

# International Arbitration

Our clients' business interests span the globe and so do their disputes. We go with them. Today, international arbitration is the primary formal mechanism for resolving cross-border disputes; and Cozen O'Connor's international arbitration lawyers are experienced at handling, and winning, those arbitrations.

Our team assists with every stage of the process. We advise on the crafting of dispute resolution clauses and help clients make wise preemptive decisions about the procedure, forum and language for potential arbitrations. When conflicts do occur, we advocate for clients in front of both international commercial and investor-state arbitral tribunals. We have appeared in front of tribunals constituted under the arbitration rules of the American Arbitration Association/International Centre for Dispute Resolution (AAA/ICDR), the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the United Nations Commission on International Trade Law (UNCITRAL), the International Centre for the Settlement of Investment Disputes (ICSID), the German Institution of Arbitration (DIS), the Vienna International Arbitral Centre (VIAC), and other forums. We are actively involved in the enforcement and collection of awards achieved at arbitration. And our lawyers have served as arbitrators themselves, evidence of their high standing within the international arbitration community.

Cozen O'Connor's team has arbitrated throughout the United States, Europe, South America and Asia, and we have handled matters with interested parties in the Middle East, Africa and Australia as well. Our attorneys serve clients in a range of business sectors, including energy (oil, gas and electricity), construction and mechanical engineering, finance, transportation and logistics, insurance, international investment, chemicals, technology, and mining. Clients come to us with their most complex and high-stakes matters; we have won awards worth more than US \$100 million and achieved victory in disputes that implicated core principles and practices of international business operation.

The international arbitration practice group can assist with cross-border disputes that arise inside or outside the United States. Cozen O'Connor's international arbitration attorneys are fluent in several languages, are qualified to practice in a variety of European nations as well as in the United States, and have taught law in Europe, Russia and Asia. Our familiarity with foreign languages and cultures enhances our ability to sort through multi-party and multi-jurisdictional conflicts as well as advise clients about how to internationalize their businesses with a proactive dispute resolution management strategy.

## SERVICE AREAS

- Represent foreign and domestic clients in international business disputes under institutional arbitration rules and in front of ad hoc tribunals
- Draft complex contract arbitration clauses
- Advise clients on dispute resolution management as part of internationalizing a business
- Serve as designated arbitrators

## Experience

Obtained an award in our client's favor in an international franchise arbitration matter centered on the termination by our client of a 26-year franchise relationship covering 100 franchise locations in Malaysia and Taiwan, along with related development and distribution agreements, for which the



**Kurt E. Lindquist II**  
Member

klindquist@cozen.com  
Phone (202) 747-0776  
Fax (202) 861-1905

## Related Practice Areas

- Commercial Litigation
- International
- Italy Practice

opposition sought \$34 million in damages. After more than two years of litigation and nine days of hearing, with witnesses coming in from China, Singapore, and various states in the United States, the tribunal found that the franchisee was entitled to no damages and our client was entitled to recover on its counterclaims for lost profits and unpaid royalties. In addition, the tribunal entered a permanent injunction directing the claimants, *inter alia*, to transfer all product registrations using our client's trademarks and related tradenames at no charge to our client.

---

Secured separate Emergency Interim Awards in two international arbitrations, under which a mandatory injunction was entered to restore the status quo that the parties enjoyed prior to the breach of distributor agreements by one group of distributors in Singapore and a second group in the Philippines. The distributor in Singapore was furthered ordered to pay in advance for product monthly.

---

Served as project counsel, and lead arbitration advocate, for a Spanish EPC contractor in pursuing more than \$700 million in claims against the project owner arising out of the construction of a 657 MW combined cycle power plant in Salem, Mass. When the owner wrongfully terminated the EPC contract when the plant was more than 98% complete. Wendy immediately commenced arbitration and succeeded in implementing the emergency arbitrator process of the ICDR International Rules to enjoin the owner from drawing down on the contractor's \$140 million letter of credit and also rebuffed the owner's attempts to enjoin the arbitration proceeding and to vacate the emergency arbitrator's interim award in New York State Court. The owner's counterclaims in the arbitration were valued in excess of \$250 million (bringing the overall disputed amount to more than \$1 billion), and the matter proceeded to a 19 day "all virtual" arbitration hearing in Q1 of 2021. Wendy demonstrated that the owner's termination of the EPC contract was wrongful and achieved a \$237 million arbitration award in her client's favor, including 100% of attorney's fees and costs incurred to prosecute the arbitration. The award was confirmed by the New York Supreme Court on December 23, 2021. Wendy also filed and prosecuted mechanic's lien and judgment lien proceedings in Massachusetts state court to enforce the arbitration award and judgment.

---

Served as lead arbitration and trial counsel for a Spanish EPC contractor in disputes with several subcontractors and its project designer. Two of those disputes went to full hearing and award before ICDR Tribunals, each of which involved claims in excess of \$60 million and involved six weeks of arbitration hearings; the remainder were resolved favorably short of hearing.

---

Represented an EPC contractor in pursuing £330 million in breach of contract, variation, and delay claims against the project owner arising out of the construction of a 550 MW offshore wind farm in the North Sea off the cost of the United Kingdom, one of the first so-called "Phase 2" (deep water) wind farms and the largest offshore wind farm of its kind ever built. The claims arose out of alleged variations to the welding and non-destructive testing (NDT) code requirements the project owner imposed on the contractor, and the project owner asserted counterclaims for alleged fabrication defects, ranging in value from £140 million to £330 million. The case involved highly technical issues surrounding welding codes, NDT codes, and the structural integrity of the foundations for 140 individual wind turbine generators. Wendy's involvement began shortly after offshore installation began in 2009 (when the disputes first arose). She served as project counsel to the EPC Contractor through the conclusion of construction, and then continued as lead arbitration counsel for 8+ weeks of hearings in London. The arbitration was administered by the LCIA, and was conducted using the LCIA International Arbitration Rules.

---

Represented the EPC contractor in prosecuting \$700 million in claims against a project owner (a joint venture of PdVSA and two international oil companies) for differing site conditions, extra work, force majeure, delays, and disruptions arising out of the construction of a \$1+ billion crude oil upgrader in Venezuela. Wendy was retained near the start of construction as project counsel, then served as an arbitration advocate through multiple arbitration hearings seated in New York and conducted under

the ICC international arbitration rules. The project was the last upgrader to be built in the area during the Chavez regime, the contractor encountered numerous labor issues, force majeure events, and then a National Strike that shut down the country for more than two months. The case settled very favorably after seven weeks of hearings. The arbitration was conducted under the ICC International Arbitration Rules and was administered by the ICC, applying Venezuelan law.

---

Obtained a full defense verdict, plus fees and costs, and pursued counterclaims for an EPCM contractor facing £250 million in claims by the project owner (a quasi-governmental entity in Lithuania) for fraud, negligence, and breach of contract for cost overruns and delays arising out of the construction of an oil terminal in the Baltic Sea, off the coast of Lithuania. The oil terminal was strategically important because Lithuania had (then) recently gained its independence from the USSR and did not want to be dependent upon Russian oil, but the fledgling government lacked the financing to begin construction. The arbitration was conducted under the ICC International Arbitration Rules and was administered by the ICC, applying English law. The decision was confirmed by the full ICC Court of International Arbitration.

---

Obtained a \$29 million international arbitration award on behalf of a Dutch dredging and marine construction company. The dispute arose when a foreign alumina manufacturer began to curtail the quantities of bauxite it accepted from the client, in breach of a mining contract between the parties. When attempts to negotiate a resolution were unsuccessful, we filed a demand with the International Chamber of Commerce and overcame multiple defenses raised by our opponent to secure the sizable award.

---