

INTERNATIONAL
ARBITRATION
PRACTICE GROUP

MusickPeeler

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WHAT WE DO

Our International Arbitration Practice Group represents clients in cross-border commercial disputes throughout the world.

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WHAT WE HAVE DONE

Our practice includes representation of U.S.-based companies engaged in international business as well as non-U.S. companies conducting business activities in the United States. Our arbitration experience spans the globe as we regularly represent clients in various international jurisdictions.

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WHO WE ARE

Our team is comprised of expert arbitration practitioners who have substantial experience working with diverse laws and jurisdictions.

WHAT
WE
DO

INTERNATIONAL ARBITRATION SERVICES

OUR INTERNATIONAL ARBITRATION PRACTICE PROVIDES A WIDE ARRAY OF SERVICES TO OUR GLOBALLY OPERATING CLIENTS.

ADVISORY

We advise clients on their contractual risk mitigation practices and the drafting of standard and tailored dispute resolution clauses for use in cross-border agreements.

EARLY DISPUTE AVOIDANCE

Clients hoping to avoid protracted disputes often engage our international arbitration team to advise and assist them during the negotiation process once a problem has arisen. Our services in this area range from early evaluation of the merits of a claim to representation in mediation and other ADR processes.

INTERNATIONAL ARBITRATION REPRESENTATION

Once a dispute has escalated to arbitration, our team is often called upon by our clients to provide vigorous and skilled representation. Our knowledge of international arbitration procedures and the pool of international arbitrators, in addition to our experience in acting for our clients, sets us apart from other dispute resolution practices.

ARBITRATION-RELATED LITIGATION

Disputes may arise over the enforceability of arbitration agreements or final awards that require assistance from state and federal courts. Our team of arbitration practitioners is often retained for its experience in representing clients' interests before U.S. courts in furtherance of their arbitration-related rights.

International arbitration is the preeminent method of resolving commercial disputes arising out of cross-border business relationships.

Arbitration allows parties from different backgrounds to resolve their disputes in a neutral venue, where arbitrators provide them with a final and binding decision generally enforceable in over 150 countries worldwide. One of the advantages of arbitration is flexibility, which allows the parties to develop a process suited to their needs and interests.

Musick Peeler offers its clients a high level of expertise in this area. It is one of the few firms in Southern California with extensive international arbitration experience. In our international commercial arbitration practice, we represent clients in disputes across a myriad of fields, including construction and engineering, energy, intellectual property, corporate, contractual and commercial disputes.

MEMBERS OF OUR TEAM HAVE EXPERIENCE WITH THE FOLLOWING INTERNATIONAL ARBITRATION RULES:

- + International Chamber of Commerce (ICC)
- + UNCITRAL Arbitration Rules (UNCITRAL)
- + Swiss Rules of International Arbitration (Swiss Rules)
- + Stockholm Chamber of Commerce (SCC)
- + International Centre for Dispute Resolution (ICDR)
- + Netherlands Arbitration Institute (NAI),
- + World Intellectual Property Institute (WIPO)
- + Brazil-Canada Chamber of Commerce (CAM/CCBC).

WHAT
WE
HAVE
DONE



INTERNATIONAL EXPERIENCE

We handle disputes seated in various parts of the world. In recent years, the arbitration practitioners at Musick Peeler have acted in disputes located in Austria, Belize, Brazil, Canada, England, Germany, Singapore, Switzerland, The Netherlands, Turkey, UAE, Ukraine, Uruguay and various states within the United States.



FLEXIBILITY

Because our lawyers are trained and experienced in different legal regimens and cultures, we are able to adapt to the needs of our clients of varied backgrounds who work in diverse markets. Where some see difficulty in navigating cross-border issues, we see an opportunity to advance our clients' interests.

THE FOLLOWING LIST
PROVIDES
ILLUSTRATIVE SAMPLES
OF PRIOR EXPERIENCE
IN THE FIELD OF
INTERNATIONAL
ARBITRATION*

Names and details have been omitted to preserve the identity of our clients.

* Some cases reflect the international arbitration experience of MPG team members prior to joining Musick Peeler.

01

SPANISH ENGINEERING FIRM v. U.S. PUBLIC UTILITY

Lead counsel for a Spanish engineering and construction group in a multi-party ICC arbitration arising out of a renewable energy project in the state of Oregon valued at \$660 million. Following several rounds of ICC proceedings and after obtaining substantial victories in court-related litigation, which allowed our clients to consolidate all parties under the same arbitral proceedings, our clients obtained a highly favorable settlement.

02

EUROPEAN BUILDER OF SOLAR POWER PROJECT v. VARIOUS SUB-CONTRACTORS

Lead counsel on behalf of the owner/builder of a solar power project in multiple ICC arbitrations arising out of a \$1 billion solar power megaproject in California. Successfully represented the client in obtaining multiple decisions and settlements resulting in the favorable disposition of the claims.

03

U.S. COTTON GROWER v. INDIAN COMPANY IN THE COTTON SECTOR

Lead counsel for a California cotton grower in a multi-party ICDR arbitration arising out of allegations of Sherman Act antitrust conspiracy relating to the sale of cotton in India. Claimant sought damages of \$300 million against our client. After successfully compelling arbitration, we obtained a complete victory, including attorneys' fees and costs, at the conclusion of a lengthy hearing before a three-arbitrator panel in Toronto, Canada.

04 **EUROPEAN MARINE CONSTRUCTION CONTRACTOR v. JOINT VENTURE PARTNER**

Acted for a general contractor in an ICC arbitration arising out of a port project in the Middle-East, seated in Abu Dhabi, United Arab Emirates. The applicable law was that of the UAE. After several rounds of briefing and hearings before the Tribunal, a successful settlement was obtained to the benefit of our client.

05 **MARINE CONTRACTOR v. SHIPOWER**

Represented a contractor in an ICC arbitration in Zurich, Switzerland arising out of an infrastructure project in Taipei, Taiwan, regarding a charter party for the use of a dredging vessel on the project. The applicable law was the Swiss Federal Code of Obligations. Obtained a complete victory for the client and an award of all amounts claimed, plus interest and attorneys' fees.

06 **EUROPEAN DISTRIBUTOR v. ASIAN MANUFACTURER**

Acted for a European-based distributor seeking to obtain damages arising out of the recall of a medical device from the E.U., Australian, and Indian markets. The arbitration was seated in Singapore and conducted under the ICC Rules, and resulted in a multiple million dollar award in the client's favor, as well as the recovery of a significant portion of the arbitration costs and attorneys' fees. The law of The Netherlands was applicable.

07 **EUROPEAN E-COMMERCE FIRM v. JAPANESE JOINT VENTURE PARTNER**

Represented a European e-commerce company in an arbitration under the World Intellectual Property Organization (WIPO) rules arising out of a failed joint venture and related intellectual property licensing agreement brought by a Japanese technology firm. The seat of the arbitration was Geneva, Switzerland and the governing law was the transnational UNIDROIT Principles of International Commercial Contracts. After several rounds of briefing and the first of two scheduled hearings, the tribunal rendered a preliminary finding favorable to our client, after which the matter was settled.

08 **U.S. DISTRIBUTOR v. DUTCH MANUFACTURER**

Acted for a U.S. distributor of high-end industrial printing equipment in a dispute with a Dutch manufacturer over claims based in breach of contract and tort. The arbitration was seated in Rotterdam, the Netherlands, and conducted under the Netherlands Arbitration Institute (NAI) rules. The applicable substantive law in this matter was that of the U.S. state of Illinois and Dutch law. The tribunal returned an award in favor of our client, granting a majority of the monetary claims.

WHO
WE
ARE

MUSICK PEELER

Musick Peeler traces its origins to the 1920's when its three founders, Elvon Musick, Joseph Peeler, and Leroy Garrett, organized individual firms in Los Angeles. In its current format since 1954, the firm has kept pace with California's rapid growth. Musick Peeler today has over 120 attorneys, based in six major commercial centers across the State of California and is a member of the international network of independent law firms, Ally Law, which allows us to serve our clients with correspondent offices located across the globe.



NATHAN
O'MALLEY LL.M.

NATHAN O'MALLEY LL.M.

Los Angeles

Nathan O'Malley is a partner in the Firm's Los Angeles office, where he leads the International Arbitration Practice Group. He is an experienced advocate who has appeared in matters seated in numerous international jurisdictions, such as Singapore, Abu Dhabi, Dubai, Geneva, The Hague, Vienna, and various states in the U.S. Mr. O'Malley has also argued before state and federal courts on behalf of clients in arbitration-related court proceedings, including matters heard by the Ninth Circuit Court of Appeals, where he successfully argued a precedent-setting decision in relation to the application of the ICC Rules of Arbitration. He is well-versed and experienced in the application of the most prominent international arbitral rules, such as the ICC, ICDR (AAA), UNCITRAL, Swiss Rules, JAMS, Stockholm Chamber of Commerce and WIPO. Mr. O'Malley is an adjunct professor at USC-Gould School of Law, where he teaches international arbitration courses and is the author of the practice guide *Rules of Evidence in International Arbitration: An Annotated Guide* (Routledge / Informa, London).

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DAN WOODS

Los Angeles

Dan Woods is a partner in the Firm's Los Angeles office. An accomplished litigator and experienced trial lawyer, he has been honored with many prestigious awards, including Benchmark Litigation's Top 100 Trial Lawyers in America. Mr. Woods was a partner at a national law firm for many years and then a partner for 16 years at a global law firm, including nine years as the head of its litigation practice in Los Angeles. Recently, Mr. Woods was lead counsel for one of the largest private cotton farms in the United States in connection with antitrust allegations in an arbitration before the International Centre for Dispute Resolution (ICDR) against one of largest cotton spinners in Asia, obtaining a complete victory, costs and attorneys' fees.

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PETER J.
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PETER J. DIEDRICH

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Peter J. Diedrich is a partner in the Firm's Los Angeles office, where he practices in the area of complex civil litigation with an emphasis on health care, as well as commercial and real estate litigation. Mr. Diedrich also has substantial experience in cases involving director and officer liability, corporate governance and control, unfair competition and complex contract issues. With years of experience representing large corporations in various arbitration forums, companies turn to Mr. Diedrich when involved in high-stakes ADR matters. Mr. Diedrich has significant experience enforcing international arbitration awards, including those rendered under the ICC, VIAC and other prominent rules of arbitration.

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ADAM M. WEG

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Adam M. Weg is a partner in the Firm's Los Angeles office, where he divides his practice between complex business, real estate, antitrust and trade secret matters, cross-border international arbitration disputes and sophisticated insurance cases. He has considerable experience handling matters through all phases of civil litigation, both in state and federal courts and before arbitral tribunals. Mr. Weg has significant experience in the field of international arbitration, acting in matters constituted under the ICDR and ICC Rules.

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