

## **Construction Litigation and Arbitration**

Quinn Emanuel has unrivaled experience in high-value, technically-complex construction disputes. Our specialist construction disputes lawyers have been involved in numerous nine and 10-figure cases for claimants and defendants around the globe.

Every construction project is different, as is every construction dispute. Our construction disputes lawyers are not just litigators or arbitrators – they are construction specialists and have detailed knowledge of the construction industry and how construction projects work, and are adept at getting to grips with the technical details of every case we try. None of our competitors can match this expertise and experience.

Construction disputes are amongst the most fact and evidence heavy, technically complex and document intensive disputes in the legal world. Our construction disputes lawyers are experienced at proactively managing and controlling every aspect of the disputes process, from claims preparation, through document retrieval and discovery/disclosure to managing experts and conducting trials, thereby ensuring that our clients always maintain the strategic advantage in any dispute.

We act for the full range of participants in the construction industry: owners/employers, contractors and subcontractors, developers, designers, engineers and other professionals, lenders, investors and insurers. We also have detailed knowledge of all of the major forms of construction contract and have conducted arbitrations under all of the key international arbitration rules. Our team has also acted in a number of construction defect class actions.

Our firm is known for our trial prowess. The same is true in construction cases. This not only provides our clients an advantage if a case is tried, but it also provides leverage in achieving optimal settlements.

Quinn Emanuel was ranked in the area of Construction by *Best Lawyers*.

James Bremen, the chair of the firm's construction and engineering practice, is ranked in four categories in *Chambers*: UK-wide, Construction: International Arbitration; Middle East-wide, Dispute Resolution; Qatar, Dispute Resolution: International Firms; and Qatar, Projects & Energy. Mr. Bremen also has been listed as a construction specialist in *Who's Who Legal* for a decade, as well as a Global Thought Leader for 2020, and is the author of the key chapters "Contractors' Claims" and "Employers' Claims" in the *Guide to Construction Arbitration (3 ed.)* and the chapter "Construction Disputes" in the *Guide to Advocacy (3 ed.)*, both of which are leading texts published by *Global Arbitration Review*. He has previously authored the guides to construction arbitration in the *Global Arbitration Review* guides for both Qatar and Saudi Arabia. In addition, he is a Fellow of the Construction Lawyers Association of America.

Several other members of our team are recognised in *Chambers*, *Legal 500* and other directories.

## RECENT REPRESENTATIONS

- We successfully represented Focus Futura Holding Participações, a Brazilian energy company, against Risen Energy, a Chinese solar-panel manufacturing company, in an ICC International Arbitration and subsequent enforcement proceedings in the U.S. District Court for the Southern District of New York. We defeated Risen in the ICC arbitration in New York, and obtained an Award that found that Risen had materially breached PV module supply agreements and awarded our client nearly all of their claimed direct damages plus interest and legal fees, totaling over \$70 million. Risen refused to pay and tried to vacate the Award before the SDNY, where we again successfully defeated Risen, resulting in the Court judgment confirming the Award in full. We then embarked on aggressive collection efforts, by serving broad asset discovery and freezing assets in the U.S., which allowed our client to secure Risen's payments in a short order.
- We represented TPG Real Estate in a dispute over control of a 2,100-acre data center campus land development project, reaching a settlement resulting in TPG's complete control over management and development of the project on extremely favorable economic terms.
- Quinn Emanuel secured a critical arbitration award for a Middle East state-related charity in a multi-billion dollar arbitration arising from the construction of a landmark social infrastructure project in the Middle East, confirming that the termination of the construction contract for the project as a result of the contractors' delays was valid (the quantum phases of the arbitration, worth over US\$ 1 billion are continuing). We also successfully defended two challenges to two of the arbitration awards in the High Court of England & Wales.
- We were instructed by a Gulf state entity responsible for the development a new metro system to advise and represent them in significant disputes with a number of international contractors engaged on the project (the total value of the disputes to date exceeding US\$ 2 billion).
- We are representing a Gulf state oil company in parallel arbitrations against an international oil major in relation to allegations of improper treatment and maintenance of assets with a view to extracting maximum profit during the latter's possession of the assets.
- We represented Port Clarence Energy Limited ("PCEL") in a claim against six insurers in the English Commercial Court. PCEL's claim related to the proposed development of a 40Mw renewable energy power plant at Port Clarence, Teesside.
- We are representing MSG Las Vegas, LLC ("MSG") in a breach of contract dispute against Hunt Construction Group, Inc. ("AECOM Hunt") over the construction of Sphere, a next-generation entertainment medium in Las Vegas, Nevada. AECOM Hunt filed suit against MSG after it was terminated as general contractor for unpaid amounts, and MSG alleged numerous counterclaims concerning AECOM Hunt's performance as general contractor.
- We advised the state oil company of a former CIS state in relation to the design and construction of an oil refinery in southeastern Europe and potential claims against the

contractor group responsible for the design and construction of the facility for delays and failure to meet performance specifications, as well as potential counterclaims from the contractor group for delay and disruption and changes to specifications.

- We are acting for a Middle East state energy company in an ICC arbitration against the EPC contractor responsible for the construction of a USD 1 billion polysilicon production plant.
- We are acting for a major Korean construction contractor in an LCIA arbitration related to an EPC contract for a major oil pipeline project in offshore Kuwait.
- We are representing two European biochemical engineering companies in an ICC arbitration commenced by two South American bioengineering companies in relation to the licensing of certain biochemical technology and the engineering and equipping of a plant utilising the technology.
- We are representing the claimant power project developer in an ICC arbitration against a construction contractor for damages arising out of faulty workmanship in the construction of, and subsequent poor performance of, a floating offshore gas extraction facility in Africa.
- Quinn Emanuel is acting in Commercial Court proceedings in London for a European renewable energy company in a breach of contract claim against insurers under an Advanced Loss of Profit Insurance Policy following damage caused during construction of a 40Mw renewable energy power plant.
- We advised an Asian state-owned energy company in relation to numerous parallel disputes arising from finance, construction and shareholder arrangements, pertaining to its US\$ 500 million investment in a large energy company in Europe.
- Quinn Emanuel also successfully represented the same Asian state-owned energy company in a US\$ 200 million arbitration related to the construction of a substantial hydropower project.
- We represented BGC Contracting (an Australian construction contractor) in a case involving a claim for circa AU\$ 50 million brought against it by a subcontractor, and obtained a settlement by which the subcontractor agreed to pay our client circa AU\$ 10 million.
- We represented a Gulf State entity in a series of expert determinations to resolve disputes regarding technically-complex elements of the design and construction of a hospital facility, the total value of which was over US\$ 100 million, and which were essentially resolved in our client's favour, with the contractor being found only to be entitled to a fraction of the amounts claimed.
- 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 represented a Gulf State oil company in two LCIA arbitrations against the contractor responsible for the construction of various offshore pipelines in the Caspian Sea.

- We defended an international drilling contractor in an ICC arbitration involving claims of fraud and misrepresentation arising from out of the construction of a 1 km deep shaft for a potash mining project in Russia, and succeeded in having the claimant's claims, which were initially stated at over US\$ 1 billion, whittled down to a fraction of the amount claimed, and less than the claimant's actual out of pocket wasted costs.
- We represented 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 Petronas on all of the construction contracts for the "RAPID" project in Pengerang, Malaysia (a combined refinery and petrochemical integrated development project worth close to USD 30 billion) and construction disputes arising from the project.
- We are advising a Gulf-based construction contractor in connection with a series of disputes arising out of the construction of a new road network in a major city in the Gulf region, including disputes with its joint venture partner.
- 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 successfully represented TAQA in a London-seated, Saudi law, ICC arbitration related to shareholder disputes arising from a manufacturing facility in the Middle East.
- Quinn Emanuel has been appointed to the panel of the largest infrastructure project in Saudi Arabia to advise on the construction contracts and procurement issues and on construction disputes across the project.
- 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 a Gulf state oil and gas company in relation to a number of contentious matters arising out of the expansion of a gas port and terminal.
- 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.
- 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”) in relation to a 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, and successfully defeated claims seeking specific performance and damages in excess of US\$ 520 million against KB and its co-respondents.
- The firm currently represents a listed electrical engineering company in several disputes with head contractors arising out of the construction of Rio Tinto’s AU\$ 2.6 billion Amrun bauxite mining project in Queensland, Australia.
- We represented one of Australia’s largest civil contractors in an UNCITRAL arbitration seated in Singapore and involving the construction of the US\$ 10 billion Roy Hill iron ore mine in Western Australia.
- We regularly act for a large civil contractor in litigation and arbitration proceedings involving the construction of major roads, bridges and other civil infrastructure works in various states of Australia.
- We won a significant victory in an arbitration for a US-based construction company in which the arbitrator ruled for our client on all issues related to a construction project in Manhattan, saving the client more than US\$ 50 million.