

## International Arbitration



Selendy Gay's international arbitration team offers steadfast guidance and assertive advocacy to safeguard and uphold our clients' interests in investor-state and commercial arbitrations around the globe. We have achieved success in bet-the-company arbitrations involving multiple parties, jurisdictions, and related litigation, such as court proceedings for antisuit injunctions, motions to compel arbitration, and requests for discovery in aid of international arbitration.

Our practice covers all types of international arbitrations. Our team is trained in both common law and civil law legal systems and works in English, Portuguese, Spanish, and French. Our cases are administered under the rules of every major arbitral institution around the world, and we have handled commercial and investor-state disputes arising in Africa, the Middle East, Eastern Europe, Asia, and Latin America involving claims valued in billions of dollars.

We have expertise in numerous industries and sectors. These include energy, mining, oil and gas, M&A, pharmaceuticals and healthcare, joint ventures, construction, telecommunications, shareholder disputes, corporate governance and "divorce," and executive employment and lift-outs.

Within the United States, we make appropriate use of the range of levers and rules available, such as those relating to threshold jurisdictional issues, the territorial reach of arbitration subpoenas and other issues concerning party and non-party discovery, the interaction of the Federal Arbitration Act with international arbitration, public policy exceptions to arbitrability, post-hearing review standards, and enforcement of awards. One of our partners was counsel before the U.S. Supreme Court last year in a landmark case involving the availability of U.S. Code's Section 1782 discovery in the United States in aid of investment treaty arbitration.

### Representative investment treaty arbitration matters include:

- **Foreign investors** in an ICSID arbitration against the Republic of Azerbaijan pertaining to a joint venture with SOCAR, the state-owned oil company.
- **A multinational oil and gas company** against the Republic of Croatia in an arbitration brought at the ICSID under the Energy Charter Treaty, as well as a related arbitration brought by Croatia under the UNCITRAL Arbitration Rules.
- **The Republic of Malta** in its first ever ICSID arbitration commenced by a Chinese investor involving a bank in Malta.
- **Middle Eastern investors** in a treaty dispute against the Republic of Algeria involving two cement factories.
- **A foreign investor** in a treaty dispute against Venezuela involving retroactive application of tax.
- **A German investor** in a treaty dispute against the Republic of Croatia involving wrongful expropriation of property.

- **Middle Eastern investors** in a dispute against Uganda for wrongful termination of a railway concession under domestic foreign investment law.
- **A large Indian textile company** in an investor-state arbitration dispute against the Republic of Uzbekistan.
- **A Russian investor** in a treaty dispute involving the expropriation of a bank that was driven into bankruptcy by the Lithuanian state.
- **A Singaporean investor** in the first investor-state arbitration brought under a Singaporean investment treaty against a Latin American state concerning the expropriation of investments in the oil shipping sector.
- **A Cyprian businessman** in a UNCITRAL arbitration against the Republic of Montenegro concerning the expropriation of his investments in the real estate, hospitality, and banking industries.
- **A U.S. engineering consulting company** in a UNCITRAL arbitration against the Republic of Ecuador related to the operation of two state-owned oil refineries.
- **Chilean investors** in investor-state arbitrations concerning the expropriation of their investments in Venezuela and Bolivia.
- **Central American investors** in several investor-state disputes concerning investments in the renewable energy industry against the Republic of Honduras.
- **A U.S. investment manager** in consultations and negotiations concerning a potential investor-state arbitration against the Republic of Chile.
- **An oil and gas company** in a confidential arbitration concerning a sovereign's appropriation of its assets.

#### Other representative commercial arbitration matters include:

- **Rosen Capital** in a two-week FINRA hearing concerning improper margin calls made by Merrill Lynch that resulted in what was reported to be one of the largest investor arbitration awards on record in favor of our client.
- **A major construction company** in LCIA arbitration relating to the longest highway project in Trinidad and Tobago, resulting in a \$128 million partial final award.
- **Middle Eastern investors** in LCIA arbitration against two sovereigns claiming joint and several responsibility for wrongfully terminating a railway concession.
- **An Egyptian cement company** in an Algerian seated ICC arbitration under a management contract against a state-owned cement company.
- **A Chinese company** in an Oklahoma seated ICC arbitration for breach of a joint venture agreement.
- **A German ticketing company** in an ICC arbitration against a New York based corporation under an LLC agreement.
- **A U.S. investment fund** against a major Spanish bank in an ICC arbitration concerning one of the largest real estate transactions in Spanish history.
- **A major Indonesian mining company** in a SIAC arbitration against a Malaysian construction conglomerate related to a joint venture for the operation of a mine in Malaysia.
- **An Italian construction company** against a Spanish developer in an ICC arbitration related to the development of a mining project in the Republic of Panama.
- **A Brazilian construction company** in an ICC arbitration against a Chinese state entity in a dispute related to a hydroelectric plant in the Republic of Chile.
- **An Argentinian oil and gas company** in an ICC arbitration against a U.S. construction company related to the Vaca Muerta oil field in the Argentine Republic.
- **Two Brazilian companies** in an ICC arbitration against a Middle Eastern conglomerate related to the operation of an iron ore pipeline in Brazil.
- **A Peruvian retailer** in an ICDR arbitration against a U.S. sports brand related to a licensing agreement in the Republic of Peru.
- **A major technology company** in ad hoc arbitration in Vienna against Qimonda AG relating to purported cancellation of DRAM patents in German insolvency proceeding.
- **A U.S. private equity fund** in an ICC arbitration relating to a contract dispute with a Brazilian portfolio company.

- **One of the world's largest IT infrastructure companies** in several disputes that are subject to arbitration clauses with confidentiality provisions.
- **North Atlantic Refinery Limited**, a Canadian crude oil refinery, in an international arbitration against BP over an exclusive oil supply agreement.
- **A joint venture between two global pharmaceutical companies** with milestones required for the development, licensing and marketing of a new gastrointestinal drug – in a billion-dollar ICC arbitration in the United Kingdom.
- **A major energy company**, as respondent in a confidential international arbitration victory in front of a AAA Panel that awarded claimant zero and dismissed with prejudice its claim for hundreds of millions of dollars.
- **An oil and gas producer** in a confidential arbitration concerning a dispute with a midstream company.

## **Awards & Recognitions**

*Chambers and Partners*: General Commercial Litigation in New York

*Legal 500*: General Commercial Disputes

*Benchmark Litigation*: Dispute Resolution

*Best Lawyers*: Commercial Litigation, Metro Region