

SELECTED ARBITRATION MATTERS

- **Swiss investment treaty claimant v. Slovak Republic.** Lead counsel in defense of a claim brought under the Switzerland-Slovakia BIT and the UNCITRAL Arbitration Rules. The tribunal's March 2011 award dismissed all claims, with an award of all costs, including costs of legal representation, in favor of Slovakia.
- **Investment treaty claimant v. Republic of Poland.** Co-counsel in defense of a claim brought under a Polish BIT and the ICC Rules.
- **Austrian investment treaty claimant v. Slovak Republic.** Lead counsel in defense of a multi-million Euro BIT claim brought under the Austria-Slovakia BIT and the UNCITRAL Arbitration Rules. In its October 2009 final award, the tribunal dismissed the investor's claims.
- **Austrian investment treaty claimant v. Slovak Republic.** Co-counsel in defense of a claim under the Austria-Slovakia BIT and the UNCITRAL Arbitration Rules. The claim targets the regulation of the Slovak health insurance sector.
- **Inmaris Perestroika Sailing Maritime Services GmbH v. Ukraine.** Advisor to counsel team defending an ICSID claim under the Germany-Ukraine BIT. The claim arises in connection with the operation of a windjammer sail training ship owned by an education institution of Ukraine.
- **A major European telecommunications industry arbitration** sited in Vienna under the Rules of Arbitration of the International Arbitral Center of the Federal Economic Chamber in Vienna to resolve disputes over control of a telecommunications joint venture.
- **Cargill, Incorporated v. Republic of Poland.** Led the defense of a multi-million dollar claim against Poland under the UNCITRAL Arbitration Rules. Claimant asserted that the imposition of EU-mandated agricultural product quotas resulted in violations of the Poland-U.S. BIT.
- **Glamis Gold v. United States.** Defended initial phases of a \$50 million claim against the U.S. under the UNCITRAL Arbitration Rules by a Canadian gold mining company. Claimant asserted a denial of the minimum standard of treatment and expropriation resulted from government measures concerning open-pit mining. The tribunal's 2009 award dismissed all claims against the United States.
- **Methanex v. United States.** Defended a \$970 million claim against the U.S. by a Canadian methanol producer under the UNCITRAL Arbitration Rules. Claimant argued that California's ban of the fuel additive MTBE violated NAFTA's national treatment, fair and equitable treatment, and expropriation provisions. The tribunal dismissed all claims and awarded the U.S. its costs of defending the claim.
- **Mondev v. United States.** Defended a \$50 million claim against the U.S. by a developer under the NAFTA and the ICSID Additional Facility Rules. Claimant asserted violations based on a decision of Massachusetts' highest court. Successfully argued the central issues of the international law minimum standard of treatment and denial of justice. The tribunal decided issues and case in favor of the United States.



SELECTED ARBITRATION MATTERS (cont'd)

- **ADF v. United States.** Defended a \$90 million claim against the U.S. by a steel producer under the NAFTA and the ICSID Additional Facility Rules involving the application of the federal Surface Transportation Act. Presented factual submissions and argument on fair and equitable treatment. The tribunal decided the case in favor of the United States.
- **Fireman's Fund v. Mexico.** Represented U.S. interests as NAFTA Party on issues of treaty interpretation in a \$50 million claim against Mexico under the ICSID Additional Facility Rules. Fireman's alleged violations of the NAFTA's investment and financial services chapters in connection with an investment in bonds issued by a Mexican bank holding company.
- **Waste Management II v. Mexico.** Represented U.S. interests as NAFTA Party on issues of treaty interpretation in a \$60 million claim against Mexico under the ICSID Additional Facility Rules alleging breach of the fair and equitable treatment obligation and expropriation.