIDES 'A VERY GOOD SERVICE' IN BOTH CROSS-BORDER AND DOMESTIC MATTERS."

LEGAL 500 ASIA PACIFIC 2015

"THEY ARE A PROFESSIONAL, FLEXIBLE AND CLIENT-FOCUSED TEAM."

CHAMBERS UK 2017

"INCREDIBLY KNOWLEDGEABLE ABOUT INTERNATIONAL TRADE AND NAVIGATES MULTI-JURISDICTIONAL COMPLEXITIES WITH EASE."

LEGAL 500 UK 2016

"REGARDED AS A 'FORMIDABLE OPPONENT' BY MARKET COMMENTATORS."

CHAMBERS UK 2016

"THEY PUNCH SIGNIFICANTLY ABOVE THEIR WEIGHT WHEN YOU LOOK AT THE QUALITY OF THE WORK. THEY HAVE NO PROBLEM MIXING IT WITH THE BIG BOYS."

CHAMBERS UK 2017

"THEY PROVIDE COMMERCIAL, PRACTICAL ADVICE AND GIVE RECOMMENDATIONS WITHOUT YOU HAVING TO ASK FOR ONE."

CHAMBERS UK 2016

"THEY ARE EXCELLENT ASSISTING US - WE HAVE NOTHING BUT POSITIVE FEEDBACK!"

CHAMBERS ASIA PACIFIC 2015

"UNFLAPPABLE, DEDICATED AND KNOWLEDGEABLE."

LEGAL 500 ASIA PACIFIC 2017

"THEY ARE BRILLIANT LAWYERS - VERY RESPONSIVE, CLIENT-ORIENTED AND ALWAYS LOOKING FOR SOLUTIONS."

CHAMBERS UK 2015

"THEY ARE PRACTICAL, THEY FOCUS ON THE IMPORTANT POINTS AND, UNLIKE SOME FIRMS IN DISPUTE RESOLUTION, THEY DON'T PUSH FOR THE WRONG REASONS."

CHAMBERS ASIA PACIFIC 2014

"THEY'RE AN EXCELLENT FIRM AND THEY HELP ME ON MULTIPLE MATTERS."

LEGAL 500 ASIA PACIFIC 2017

"QUICK TO GRASP THE CLIENT'S COMMERCIAL PRIORITIES."

LEGAL 500 UK 2016

"THEY ARE EXTREMELY KNOWLEDGEABLE, AND VERY GOOD AT MAXIMISING RESOURCES, SO ARE ULTIMATELY VERY GOOD VALUE FOR MONEY."

CHAMBERS UK 2015

"THEY HAVE A VERY STRONG NETWORK AND ARE THEREFORE ABLE TO COVER ALL ASPECTS OF OUR BUSINESS, WHICH GIVES US CLARITY AND CONSISTENCY."

CHAMBERS ASIA PACIFIC 2015

"WATSON FARLEY & WILLIAMS LLP'S CLIENTS ARE 'SPOILT FOR CHOICE WHEN IT COMES TO BRIGHT, FIRST-CLASS LAWYERS'."

LEGAL 500 UK 2016

"THE FIRM PROVIDED US WITH TIMELY ADVICE. THE LAWYERS WERE VERY FLEXIBLE AND AMENABLE, WHICH WAS VERY GOOD."

CHAMBERS ASIA PACIFIC 2017

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