

## **Recent Construction Litigation and Arbitration Representations**

- Quinn Emanuel secured a critical award in a multibillion dollars arbitration arising from the construction of a landmark €1.7 billion medical facility in Doha, Qatar. The medical facility, **Sidra Hospital**, is one of the world's largest, most expensive and most luxurious hospitals in the world and is a very important and high profile project for the State of Qatar. Following substantial delays on the project, our client, Qatar Foundation, terminated its contract with two international construction companies, Spain's Obrascón Huarte Lain (OHL) and Contrack, a Cypriot subsidiary of Egypt's Orascom Construction, in July 2014 and immediately commenced an arbitration against them to recover liquidated damages for delay and the additional costs of completing the project with another contractor. The contractors made a counterclaim for damages for wrongful termination and for delays they claim were caused by Qatar Foundation. The Tribunal found termination to be lawful, meaning that Qatar Foundation is entitled to claim the costs of completing the project (north of a billion dollars). There has been no other case we are aware of in recent years in the Middle East where a government has terminated a major construction contract and prevailed at arbitration stage.
- We represented **BGC Contracting Pty Ltd** in a construction case involving a claim for circa \$50 million brought against it by a subcontractor and obtained a settlement by which the subcontractor agreed to pay our client circa \$10 million.
- We are acting for a **Gulf State entity** in an ICC arbitration against two international construction companies concerning substantial delays to and the subsequent termination of a contract for the design and construction of a high-profile hospital project and the significant defects in the contractors' works which were discovered after termination. The amounts in dispute total over US\$ 2 billion.
- We are also representing the same **Gulf State entity** in a series of expert determinations, the total of which is over US\$ 100 million, arising out of the same project.
- We are acting for a major **Saudi private conglomerate** in a US\$ 600 million ICC arbitration, seated in Riyadh, related to major infrastructure works procured by a Saudi Government Agency.
- We are representing **Moscow Oil Refinery** in its dispute with Fiber Technologies International in an arbitration regarding construction of a refinery plant worth US\$ 500 million.

- We are representing a **major Gulf-based sovereign petrochemical company** in an ICC arbitration against two international construction contractors in connection with the tank farm for an integrated petrochemical plant under construction in Qatar.
- We are advising a **Gulf-based construction contractor** responsible for the design and construction of a major sporting facility in Saudi Arabia. The contractor is in dispute with one of its subcontractors in relation to the installation of cladding, lighting, waterproofing and other defects its works. An ICC arbitration is imminent.
- We represent **several Brazilian insurers** in an ICC arbitration in Geneva concerning a coverage dispute relating to the construction of a hydroelectric facility at the Jirau Dam in Brazil.
- We represent an **Italian energy company** in an ICC arbitration against the Republic of Albania in relation to the concession agreement for the construction of a power plant in Albania.
- We represented an **energy company** in a breach of contract dispute with a supplier that contractually committed to build a plant to produce materials needed for our client to create and supply its customers with energy.
- One of our partners represented a **leading international Korean contractor** on claims and counterclaims worth in excess of US\$ 1 billion in an ICC arbitration, in Spanish, in relation to a US\$ 2 billion oil refinery and onshore pipeline project in Mexico.
- One of our partners represented a **Turkish contractor** in an ICC arbitration (including related court proceedings concerning performance securities) arising from the construction of a hospital in Jordan.
- One of our partners represented a **major Saudi investment company** in an ICC arbitration, under Saudi Arabian law, relating to the construction of an international hotel, shopping mall and convention centre.
- One of our partners advised **Qatar Petroleum** in relation to a number of contentious matters arising out of the Ras Laffan Port Expansion Project in Qatar.
- One of our partners advised **Jabal Omar Development Company** in relation to construction disputes in excess of US\$ 300 million arising from their major development in Mecca, Kingdom of Saudi Arabia.
- One of our partners acted for a **major international construction and real estate company** in a construction case against a prominent CIS holding, involving a complicated contractual structure and an ICAC arbitration. The value of the dispute exceeded US\$ 100 million. The dispute arose out of the construction of a major sport facility for an international sporting event in a CIS country. We threatened to launch proceedings in the West against the UBOs of the opponent, and the matter settled on terms favorable to the client.

- We represent an **African National Oil Company (NOC)** in three large construction arbitrations:
  - An arbitration in relation to the construction and exploitation of an oil and gas plant. The dispute arose out of additional costs allegedly incurred by the contractor during the execution of the project. The value of the original project is in excess of US\$ 1.7 billion and the additional costs claimed by the contractor are over US\$ 300 million.
  - An arbitration against a French EPC contractor in the energy industry. The dispute relates to delays to the rehabilitation and adaptation of a refinery in North Africa. The amount in dispute is in excess of EUR 1.8 billion.
  - An arbitration initiated by a European defense and aerospace company. The dispute relates to delays to two EPC contracts for the installation of security systems designed to ensure the security of pipelines.
- One of our partners represented **one of the largest Russian shipyards** in an SCC arbitration regarding an alleged breach of several construction contracts with a Scandinavian counterparty.
- One of our partners represented **a major international company** on a construction dispute against a Russian counterparty which involved an ICC arbitration and a number of Russian proceedings and which led to, among other things, the first-ever security from a Russian court over a state-owned land plot in the center of Moscow in support of the ICC construction arbitration. This led to prompt payment from the adversary after the tribunal ruled in favor of the client.
- One of our partners represented **a major international engineering conglomerate** in construction disputes relating to various contracts in Russia, including a multimillion ICC arbitration and related Russian proceedings regarding construction and fit-out works in a business center in Moscow.
- One of our partners acted as an arbitrator in an ICC arbitration concerning the construction of a large oil refining plant in Eastern Russia. The claims and counterclaims totaled around US\$ 100 million.
- We are representing **a Russian company** in a dispute with a German contractor arising out of construction of a US\$ 1 billion plant in Russia. The dispute involves ICC and SCC arbitrations dealing with almost every issue of the construction project (defective works, delays in implementing the project, penalties for breaches, quality of project documentation, termination issues, etc.).
- We represent **a US-owned Rwandan company** in ICC arbitration proceedings against the engineering and construction companies responsible for the construction of a gas extraction facility and associated electricity generation plant.

- We are acting for a **South East Asian based contractor** in connection with a dispute arising from the alleged repudiation of a contract for the construction of large-scale processing modules for an LNG plant. The repudiation arose when the employer sought to remove the work on the grounds of delay.
- We advised **Dubai Ports World** (“DPW”) in negotiating an optimal settlement with the Republic of Yemen and its state-owned company the Yemen Gulf of Aden Ports Corporation (“YGAPC”), whereby DPW recovered 80% of the value of its claims and divested its entire interests in the troubled joint venture company established with Yemen and YGAPC to develop, operate, and manage two container terminals in Aden, Yemen.
- We represented **KB Home** in one of the largest arbitrations in its history, with claims collectively valued at over US\$ 1 billion, in an action brought by Focus South Group seeking to halt development of a 1,940-acre planned community in Henderson, Nevada. We successfully defeated claims seeking specific performance and damages in excess of US\$ 520 million against KB and its co-respondents. We also represented KB in a series of 14 related lawsuits brought by JPMorgan in connection with an additional US\$ 585 million financing and in involuntary bankruptcy proceedings against the Nevada LLC developer, which were initiated by JPMorgan.
- We represented a **real estate developer** in a dispute with its joint venture partner/contractor regarding structural defects in a substantial condominium project.
- We represented **Penn National Gaming** and its subsidiary in a dispute with land owners over a casino development in Kansas. We obtained summary judgment on the US\$ 47.5 million dollar claim and an award of attorneys fees, affirmed by the Tenth Circuit.
- We represented **Parsons-Dillingham**, a joint venture between Parsons Corporation and Dillingham Construction, in a long-running dispute with the Los Angeles County Metropolitan Transportation Authority in connection with the construction management of the Red Line subway line in Los Angeles.
- We represented **GE Energy** in a suit brought by the New York Power Authority claiming in excess of US\$ 75 million in damages arising out of the construction of an electrical generating plant.
- We represent **Fannie Mae** in a dispute resulting from a landslide under an apartment complex in Southern California. The issues involve scope-of-repair questions, unreimbursed impairment to the security and potential insurance coverage shortfalls.
- We represent a **Southern California real estate developer** in a dispute with a national developer over a parcel of property the two entities contracted to develop. The issues involve the parties’ obligations under the development agreements in light of changing economic circumstances.

- We represent a **national mall developer** in a dispute with two contractors over alleged deficiencies in systems that were installed at a mall site in Southern California.
- We represent the **owner of a steel factory** in Algeria in an ICC arbitration arising out of the construction of a factory which was never completed. The issues involve the scope of the parties obligations under the turnkey contract and the application of the arbitral agreement to parties who did not sign the arbitral agreement but actively took part in the performance of the contract. The amount claimed is in excess of US\$ 300 million.
- We represented **GE Energy** in a suit brought by Calpine claiming that the US\$ 28 million termination fee for canceling a contract to purchase a combined cycle gas turbine for a power plant was an unlawful and unenforceable “penalty”. We settled the case on satisfactory terms for GE.
- We represented a **real estate company** responsible for the development of major commercial structures in downtown Los Angeles in a dispute of the alleged right to share in the profits of such ventures. After bifurcated jury and judge trials, we settled the case on grounds favorable for the client.
- We represented **Jacobs Engineering** in related domestic and international arbitrations involving alleged defective design and manufacture of a semiconductor facility located in the south of France. We obtained an award exonerating Jacobs from liability and awarding costs and attorneys’ fees.
- We represented **Parsons Corporation** in an ICC international arbitration in Lima, Peru, arising out of the construction of a large multi-purpose development in Lima. We successfully limited plaintiff to the minimum contractually agreed upon damages.
- One of our partners represented the **New York State Housing Finance Agency** as lead counsel in a US\$ 150 million arbitration brought by Riverbay Corpover regarding alleged design and construction defects and delays in the building of seven huge multi-levels garages located in Co-Op City in the Bronx, New York. After a two-month long, politically charged arbitration, the panel rejected the owner’s primary claims, saving the State approximately US\$ 100 million.
- One of our partners represented **Inepar**, a Brazilian-based construction and telecom company, in a surety dispute arising out of alleged construction defects and delays on two off-shore oil conversion platforms in the Campos Basin.
- We represented **Hanes Properties**, a condominium developer, in a suit against a prominent civil engineering company over its failure to properly and timely perform its contractual obligations. After obtaining a jury verdict on all claims, including a finding of intentional fraud warranting punitive damages, the case settled for payment of the full jury award and all attorneys’ fees and costs incurred.

- We obtained summary adjudication of US\$ 50 million in implied warranty claims asserted in claims action against **KB Home** based upon the waiver of all implied warranties included in KB Home sales documentation.
- We represented the *Los Angeles Times* in a dispute over the design and construction of its state-of-the-art Los Angeles printing plant.
- A member of our team was counsel for **Sonatrach** in an UNCITRAL arbitration against Repsol and Gas Natural arising from the termination by Sonatrach of a contract for an integrated project including the development of existing gas fields, the construction of a liquefaction gas plant and upstream facilities, and the commercialization of the liquefied gas. The Arbitral Tribunal held that the termination was valid, allowed Sonatrach to retain at no cost the works completed before the termination of the agreement, and dismissed the Respondents' US\$ 3.1 billion counterclaim in its entirety.
- A member of our team was counsel for **Thales** and **Thales Naval S.A** in an ICC arbitration in Paris against the Navy of the Republic of China and the Republic of China following the sale of six frigates by Thales to Taiwan in 1991. The amount claimed was in excess of US\$ 1 billion dollars