

## Transnational Litigation: Enforcement of Arbitral Awards and Foreign Judgments



Arbitration and dispute resolution agreements are designed to expedite the resolution of international disputes and eliminate the cost, delay, and uncertainty involved when complex cross-border disputes arise. Experienced corporate counsel understand that even a properly-drafted arbitration agreement or dispute resolution clause, while critical to effective dispute resolution and risk management, cannot prevent a counterparty from seeking to commence foreign court proceedings in derogation of an agreement to arbitrate, or to refuse to honor an arbitral award. Our Global Disputes practice understands these realities of modern international dispute resolution, and we have built a team capable of anticipating and addressing every eventuality that may arise when international arbitration agreements are not honored.

We understand that enforcement is a distinct discipline that requires expertise concerning a unique combination of state, federal, and international law, and our dedicated enforcement team is led by disputes partners in the United States and Europe who have extensive experience and are thought leaders in all aspects of international enforcement. Our seasoned team has acted as global lead counsel in landmark cases that have shaped international and national law on the recognition and enforcement of foreign arbitral awards and judgments, and have achieved high-profile victories against recalcitrant award and judgment debtors by using creative multi-jurisdictional strategies designed to utilize the most advantageous procedures and remedies to facilitate the collection of arbitral awards and foreign judgments in the quickest, most cost-effective manner possible. We make strategic use of forum-specific discovery and enforcement tools to gain an early advantage, sometimes even before an award is rendered, providing our clients with the critical leverage needed to lay the foundation for favorable settlement opportunities. Furthermore, members of our enforcement team work with our clients during contract negotiations to ensure that our clients understand, before a transaction is consummated, how disputes are likely to play out from beginning to end.

Finally, our unparalleled network of global relationships – King & Spalding has handled disputes in over 150 countries around the world – enables us to work seamlessly with trusted international partners to enforce awards and judgments wherever the best opportunities exist.



Winning an award is a big first step. But at the end of the day, recovery is what matters. King & Spalding knows how to finish the process.



“They are highly proficient and very reactive - among the very best in their class.”

CHAMBERS GLOBAL

## Representative Matters

- Represented **Chevron Corporation** in the successful enforcement of a US\$100 million arbitration award against the Republic of Ecuador.
- Global lead counsel representing a **European award creditor** in multi-jurisdictional proceedings to enforce a US\$500 million treaty arbitration award against the Republic of Kazakhstan.
- Global lead counsel representing a **Canadian award creditor** in multi-jurisdictional proceedings to enforce a US\$1 billion arbitration award against the Republic of Venezuela.
- Represented **Fitzpatrick International** in a US\$400 million claim against Equatorial Guinea, including the successful enforcement of the resulting ICC Award.
- Enforcement of ECT Awards arising from renewable energy disputes against Spain and Italy
- Global lead counsel representing an **affiliate of KBR, Inc.** in multi-jurisdictional proceedings to enforce a US\$500 million arbitration award against an affiliate of Pemex, the Mexican State-owned oil company. The award was enforced in the U.S. despite having been annulled by a court in Mexico.
- Represented a **U.K. financial institution** in proceedings to enforce arbitration award against Kyrgyzstan.
- Represented an **oil major** in the enforcement of claims against PDVSA of over US\$1 billion, including freezing order and attachment relief in five jurisdictions.
- Global lead counsel for **Cayman Islands award creditors** in the successful multi-jurisdictional enforcement of a US\$261 million arbitration award against an Indonesian State-owned oil company.
- Represented a **global telecommunications company** in the successful enforcement of a US\$250 million ICC Award against the Malaysian State-owned telecommunication company.
- Global lead counsel representing **Motorola** in its US\$2.5 billion claims against the Uzan family, including recognition and enforcement proceedings in 25 countries and the recovery of over US\$1.5 billion in assets.
- Global lead counsel representing a **U.S. private equity fund** in successful multi-jurisdictional proceedings to enforce an arbitration award and related judgment.
- Represented a **global telecommunications company** in the successful enforcement of a US\$1.8 billion ICC Award in 12 jurisdictions.
- Represented a **Mauritian affiliate of a U.S. investment bank** in the successful enforcement of a US\$90 million arbitration award through multi-jurisdictional proceedings in the U.S. and India.
- Represented a **U.S. investment bank** in proceedings to enforce a US\$30 million arbitration award against an Indian mining company.
- Represented **Aldersgate Investments Ltd** in an English Court of Appeal case regarding the enforcement of a CIETAC award.
- Representing **Motorola** in enforcement proceedings of a US\$400 million Judgment against Hytera China arising from trade secrets litigation.
- Representing **bank & clients** in enforcement actions against Tech Unicorn for breach of facility arrangements.
- Advising a **client** with respect to enforcement action against a Nigerian state entity in respect of a loan facility.
- Acting for a leading **U.S. defence contractor** against the State of Greece, securing a 95% recovery.

## Key Contacts



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