

Alternative Dispute Resolution

Common Ground

Disputes are a fact of life in both national and international commerce. Trying them in U.S. and foreign courts — particularly in countries with evolving legal systems — is risky and potentially expensive. Arbitration, mediation, and other forms of alternative dispute resolution (ADR) can offer a more timely, risk-controlled, and cost-effective alternative to litigation, and when properly employed, ADR can also preserve important business relationships often sacrificed in the litigation process. At Kilpatrick Townsend, we know how to effectively structure dispute resolutions mechanisms and contract clauses to avoid disputes and, if necessary, prepare for successful litigation or arbitration proceedings. Our attorneys understand all phases of dispute resolution, having handled a wide variety of cases — including disputes involving governments and government agencies — before all major arbitral institutions and in court proceedings worldwide. We know how to use ancillary proceedings to assist our clients, and how to enforce judgments and awards. We also have experience arbitrating and mediating disputes under U.S. laws and the laws of many countries — including Antigua, Argentina, Australia, Brazil, Canada, China, Colombia, Dubai, Egypt, England, France, India, Japan, Latvia, Mexico, Panama, Sweden, Tanzania, Vietnam, among others — and in all major national and international arbitration centers, including:

- American Arbitration Association (AAA & ICDR)
- Dubai International Arbitration Centre (DIAC)
- China International Economic & Trade Arbitration Commission (CIETAC)
- Korean Commercial Arbitration Board (KCAB)
- Hong Kong International Arbitration Centre (HKIAC)
- Kuala Lumpur Regional Centre for Arbitration (KLRCA)
- Singapore International Arbitration Centre (SIAC)
- Arbitration Institute of the Stockholm Chamber of Commerce (SCC)
- Oslo Chamber of Commerce
- Swiss Chambers of Commerce
- International Chamber of Commerce (ICC) in Paris
- London Court of International Arbitration (LCIA)

Experience

Represented IMAX in an international arbitration administered by ICDR in New York against claims of wrongful use of alleged trade secrets and confidential information obtained in a license agreement with 3DMG to certain patents involving 3D technology, as well as claims of wrongful refusal to pay royalties for alleged use of the

patented technology with certain IMAX 3D films. After discovery, the ICDR ordered a stay and USPTO reexamination, which subsequently invalidated 3DMG's patents. 3DMG is currently appealing the verdict.

Served as one of three arbitrators in international arbitration administered by the International Centre for Dispute Resolution of the American Arbitration Association (*Hind Health Care, Inc. vs. Teikoku Pharma USA, Inc.*), involving claims for international distribution rights and responsibilities for a pharmaceutical product.

Favorably settled construction dispute for a worldwide supplier of plants, equipment, and services for hydropower stations in the pulp and paper industry against owner-initiated claims arising from construction delays and labor disruptions for a \$2 billion pulp mill in South America. Filed for arbitration in the International Court of Commerce in Paris, seeking a declaration of non-liability against potential claims exceeding \$300 million and for recovery of the client's contract balance and damages for delays and extra work. Coordinated international co-counsel, law firms, consulting experts, and witnesses across the globe to enable the resolution of the dispute.

Represented a worldwide oil and gas organization in disputes against various EPC contractors retained to perform the design, construction, and commissioning of a \$2+ million off-shore oil production, storage, and offloading facility located in the South China Sea, off the coast of Malaysia. Handled formal dispute resolution processes in Malaysia and negotiated other claims with various EPC contractors throughout Europe. Also asserted claims by our client against various of its EPC contractors that included limitation of liability provisions tied to a specified percentage of the EPC contract price.

Represented a consortium of international contractors, designers, and OEMs in a \$400 million ICC arbitration involving a hydro-electric plant and tunnel in Panama.

Represented the design-build-operate-maintain contractor on the \$2 billion Tren Urbano mass transit system in San Juan, Puerto Rico — a Federal Transit Administration "demonstration" project that included a substantial ICDR arbitration.

Represented one of the world's largest rail transportation OEMs in a AAA arbitration involving the long-term maintenance of 400 locomotives.

Represented the U.S. and Israeli owner/developers in a complex, multiparty AAA arbitration involving construction of a luxury condominium project in Las Vegas.

Represented an international infrastructure developer in an ICC arbitration related to a power plant in sub-Saharan Africa.

Represented major telecom company in dispute with former joint venture partner in Latin America, which involved a multiweek trial before a three-arbitrator panel that resulted in an extensive and detailed panel decision.

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