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## Worldwide Arbitration & Dispute Resolution

Effectively resolving international disputes in the interest of our clients has been a hallmark of Steptoe's practice for more than half a century. Bringing together renowned capabilities in international law, litigation and arbitration, Steptoe attorneys act as counsel, advisors, and arbitrators, serving our clients' interests wherever in the world they are engaged, and wherever on the dispute spectrum they lie, be it negotiation, mediation, arbitration, or litigation.

Our Worldwide Arbitration & Dispute Resolution group brings together the firm's historically deep and strong practices in cross-border litigation, international commercial arbitration, and investor-State disputes. We handle a wide range of international matters, including contractual, commercial, technology, energy, trade and investment disputes, corporate and partnership disputes, banking, defamation, insurance and reinsurance, professional negligence issues, and cross-border tracing of assets and enforcement of awards and judgments.

### International Dispute Resolution Practice

Our successful international dispute resolution practice integrates a number of the firm's recognized capabilities:

- Structuring, negotiating, and documenting international commercial transactions, including advising as to appropriate choices of law and forum, and effective arbitration clauses
- Addressing complex legal issues arising under private and public international law in connection with such disputes as applicable law, provisional measures, sovereign immunity, and rights and liabilities of states and persons under international treaties, as well as confidentiality, competing counter- and cross-claims, act of state doctrine, expropriation, and valuation of damages
- Understanding the legal, practical, political, and strategic considerations that come into play when choosing an arbitrator and knowing which arbitrators to choose
- Having detailed knowledge and experience of arbitration law and practice, under differing legal systems and arbitral rules, and in a variety of jurisdictions
- Providing effective representation, including advocacy at hearings, in large, complex cases frequently involving multiple parties and large volumes of documents

## Worldwide Arbitration & Dispute Resolution

- Litigating international commercial disputes, including large, complex, and multiparty actions, and effectively using the relevant rules and procedures to conduct appropriate discovery, and manage the process
- Using our extensive network of international legal and advisory contacts to provide assistance on local law issues to ensure proper choices of forum, effectively represent in foreign courts, and successfully execute and enforce awards, judgments, and interim measures

### International Commercial Arbitration

Steptoe has extensive experience in international commercial arbitration, with particularly strong practices in Washington and London. While the details of the matters we have handled must in many cases remain confidential, our attorneys have handled scores of international arbitrations before fora such as the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the American Arbitration Association (AAA), and many other arbitral institutions and facilities, as well as *ad hoc* arbitrations. Our attorneys have experience in arbitrations involving specialized fields such as construction, energy, telecommunications, intellectual property, and high technology; representing private companies, sovereigns, and government-owned entities in Eastern Europe, Asia, the Middle East, Latin America and the Caribbean; and conducting arbitrations in several languages, or exclusively in a foreign language, such as Spanish, Portuguese or French.

### Investor-State Arbitration

Steptoe has had a continuous and extensive practice of representing clients with claims under international law, beginning in the early 1960s, when we assisted US clients with claims against the Cuban government after the expropriation of investments by the Castro regime. We have been deeply involved in arbitrations before the Iran-US Claims Tribunal at the Hague, successfully representing many US companies in pursuing contract and investment claims against the Iranian government. Current partners were responsible for pursuing the largest private commercial claim before this tribunal—the Oil Consortium Claim, involving several major US petroleum companies and complicated issues of jurisdiction, liability, and damage valuation. We also successfully represented oil companies in claims against the Government of Libya. Steptoe also has a longstanding practice representing both investors and foreign sovereigns in arbitration under investment treaties, including claims under BITs and free trade agreements such as the NAFTA. Our lawyers brought a case before ICSID which recently concluded with a recovery for our client approaching \$1 billion. We are currently representing parties in other major ICSID matters, on both the claimant and government sides.

## Worldwide Arbitration & Dispute Resolution

### Cross-Border Litigation

A critical component of our international dispute resolution practice is a first-tier capability in international civil litigation. Our extensive experience in worldwide litigation includes proceedings both ancillary and parallel to claims in international arbitration. For example, one of the critical challenges in an international dispute frequently is ensure that the assets necessary to satisfy an award or judgment are and remain available. Our lawyers have demonstrated particular effectiveness in locating, freezing, and executing against assets around the world, managing legal teams in countries around the globe. Similarly, we have considerable experience in enforcing foreign judgments and international awards. International disputes also frequently give rise to parallel or collateral proceedings seeking to adjudicate the same or related issues in different national courts or fora. In addition to having recognized abilities in the international law issues implicated in such multijurisdictional litigation, our attorneys are skilled and experienced in handling the complicated legal, procedural and managerial issues that accompany simultaneous litigation in multiple jurisdictions.

### Experience with International Arbitral Institutions

We advise and represent clients whose interests are implicated in multi-million-dollar arbitrations (or potential arbitrations) before the principal arbitral fora of the world, including:

- American Arbitration Association (AAA)
- Cairo Regional Centre for International Commercial Arbitration
- Court of Arbitration of the Russian Federation
- International Centre for Settlement of Investment Disputes (ICSID) and its Additional Facility
- International Chamber of Commerce (ICC)
- Iran-US Claims Tribunal
- London Court of International Arbitration (LCIA)
- Permanent Court of Arbitration (PCA)
- Stockholm Chamber of Commerce
- US-Canada Free Trade Agreement Binational Panels
- WIPO Arbitration and Mediation Center
- Zurich Chamber of Commerce (ZCC)

## Worldwide Arbitration & Dispute Resolution

We also have experience with *ad hoc* proceedings under the UNCITRAL rules.

### Representative Matters

#### Representative International Arbitration and Cross-Border Litigation Cases by Industry

Our firm's clients cover a broad spectrum, including individuals, governments, and corporations engaged in energy, banking, construction, defense, insurance, and supply operations around the world. We have protected these clients' interests in a wide range of international arbitrations

#### Commodities

- Represented the seller (international brewer: soft commodities) in an international arbitration over rejection and subsequent sale of soft commodities. Trade Arbitration Rules. Value: \$2 million
- Represented an African commodities distributor concerning arbitration claims arising from contracts financing the supply of African wheat and soya. Value: \$3 million
- Acted on behalf of an American commodities distributor in an ICC arbitration of disputes arising out of a joint venture for coffee production in Vietnam. Value: \$10 million

#### Construction

- Represented insurers to a global engineering contractor in an ICSID dispute concerning an infrastructure construction project. Value: multi-million dollars
- Acted on behalf of an Eastern engineering conglomerate in an AAA arbitration concerning construction of a combined cycle-generating facility. Value: \$75 million

#### Energy

- Served as counsel for a government's electricity agency in its \$775 million ICC arbitration in Mexico City, Mexico, against an electric company. The dispute involved power generation facilities. Steptoe conducted the arbitration, including direct and cross examination and oral argument, in Spanish.
- Counseled a government in disputes with a consortium of oil companies over a proposed crude oil pipeline

## Worldwide Arbitration & Dispute Resolution

- Conducted arbitration in Spanish concerning an oil pipeline in South America
- Represented a major US oil company in an arbitration against the Government of Libya
- Represented a major Russian petroleum producer in an ad hoc UNCITRAL arbitration in Stockholm involving a German machinery manufacturer
- Represented numerous US energy, engineering, and consumer products companies in connection with filing claims with the UN Claims Commission for damages arising from the Persian Gulf Conflict
- Represented a major Russian oil producer in US litigation to dismiss a claim in favor of arbitration proceedings
- Represented a major multi-national refiner and chemical producer in obtaining resolution of its claims for expropriated property against the Government of Vietnam
- Acted as counsel for the Willbros-Harbert Consortium for an arbitration before the International Chamber of Commerce pertaining to the construction of a gas pipeline in Bolivia
- Acted as counsel for the Dominican Republic in a successful injunction against a subsidiary of AES Inc., requiring the latter to continue providing electricity services despite allegations of unpaid charges for such services
- Represented an Asian State and its national oil company in the defense of multi-party claims arising from sponsorship, construction, and operation of a 1300 MW power project. LCIA arbitration. Value: \$120 million
- Represented international utilities in expert determinations and arbitrations concerning adjustments to pricing indexation formulae in long-term energy supply contracts. Value: multi-million dollars

### Insurance/Reinsurance

- Handled a reinsurance arbitration in London that was subject to US law and English procedural rules

## Worldwide Arbitration & Dispute Resolution

- Represented an insurance company in cases involving retrocessionaires; cases involved \$1.3 billion in potential liability and discovery in foreign countries
- Represented a US primary insurance carrier in a breach of contract claim with a Dutch reinsurer
- Advised insurers concerning coverage and other issues in relation to various pharmaceutical products
- Advised in relation to claims by a Swedish reinsurer retrocedant under a reinsurance treaty, including claims for non-payment by retrocessionaires due to a failure by the retrocedant and reinsurance broker to comply with notification provisions. Value: \$150 million
- Acted on behalf of reinsurer in relation to coverage issues arising from major damage to an undersea pipeline, including non-disclosure/misrepresentation, applicability of design exclusions. Value: \$80 million
- Acted on behalf of cedants in relation to disputed reinsurance recoveries
- Acted on behalf of a manufacturer and its insurer in respect of a series of related and complex asbestos disputes concerning constructive knowledge, estoppel, apportionment of liability amongst tortfeasors and coverage under a reinsurance programme. Ad hoc arbitration. Value: \$100 million.
- Represented a leading international insurance/reinsurance company in an arbitration concerning allegations of misrepresentation and non-disclosure in connection with a residual value policy. Value: £250 million

### Manufacturing

- Counseled an insurance company as it advanced \$100 million international fraud and contract claims against a major international construction firm and Indonesian paper pulp mill firms in ICC arbitral tribunals and national court forums. The May 2000 issue of *Bankruptcy Court Decisions* profiled the case and its successful conclusion
- Represented a major Swiss metal company in a Stockholm Chamber of Commerce arbitration regarding a \$375 million contract dispute with a Russian metal producer

## Worldwide Arbitration & Dispute Resolution

- Served as arbitrator in an international arbitration involving a claim of several hundred million dollars by a shipbuilder in connection with its modification and repair of two military frigates
- On behalf of a Moldovan steel manufacturer, won a contract dispute with a steel trading company in an arbitration before the Stockholm Chamber of Commerce
- Settled through mediation the case of a large US corporate client that sold a plant in Ireland to a Canadian company and agreed to continue to buy products from the plant. When the client decided to stop buying the product, its partner threatened international arbitration.
- Involved in international arbitrations arising out of disputes over aluminum production facilities located in Russia
- Represented a US construction company in an ad hoc UNCITRAL arbitration against the Egyptian government
- Represented a large Russian chemicals producer in a multi-million-dollar construction dispute arbitrated in Stockholm under the rules of the International Chamber of Commerce
- Represented a producer of medical equipment in connection with settling an arbitral dispute with the World Bank involving a transaction in the Russian Federation
- Acted as counsel for Motorola, Inc., in litigation related to its distributors in Argentina and Brazil
- Defended a Moldovan steel manufacturer from claims by a Russian trading company that the manufacturer had acted in breach of a long-term supply contract. Stockholm Chamber of Commerce arbitration conducted in English and Russian with simultaneous translation. Value: multi-million dollars

### State Agency/Government

- Disputes under LCIA Arbitration rules concerning a series of oil supply contracts. Value: \$50 million
- Advised a Middle Eastern state in a series of claims against an international consortium for disruption, delay, and mismanagement of a project to construct a chemical processing plant. ICC arbitration. Value: multi-million dollars

## Worldwide Arbitration & Dispute Resolution

- Acted as counsel for a Caribbean government and its national electricity corporation in an arbitration conducted in Spanish concerning difficulties with power-generation facilities. ICC Arbitration rules. Value: \$775 million

### Telecom, Media, & Technology

- Represented a major US telecommunications company in both ICC and Zurich Chamber of Commerce arbitrations, regarding a \$1.8 billion dispute arising from a financing agreement default and related disputes with Turkish telecommunications concerns
- Through arbitration in Montreal, settled a \$10 million dispute involving a joint venture between the Canadian telecom firm Stratos and the Russian firm Morisviaputink (MVS)
- In an arbitration before the International Chamber of Commerce, represented the Canadian telecom company Stratos in a \$10 million contract dispute over proceeds from a joint venture with Sait, a Belgian company
- For the British company Telecom One, used a groundbreaking theory to protect client's trade name, even though the name was never registered with the UK Trade Marks Registry and the firm never did advertising or public sales; successfully argued that the firm had protected its trademark by undertaking the protracted regulatory and licensing approval process required for UK telecommunication companies.
- Represented a major international telecommunications company involved in disputes with two different foreign governments concerning possible expropriation or frustration of commercial opportunities.
- Represented a global telecommunications supplier in the prosecution of ICSID arbitration claims against a Middle Eastern state arising from the supplier's investment in a national telecommunications system. Multi-billion
- Represented a major telecommunications provider in a product liability dispute under a GSM frame contract involving alleged defects in one of Europe's largest GSM/GPRS networks. ICC arbitration. Value: £375 million

## Worldwide Arbitration & Dispute Resolution

- Represented a telecoms manufacturer/financier in disputes arising from a \$1.8 billion loan facility, including defaults under the facility, issues of interpretation, and economic force majeure. Zurich Chamber of Commerce arbitration. Value: \$2 billion
- Acted on behalf of major telecommunications provider in a dispute arising from the supply and distribution of handsets. ICC arbitration. Value: \$16 million
- Represented a UK telecoms company as Claimant in an ad hoc arbitration with a major international telecoms company involving complex carrier interconnect issues. UNCITRAL Arbitration Rules. Value: multi-million dollars
- Advised an Asian conglomerate in connection with ICC arbitration claims arising from a series of disputes under a joint venture agreement with a major US media corporation. Value: \$25 million
- Advised a system supplier concerning software development claims arising from a joint venture with a major international oil company for development of North Sea drilling systems. UNICTRAL Arbitration rules. Value: £10 million

### Other

- Acted on behalf of a financial services company in disputes arising from a share pledge agreement associated with a financing facility. Zurich Chamber of Commerce arbitration. Value: \$60 million
- Represented a US helicopter company in a non-payment for services claim against a major international organization
- Represented a political subdivision and ethnic community in connection with a high-level dispute concerning sovereignty over an island
- Represented the claimant in an ICC arbitration among consortium members concerning payment contributions and management responsibilities. Value: multi-million dollars
- Negotiated a settlement in Australia, avoiding international arbitration or multinational litigation, for a large corporate client that partnered with another firm in a venture geared to the transit industry, then sold its interest to the other party to exit the business

## Worldwide Arbitration & Dispute Resolution

- Represented a foreign government pursuing a claim of non-performance against private companies
- Represented a large technology industry client in international arbitration and court litigation involving a former executive's rights to a substantial amount of stock options
- Acted as counsel for the Florida-Caribbean Cruise Line Association in a complaint before the Panama Canal Authority to prevent the imposition of additional tariffs
- Was counsel for First Union National (now Wachovia) Bank in a class action regarding a fraudulent "Ponzi" scheme related to a product offered to Latin American investors
- Represented a Swiss aluminum company in claims under complex framework and supply agreements. Stockholm Chamber of Commerce arbitration. Value: \$350 million

### Representative Investor-State Disputes

We have handled many disputes between private entities and States, and have vast experience in the highly particularized issues that arise in arbitration involving foreign sovereigns. The representations handled by our attorneys include:

- Representing investors in respect of an investment dispute with The Republic of Zimbabwe arising from alleged breaches of a bilateral investment treaty. *Border Timbers Ltd & Ors v The Republic of Zimbabwe*. ICSID arbitration.
- Representing investors in respect of an investment dispute with The Republic of Zimbabwe arising from alleged breaches of a bilateral investment treaty. *Bernhard von Pezold & Ors v The Republic of Zimbabwe*. ICSID arbitration.
- Representing investors in respect of an investment dispute arising from alleged breaches of a bilateral investment treaty. *Trans-Global Petroleum Inc. v The Hashemite Kingdom of Jordan*. ICSID arbitration.
- Representing investors who claimed against a state for various breaches of a bilateral investment treaty, which included expropriation without compensation, failure to accord fair and equitable treatment and full protection and security. An award was issued in favour of the investors. *Funnekotter v The Republic of Zimbabwe*. ICSID arbitration.

## Worldwide Arbitration & Dispute Resolution

- Defending Sukwon Industrial Corp. against a non-payment claim brought by an Abu Dhabi sub-contractor in large water purification plant in U.A.E. In the ICC arbitration in London, Sukwon prevailed after two-day arbitration and won on counterclaim for expenses incurred in make-up work costs.
- Obtaining a large "success fee" from a Singapore financial institution that refused to pay a fee to a large Korean law firm as provided in law firm's retainer agreement. The matter settled favorably just before arbitration was to be conducted in Hong Kong.
- Representing Motorola Credit Corporation in a multi-billion-dollar ICSID arbitration against the Republic of Turkey (Case No. ARB/04/21) arising from Motorola's investment in the Turkish national telecom system Telsim.
- Representing the UK Government in the defense of £200 million in claims by a major investor arising from the privatization of a nationalized British shipyard.
- Serving as President of an ICSID arbitration tribunal in *Wena Hotels Limited v. Republic of Egypt* (Case No. ARB/98/4).
- Representing a Chilean multi-national in a claim before ICSID, which was successfully settled after the initiation of arbitration proceedings.
- Representing insurers to a global contractor in a multi-million-dollar ICSID arbitration arising out of an infrastructure project.
- Representing Corn Products International in a multi-million-dollar ICSID Additional Facility arbitration against the United Mexican States (Case No. ARB(AF)04/1), arising from the application of a discriminatory tax.
- Representing a European Government in the defense of potential claims before ICSID under a BIT.
- Representing the Republic of Korea and three of the country's financial agencies in investor disputes with a large investment bank over failed derivative transactions.
- Representing numerous investors in multi-million-dollar expropriation claims before the United States-Iran Claims Tribunal.

## Worldwide Arbitration & Dispute Resolution

- Advising a telecom contractor in disputes under BITs over mobile phone licenses in Eastern Europe.
- Acting on behalf of a South Asian State and its national oil company in the defense of multi-million-dollar arbitration claims by a foreign investor arising from the sponsorship, construction and operation of a 1,300MW power project.
- Advising a Middle Eastern State in the defense of multi-million-dollar claims by a consortium of foreign investors arising from construction of a complex chemical processing plant.
- Advising an investor regarding a multi-million-dollar UNCITRAL arbitration bringing BIT expropriation claims against a Central European State.
- Representing a Caribbean State and its national electricity corporation in the defense of \$775 million in claims by an investor concerning power generation facilities.
- Acting on behalf of a South American Government in claims by investors relating to construction and operation of a 450,000-barrel-per-day crude oil pipeline.
- Advising a NAFTA Party State concerning jurisdictional issues arising in a NAFTA Chapter 11 arbitration.
- Advising a NAFTA Party State whether or not to veto claims by their nationals against another NAFTA State.
- Representing a major US oil company in an arbitration against a North African State.
- Representing a major multi-national chemical company concerning claims against the Government of Vietnam for expropriated property.
- Representing a major Swiss metals producer in a \$375 million contract dispute with an Eastern European State-owned producer of metals.
- Representing a US construction contractor in an ad hoc arbitration against the Government of Egypt.
- Serving as arbitrator in a claim involving multi-million-dollar claims by a shipbuilder relating to its modification and repair of military frigates for a South American state.

## Worldwide Arbitration & Dispute Resolution

- Representing numerous clients from several countries in international trade disputes before the World Trade Organization and European Union.
- Advising the US Government on the establishment and terms of its BIT programs.

### Noteworthy

- Ranked, *Chambers USA 2008, America's Leading Lawyers; International Arbitration* (National)
- Ranked at the top the list of the "Ten Big Awards" in *Focus Europe* magazine's 2007 Arbitration Scorecard and listed among the Top 30 Firms Appearing as Arbitration Counsel in the scorecard
- The Telsim Team Effort: One example of Steptoe's ability to advance effectively our clients' interests, around the world and across the spectrum of legal fora, is the recent matter arising from our client Motorola's investment in the Turkish cellphone enterprise Telsim. When it became apparent that the Turkish investors, the Uzan family, had diverted hundreds of millions of dollars due to our client, we initiated a civil case in Southern District of New York, in which we obtained a \$2.13 billion judgment for our client, a judgment which we successfully protected through proceedings in the 2nd Circuit Court of Appeals and US Supreme Court. In connection with this case, we successfully froze Uzan-owned assets worldwide, including bank accounts, luxury apartments and jets in the United States and other property in Switzerland, France, England, and Germany to the value of value of approximately \$125 million. We simultaneously litigated a parallel international commercial arbitration in Zurich between Telsim and Motorola, which resulted in a \$2.5 billion award in favor of our client. When the government of Turkey seized the direct and indirect assets of the Uzan family, including Telsim, and prevented payment to our client, we brought an investor-State arbitration against Turkey before ICSID. These arbitrations were settled by Government of Turkey and Telsim with an initial payment to our client of \$500 million in cash, plus a share of proceeds of the sale of Telsim, which will bring the total settlement close to \$1 billion.