

Your World First

C/M/S/

Law . Tax

# Dispute Resolution

Delivering results through experience

October 2013

# Securing your interests – Delivering results

Having CMS on your side brings genuine competitive advantages. Whatever the nature of your dispute, wherever you need us in Europe and beyond, we will help you resolve it.

In dispute resolution - as in all key areas of legal advice - we deliver results by taking a distinctive approach to applying our expertise on your behalf. We put total client understanding and commitment ahead of everything else. Our priority is always to deliver on 'Your World First', which is how we describe our commitment to focusing our expertise, knowledge and commercial insight on your issues and objectives.

Strong relationships with clients who expect the best have earned us our place among the world's leading law firms. For CMS people, connecting with and making a difference to your world is our mission, our motivation, and the measure of our success.

That's why clients trust us with their most complex dispute resolution challenges. Having CMS on your side means:

**Quality and depth of resources.** With more than 300 dispute resolution specialists to choose from, your CMS team has the expertise and capacity to handle the most complex disputes.

**Global reach with local insight.** CMS is truly international and bridges cultural differences. Our dispute resolution lawyers think and act internationally while delivering local results.

**Proven high-stakes advisers.** We handle disputes worth billions of Euros on a daily basis. Clients trust us with their most sensitive, difficult and business-critical cases.

**Renowned top-tier expertise.** CMS has earned a reputation for excellence among clients, peers and legal industry directories.



This firm receives no end of praise for its keen attention to client service, entrepreneurial spirit and sharp legal expertise in the spheres of arbitration and litigation. The practice handles disputes in diverse capacities...

*Chambers Europe 2013*



# Planning for success



CMS has an impressive European network ... extensive portfolio of a wide range of professional, financial, and commercial disputes work.

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Disputes happen. Whatever business you are in, resolving disputes is a fact of life. Knowing you have experienced and proactive advisers on your side is the first step towards a successful resolution.

Most disputes develop over time, and the CMS dispute resolution practice is there to help you at every stage. Early advice is critical to success, especially in international disputes. We act quickly to help you put an overall strategy in place at an early stage, offering an objective view of your position and reflecting your appetite for risk.

CMS excels at managing international disputes in an increasingly globalised and highly regulated world. We guide you through complex and unfamiliar territory, focusing on the need to minimise disruption to your business.

We select your CMS team to deliver the best result in each case. Our dedicated international teams include experienced litigators or arbitration experts working alongside specialists offering expertise in relevant branches of law and key industries. We offer you cross-border legal advice and representation from a single source in all methods of dispute resolution, including state court litigation, national and international arbitration, mediation and other alternative dispute resolution methods.

Your needs drive our advice and service and we take a 'full picture' approach to dispute resolution. We draft dispute resolution clauses in contracts, offer project-based advice and strategic analysis and provide representation in negotiations and formal proceedings.

Your CMS dispute resolution team puts international and local knowledge to work for you. We guide you through the fundamental issues, including the methods of dispute resolution preferred in each jurisdiction. We advise on the key cultural factors and procedures in the practice of dispute resolution, including document production (discovery), familiarisation or preparation of witnesses where permissible under local laws, managing the input from experts, and the conduct and style of representation at the hearing.

In every case, we put our detailed knowledge and experience to work for you and focus on your success.

# Our experience

CMS handles hundreds of cases across the world covering the full range of major business disputes and involving clients from a wide range of industries. Here is a sample of our recent experience.

Sector	Applicable Rules/ Jurisdiction	Details
<b>Automotive, Banking &amp; Financial Services</b>	Swiss Rules	Acting in an international multi-party arbitration involving German, Chinese and Japanese parties under Swiss Rules relating to investments in the automotive sector.
<b>Banking &amp; Financial Services</b>	Germany	Acting in defence of the CEO of an Italian bank in a claim for damages by minority shareholders and another claim for damages by a Special Representative of a German bank (dispute value in each of these cases: approximately EUR 17 billion).
<b>Banking &amp; Financial Services</b>	Spain	Advising Bankia on the most important financial criminal case in Spain of recent years. Defence of the interests of the company Valores y Bolsas de Caja Madrid and securing the reduction of initial damages ordered from the client of EUR 88 million, to the final sum set by the Supreme Court of EUR 12.2 million.
<b>Banking &amp; Financial Services</b>	UK	USD multi-billion claims against a large bank arising out of the fraudulent activities of Bernard Madoff.
<b>Banking &amp; Financial Services</b>	US	Acting for the liquidators of Stanford International Bank in winding up its worldwide operations including litigation with the US Receiver as to which insolvency process should be recognised for the purpose of collecting assets, as well as litigation with the SEC and the SFO as to the control of the bank's accounts.
<b>Consumer Products</b>	Ad hoc mediation	Acting for a Turkish distributor of consumer products in a claim against a European manufacturer for damages arising out of the failure to supply sufficient products and the manufacturer's repudiatory breach.
<b>Consumer Products</b>	Ad hoc mediation	A multi-disciplinary team of CMS lawyers successfully guided our clients throughout the mediation to reach a €PB 94 million deal.
<b>Corruption</b>	Belgium	Advising a listed company, acting on behalf of its directors, in a criminal procedure resulting from alleged corruption in public procurement.
<b>Employment</b>	UK	Acting for the corporate defendants in the significant case of CEF Holdings Limited v Munday & Ors on springboard injunctions, restrictive covenants, team moves and jurisdiction involving claims against employees. CMS also coordinated the defence of the other 19 defendants. The team successfully set aside an ex parte injunction obtained by the claimant, with the claimant's case collapsing shortly thereafter.
<b>Energy</b>	Netherlands	Advising a Dutch oil company in relation to a criminal investigation and prosecution regarding an alleged EUR multi-million fraud and alleged multiple infringements of environmental regulations.

<b>Energy</b>	UNCITRAL	Acting on a series of three very high-value (circa USD 3.5 billion, USD 1.25 billion and USD 750 million) international price review arbitrations under UNCITRAL rules between a national gas utility company and a major international LNG seller in relation to three very high-volume long-term LNG supply agreements.
<b>Energy</b>	LCIA	Acting for a leading international provider of drilling services in a USD 100 million LCIA arbitration in relation to the early termination by a state-owned oil company of a drilling contract for one of the most modern high-performance drilling rigs.
<b>Energy</b>	ICC ADR Rules	Representing a consortium of plant engineering and construction companies in a series of adjudication proceedings under the ICC ADR Rules against the owner of a power plant.
<b>Insurance &amp; Funds</b>	UK	Defending one of the world's largest privately owned insurance and reinsurance brokers in a significant claim brought by an international bank against a number of London market underwriters and brokers who wrote or placed an all risks policy into the specie market.
<b>Manufacturing</b>	France	Acting for a manufacturer of electrical equipment on a contractual liability action instituted against the manufacturer of a defective compression station.
<b>Manufacturing</b>	France	Advising a manufacturer of road signage on a criminal liability action against a company and its chief executive officer on grounds of unlawful cartel practices.
<b>Medical devices</b>	Germany	Advising a Top 5 medical device company worldwide in relation to a voluntary product recall and product liability litigation.
<b>Pensions</b>	UK	Acting for P&O Ferries as a representative defendant in what is probably the most important pensions-related commercial dispute of the year.
<b>Plant Engineering and Construction</b>	DIS Conciliation Rules	Representing a plant engineering and construction company in high stake conciliation proceedings regarding the interpretation of an EPC contract.
<b>Plant Engineering and Construction</b>	Ad hoc mediation	Acting for a project company in claims about defects arising from a waste processing plant. The £BP 70 million claim was settled successfully for our client.
<b>Professional services</b>	Switzerland	Acting as Counsel to a leading auditing company in a complex litigation brought by the receiver of an insolvent company against the board of directors and the auditor.
<b>Renewable energy</b>	Swiss Rules	Acting as Counsel to a respondent in an international arbitration proceeding under Swiss Rules between an Indian and a German party relating to a license and know-how agreement in the renewable energy sector.
<b>Renewable energy</b>	CEAC, SCC, DIS	Acting for a Chinese producer of solar panels in different arbitration proceedings in different European jurisdictions with amounts in dispute between EUR 10 million and EUR 40 million.
<b>Renewable energy</b>	Ad hoc mediation	Acting for a European company from the renewable energy sector in mediation proceedings regarding alleged unlawful competition claims.

# CMS

For more information on dispute resolution and on our services related to dispute resolution, please contact: [disputes@cmslegal.com](mailto:disputes@cmslegal.com)



# Facts and Figures

- 56 offices
- 50 cities
- > 750 partners
- > 2,800 fee earners
- > 5,000 total staff
- Combined annual turnover: EUR 838 million (2012)
- 31 countries

● Moscow

● Kyiv

● Bucharest

● Istanbul

● Beijing

● Shanghai

● Dubai

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