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Cross-Border Litigation

In an increasingly international business environment, Steptoe & Johnson LLP offers the full spectrum of international litigation capabilities and a demonstrated ability to resolve cross-border disputes to the advantage of our clients.

When clients find themselves embroiled in complex, high-stakes matters that cross national boundaries, Steptoe brings together its recognized strengths in international law and litigation to attain successful results.

Most recently, for example, we:

- obtained a \$4.26 billion judgment for Motorola in a claim concerning fraudulent conduct in connection with a loan Motorola made to a Turkish mobile telephone concern.
- represented Oracle Corp. in a groundbreaking \$100 million stock option case against a former executive based in Switzerland, winning across-the-board judgments in favor of our client in both the district court and the court of appeals.
- helped US POWs from the 1991 Gulf War with claims against Iraq for mistreatment during captivity. For them, we recently obtained a \$959 million judgment.

Our clients have won these and other cross-border cases in part because of Steptoe's experience and ability in planning and executing international litigation strategies that shape the direction and outcome of the dispute to their advantage.

Steptoe's broad international experience allows us to carry out these strategies in the most effective way, given the circumstances in which our clients need assistance. For example, Steptoe lawyers have significant experience in successfully establishing jurisdiction over the parties and subject matter in the most appropriate forum, including effecting or resisting international service of process.

We also have deep experience managing complex multi-jurisdictional international litigation, particularly in selecting and supervising foreign counsel and in coordinating parallel litigation proceeding simultaneously in several countries. Our longstanding experience with foreign courts, judges, and legal systems gives our clients a distinct advantage when litigating overseas.

Furthermore, we have handled numerous cross-border litigation cases where parallel or collateral arbitration proceedings are active or impending. Our extensive involvement in and knowledge of structuring and conducting international arbitrations also contribute to our cross-border litigation capability.

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Clients with cross-border issues also benefit from our extensive experience in conducting discovery overseas, litigating issues of foreign and international law in US, UK, and European courts, and presenting US law to foreign courts. We know how to cost-effectively analyze, translate, and introduce foreign-language evidence and legal authority. On behalf of our clients, we have obtained as well as resisted interim relief, particularly in proceedings against a party's assets, and have obtained recognition and enforcement of foreign judgments.

Because our clients' businesses and legal needs are diverse, we have developed broad experience in particular areas of the law so we can anticipate and defuse potential international problems before they arise. For example, we guide corporations in structuring stock option plans to avoid foreign employment law problems, and have handled landmark litigation in this area.

Likewise, in the last 10 years, some 80 countries have developed pre-merger notification programs like the US Hart-Scott-Rodino pre-merger notification program. As a result, requirements for multinational pre-merger notification filings are growing, and Steptoe's lawyers are on the cutting edge of this area of the law.

Litigation under the Foreign Sovereign Immunities Act is yet another area in which we assist clients, as is advising on Islamic financing or "Morabaha" agreements. Steptoe's extensive background in Section 304 of the bankruptcy code enables us to assist clients who have filed for bankruptcy in a foreign country to protect their assets in the United States. A strong knowledge of technology, telecommunications, and the use of Internet domain names benefits clients with cases in those areas. Finally, in a sometimes uncertain international environment, clients also have found their interests protected by Steptoe's particular knowledge of matters of public international law, the law of war, and international criminal law.

In addition to extensive experience representing clients before international tribunals and arbitral fora, Steptoe has developed a strong familiarity with the courts, procedures, judges, and local counsel in national courts in Europe, the Middle East, South Asia, East Asia, Latin America, and the Caribbean.

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Representative Matters

- Represented Motorola in its claim against the Uzan family, which owns the Turkish telecom company Telsim, concerning fraudulent conduct in connection with a \$2 billion loan. Froze assets worldwide and obtained a judgment of \$4.26 billion. Obtained order making the Uzans subject to arrest if they appear within the court's jurisdiction. This case involved a mix of complex litigation and arbitration in various fora.
- Represented Oracle Corporation in a dispute with a Geneva-based senior executive, Pier Carlo Falotti, over his entitlement to vest in \$100 million in stock options during a post-termination notice period he claimed under Swiss law. The US District Court and Court of Appeals ruled in favor of Oracle, holding that the stock options were governed by California law, rather than Swiss employment law, and granting judgment for our client.
- In London, represented an advisor to a government official in a high-profile fraud claim worth \$220 million.
- In a landmark case worth \$15 million involving Indian diamond dealers, challenged the validity of Morabaha agreements/Islamic financing arrangements.
- After the European Union challenged manufacturer Arco Chemical Company's licensing of propylene oxide as anticompetitive, defended the company's rights to build facilities worldwide.
- When a transportation authority proposed a 15% increase in tariffs for all cruise ships, opposed the proposal before the authority on behalf of a cruise line.
- For an airline that claimed bankruptcy in a foreign country, used Section 304 of the Bankruptcy Code to protect billions of dollars of assets from US claimants.
- Represented airlines in a suit brought by travel agents over declining commissions in multi-district litigation, which involved numerous parties and sought treble damages.
- For Archer Daniels Midland, which made synthetic feedstock, handled separate cartel issues and investigations in the European Union involving the production of lysine and citric acid.

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- Defended the *Washington Post* against claims in *Tarasov v. The Washington Post and International Herald Tribune*, a defamation case brought by a Russian businessman for an article that appeared in the two publications in England in 1993.
- Counseled a bank that offered investment programs to Latin American investors in related international “Ponzi” scheme class actions seeking approximately \$50 million.
- Managed the estate of a construction magnate who died in the Middle East without a will, leaving a large sum in trust for his children. The widow attacked the trust, and the case was settled favorably under Shari’ah law, on the Island of Jersey.
- Represented a Viennese company in an investigation of potentially fraudulent transactions involving US-financed export transactions.
- Handled disputes in the High Court of the Isle of Man involving a number of US and Russian investment houses in offshore locations.
- Defended the Italian directors of a defunct transport company when a liquidator sued them personally in England for 20 years of unpaid leases.
- For a government, obtained an injunction compelling a company to continue to provide electric service despite alleged nonpayment of electricity charges.
- Defended a Japanese airline in a patent law case brought in Japan that involved US defendants.
- In antitrust litigation, represented German and Swiss airlines in a dispute involving trans-Atlantic travel, where the United Kingdom enjoined certain acts with a nexus in the United States.
- For a large banking institution located in the Middle East, recovered assets stolen and laundered through US banks.
- For a Guernsey company, handled enforcement of an arbitral award of \$12.3 million involving tracing a Russian manufacturing company’s offshore assets.

Cross-Border Litigation

- Recovered hundreds of millions of dollars for insurance companies in Federal District Court in New Jersey in disputes with underwriters who had written policies that exposed the companies to unnecessary risks.