

CHAFFETZ LINDSEY LLP



# EXPERIENCED. FOCUSED. FLEXIBLE.

Chaffetz Lindsey LLP is a litigation and international arbitration firm based in New York. Established in 2009, we offer clients first tier capability with the focus and flexibility of a boutique. Our partners previously worked together for ten years at one of the world's leading law firms.

## EXPERIENCED.

We have extensive experience representing clients in the US and around the world across the spectrum of complex commercial and financial disputes. Our clients and the law firms with whom we have referral relationships rely on the superior quality of our analysis, work product and commercial judgment. Our rich international experience, strong network of contacts, and track record with co-counsel around the world make us uniquely qualified among smaller firms for cross-border disputes.

## FOCUSED.

Our sole focus is resolving our clients' business disputes. We do not have transactional practices, nor many of the distractions from client work that often come with a larger firm. We focus on three main types of disputes:

### GENERAL BUSINESS & FINANCIAL DISPUTES

We routinely represent clients in federal and state courts in New York and across the US on a broad range of commercial disputes, involving contracts, securities, insolvency, shareholder, joint venture, pharmaceutical, and software licensing issues, and cases for and against sovereigns.

### INTERNATIONAL ARBITRATION

We have experience before the world's major arbitration forums and most distinguished arbitrators, covering both commercial and investor-state disputes. Our track record is built on a working knowledge of the major institutional rules, strong advocacy skills, and relationships across the international arbitration community. Our international law experience enhances our representations in bilateral investment treaty arbitrations.

### INSURANCE & REINSURANCE DISPUTES

Our team has had a leading role on nearly every critical issue in insurance and reinsurance litigation and arbitration over the last 25 years.

## FLEXIBLE.

With fewer conflicts and a flexible cost structure, we are in a position to represent our clients across a wide range of disputes. While we handle many of our clients' largest disputes, several involving claims in the billions of dollars, we have the flexibility to deliver value on smaller cases too. Other firms recognize the value we offer and refer clients to us when conflicts, pricing, or other issues prevent them from acting.

# INTERNATIONAL ARBITRATION

We represent clients in a variety of disputes, including those related to infrastructure projects, oil and gas ventures, corporate acquisitions, tourism developments, construction projects, pharmaceutical agreements, shareholder/joint venture agreements, and complex contracts.

As specialists in public international law and investment treaty claims, we appear before ICSID and *ad hoc* tribunals, representing investors, sovereigns, and state-owned enterprises.

We closely manage all aspects of our cases, including arbitration-related litigation, enforcing awards and agreements, obtaining emergency relief, seeking discovery, and managing parallel, multi-jurisdictional claims.

## EXPERIENCED.

Our team's experience includes advising and representing the following:

### COMMERCIAL ARBITRATION

- Swiss pharmaceutical company in an NAI arbitration in The Hague concerning breaches of a collaboration agreement with one of the industry's largest players.
- International energy company in an SIAC arbitration, and related actions in 3 other fora, for breach of warranties/fraud in connection with the acquisition and construction of a power plant in Pakistan.
- Korean construction company in an ICDR arbitration against a US party under a FIDIC contract for a project in Afghanistan.
- Turkish company in an ICC arbitration and related US litigation arising out of a shareholder dispute concerning control of a major telecom enterprise.
- Global entertainment company in a JAMS arbitration for a contract dispute with a Mexican company.
- Leading pharmaceutical company in an ICDR arbitration against a competitor over a manufacturing agreement.
- Brazilian company in an ICDR arbitration and related US federal court litigation concerning the sale of petroleum products.
- Brazilian company in an ICC arbitration in São Paulo against international financial institutions arising out of breaches of finance restructuring agreements.
- Brazilian energy company in an LCIA arbitration concerning a post-acquisition dispute over indemnities and related shareholder agreement issues.
- Multinational engineering company in an ICC arbitration concerning a JV for the construction of an oil refinery in Mexico.
- One of the world's largest mining companies in a dispute with a leading investment bank over claims arising from the \$400 million sale of assets in Latin America.
- European oil company in an ICC arbitration in a dispute concerning a JV agreement and oil concession in Venezuela.
- Multinational engineering company in an ICC arbitration in New York concerning indemnities for environmental contamination.
- US pharmaceutical company in a WIPO arbitration in London arising out of breaches of a commercialization and license agreement.

- US fund in an UNCITRAL arbitration in New York arising out of a telecoms project in Venezuela.

### INVESTMENT ARBITRATIONS & BIT ADVICE

- Global energy company in an ICSID arbitration against Argentina alleging breaches of the US–Argentina BIT.
- Global energy company in a BIT claim against Argentina, including structuring favorable post-award settlement.
- Liberia in an ICSID arbitration concerning a gold mining concession.

- US party on a potential NAFTA or BIT claim arising out of a Mexican bank restructuring.
- Spanish and BVI entities in potential BIT claims against Venezuela concerning an insurance business.
- Dutch entity on potential claims against Turkey arising out of the unlawful interference in its media investments.
- Multinational energy company on complex BIT claims and parallel breach of contract claims concerning investments in Central Asia.

### OTHER SOVEREIGN DISPUTES

- US based power company in coordinating settlement of several disputes with the electricity regulator and state development bank in Brazil.
- US power company against an instrumentality of an Indian State Government in an *ad hoc* arbitration in India.
- Brazilian state-owned enterprise on regional trade treaty issues potentially affecting their access to international capital markets.
- United Nations organ in an arbitration in Singapore and parallel disputes concerning an infrastructure project.

“They render tailormade services specifically designed for the client and case.”

CHAMBERS USA

“A truly specialized team with a wealth of experience across the board.”

CHAMBERS LATIN AMERICA

“... an excellent alternative to big corporate firms if you are looking for an equivalent service at lower rates.”

LEGAL 500 LATIN AMERICA

Small Law Firm of the Year, 2011

GLOBAL ARBITRATION REVIEW

## KEY CONTACTS.

### David Lindsey

PARTNER

E: d.lindsey@chaffetzlindsey.com  
T: +1 212 257 6966  
F: +1 212 257 6950

### James Hosking

PARTNER

E: j.hosking@chaffetzlindsey.com  
T: +1 212 257 6963  
F: +1 212 257 6950

# INSURANCE & REINSURANCE

With over 60 years of collective experience advising clients across the insurance and reinsurance sectors, our team has advised on the full range of disputes that have confronted international insurers and reinsurers. We use our understanding of this market and our clients' businesses to deliver our clients the results they need.

## EXPERIENCED.

Our team's experience includes advising and representing the following:

### COVERAGE

- Insurer in a widely reported arbitration defending \$20 ml municipal liability policy claim.
- Insurer defending some of its largest domestic coverage claims.

### REINSURANCE

- Numerous insurance carriers in disputes with reinsurers over coverage for asbestos, environmental and other losses.
- Multiple insurance companies in connection with reinsurance claims for losses suffered in a workers compensation pool.
- Insurer in a New York State court breach of contract claim brought by a reinsurer.
- Insurer and reinsurer in connection with nearly \$1 bn exposure to losses arising out of the destruction of the World Trade Center.

- Reinsurer in defense of claims for coverage arising out of the Enron collapse.
- Reinsurer in New York state court action concerning losses on residual value insurance programs.
- Insurer in \$150 ml arbitration to enforce surety reinsurance coverage.
- Insurer on issues relating to the reinsurance of insurance wrapped residential mortgage-backed securities and variable rate demand obligations.
- Reinsurer in a dispute with another reinsurer concerning exposure to losses on a portfolio of securities.
- Insurer in an action alleging fraud and breach of contract related to reinsurance contracts covering premiums paid on aviation contracts covering losses related to the 9/11 attacks.

- UK subsidiary of a leading financial guarantee insurer in connection with insolvency proceedings commenced against its US parent and in the commutation of a reinsurance contract involving hundreds of millions of dollars in premium and claim payment obligations.
- Foreign run-off administrator in a dispute with a domestic cedant concerning claims on a series of reinsurance contracts with a dissolved reinsurer.

### OTHER

- International financial services company in a dispute over the commutation of two finite risk insurance contracts.
- International life insurer in a putative securities class action arising from losses in client funds that resulted from indirect investments in Bernard L. Madoff Securities LLC.

"The quality of service is excellent and personalized, and the value derived from the services rendered is superior."

CHAMBERS USA

"The team shows the ability to understand the complicated issues surrounding reinsurance, but remain watchful lest costs exceed any benefits gained."

LEGAL 500 UNITED STATES

"...compact in size but able to pack a punch well above its weight in major reinsurance and insurance issues."

CHAMBERS USA

## KEY CONTACTS.

### **Peter Chaffetz**

PARTNER

E: [p.chaffetz@chaffetzlindsey.com](mailto:p.chaffetz@chaffetzlindsey.com)

T: +1 212 257 6961

F: +1 212 257 6950

### **Charles Scibetta**

PARTNER

E: [c.scibetta@chaffetzlindsey.com](mailto:c.scibetta@chaffetzlindsey.com)

T: +1 212 257 6962

F: +1 212 257 6950

### **Cecilia Moss**

PARTNER

E: [c.moss@chaffetzlindsey.com](mailto:c.moss@chaffetzlindsey.com)

T: +1 212 257 6964

F: +1 212 257 6950

# GENERAL BUSINESS & FINANCIAL DISPUTES

Our team has broad experience in trial, motion, and appellate practice in both federal and state courts in the US in cases involving contract and commercial fraud issues.

We also have extensive knowledge of issues unique to cross-border litigation, including Chapter 15 bankruptcies, international discovery demands, conflict of law issues, enforcement of judgments/arbitration awards, parallel proceedings, and sovereign immunity arguments.

## EXPERIENCED.

Our team's experience includes advising and representing the following:

- Several clients in litigation arising out of the Bernard Madoff fraud, including defending shareholder class actions and actions by the Madoff trustee seeking to claw back fees paid to feeder funds.
- Central bank in defending against enforcement of a judgment against \$2.5 billion in frozen bank transfers.
- European sovereign in US litigation over allegations of theft of a major work of art.
- European financial manager in US litigation with leading international broker dealer over trades in sovereign emerging market debt.
- Brazilian corporation involved in multiple disputes over contracts for the delivery of petroleum products.
- Swiss-based pharmaceutical company in litigation in New York involving claims of tortious interference with contract and prospective business relations.
- South Pacific state in a dispute arising out of an agreement to establish an educational facility.
- One of the world's largest retailers in a jury trial arising from a software license dispute.
- Major aircraft manufacturer in a dispute over cancellation of a nine-figure purchase order.
- French company in having US claims dismissed in favor of a French court action in a cross-border securities litigation.
- US fund in litigation arising out of a failed investment in Argentina, defending allegations of fraud, tortious interference, and breach of warranties.
- Aggrieved shareholders in an action to halt the restructuring of a Delaware company, including obtaining a temporary restraining order and a favorable settlement.
- Engineering company in federal court, defeating tort claims brought following a major skyscraper collapse.

“One of their strenghts is their courage in approaching difficult cases.”

CHAMBERS USA

“...praised as being ‘head and shoulders above others’ for client service.”

LEGAL 500 UNITED STATES

“... the lawyers go above and beyond to ensure timely, helpful service.”

CHAMBERS LATIN AMERICA

“... its boutique format reduces the likelihood of conflicts, as well as permitting a degree of fee flexibility unimaginable in larger organizations.”

LEGAL 500 LATIN AMERICA

## KEY CONTACTS.

### Peter Chaffetz

PARTNER

E: p.chaffetz@chaffetzlindsey.com

T: +1 212 257 6961

F: +1 212 257 6950

### David Lindsey

PARTNER

E: d.lindsey@chaffetzlindsey.com

T: +1 212 257 6966

F: +1 212 257 6950

### Charles Scibetta

PARTNER

E: c.scibetta@chaffetzlindsey.com

T: +1 212 257 6962

F: +1 212 257 6950

### James Hosking

PARTNER

E: j.hosking@chaffetzlindsey.com

T: +1 212 257 6963

F: +1 212 257 6950

### Cecilia Moss

PARTNER

E: c.moss@chaffetzlindsey.com

T: +1 212 257 6964

F: +1 212 257 6950

### Andreas Frischknecht

PARTNER

E: a.frischknecht@chaffetzlindsey.com

T: +1 212 257 6965

F: +1 212 257 6950



