

INTERNATIONAL ARBITRATION



Our International Arbitration and Cross-Border Litigation team, mostly based in the firm's offices in Moscow, London, Paris, Miami, New York, Hong Kong, Singapore, the UAE and USA, leads the market according to the international directories.

Our cross-border team provides fully-integrated legal service to both Russian and foreign clients in high-profile international arbitrations from mounting an international defence strategy at all major arbitration centres and in ad hoc arbitration through enforcing awards in various jurisdictions. Our associates also act as arbiters themselves.

OUR ADVANTAGES

- ▶ One undeniable benefit we offer our clients is a London-based Russian-speaking arbitration partner and team.
- ▶ While leveraging an impressive bench of litigators working in 30 international offices, the firm also works in close cooperation with more than 100 preferred law firms across Russia and in over 60 other countries.
- ▶ Our team embraces experienced barristers and advocates. We are one of only a few teams on the market whose partners appear personally before arbitration tribunals, with no need to engage an external barrister for additional fees.
- ▶ We offer in-house forensic technology and accounting services. It serves our clients effectively, helping them streamline proceedings and legal costs.

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The team leads the market according to the international directories The Legal 500 2021 and Chambers and Partners 2021.

The team is also ranked in Band 1 by the national rating Pravo.ru-300 2020.

Bryan Cave Leighton Paisner is placed among the 100 best law firms globally for International Arbitration by Global Arbitration Review / GAR 100 2020 (13th Edition).

Partners Roman Khodykin, Elena Trusova and Yury Babichev are recommended for International Arbitration and Cross-Border Disputes in Russia by Chambers Global, Chambers Europe, The Legal 500 and Best Lawyers.

200

Bryan Cave Leighton Paisner LLP litigators total over 200.

50

Our lawyers have recently represented clients in international arbitrations in over 50 different jurisdictions, including Russia/ the CIS and the UK, Sweden, Switzerland, Spain, Norway, Denmark, Singapore, China, India, the USA, Canada, Australia, New Zealand, Saudi Arabia, Oman, the UAE and others.

REPRESENTATIVE EXPERIENCE

VTB Bank

Represented the client in an LCIA arbitration against a Cyprus company, under a loan agreement governed by English law. The total value of the claim was about USD 135 m. The project was exceptionally complex and we successfully pushed back against the opponents, who had adopted a very active stance. This was a unique case: the other side brought together a tremendous amount of diverse information from other overseas cases (in which we had not participated) in an attempt to prove that the bank suffered from systemic problems.

The biggest Russian on-line retailer

We have acted for a shareholder in a major Russian e-commerce company in an LCIA arbitration over a shareholders' dispute and continue to act in a number of enforcement proceedings spanning four different jurisdictions. The claim concerned unfair prejudice caused to a minority shareholder. Corporate disputes such as this seldom find their way to international arbitration. The Tribunal granted our client's claim and ordered the defendants to buy up its shares at the price that preceded the unlawful actions.

Sochi Olympic Games

We represented athletes in a sports arbitration (the Ad Hoc Division of the Court of Arbitration for Sport) during the Winter Olympics.

A major Russian bank

Recovering a debt owed by two Russian borrowers from their Turkish sureties and a Maltese guarantor. The sum in dispute is more than USD 200 m. The debtors' obligations under loan agreements are mortgage-backed and secured by suretyship agreements signed by a Turkish company and a Turkish citizen and by an English-law governed guarantee from a Maltese holding company.

RusHydro

Representing RusHydro in an international arbitration brought against the Kyrgyz Government over reimbursement of RusHydro's costs of USD 37m incurred in connection with the project for construction of the Upper-Naryn hydroelectric power plant cascade in Kyrgyzstan.

Coral Energy

Represented Coral Energy, an oil-trading company registered in Singapore, in an arbitration over prepayment recovery against CJSC Kaspi-1, a petroleum supplier based in the Republic of Dagestan. The claim was filed with the International Commercial Arbitration Court under the Russian Chamber of Commerce and Industry. The sole arbitrator granted the Coral Energy's debt recovery and damages claim in full, including full compensation for the claimant's fees. The award was enforced by the Commercial Court of the Republic of Dagestan triggering bankruptcy proceedings against the supplier, during which Coral Energy was able to object to other creditors' claims.

Cyprus holding company

Acted for our client in a dispute between the former general director of a Russian subsidiary, this company and its Cyprus shareholder. The dispute arose out of an out-of-court settlement agreement governed by English law and executed as a deed only by the former general director and the Cypriot company. The Russian company did not sign the settlement agreement. Even so, the general director filed a claim against the Russian company and the Cypriot company to recover compensation from them under the settlement agreement. This dispute was heard by a sole arbitrator under the Rules of the Arbitration Institute of the Stockholm Chamber of Commerce. The arbitrator accepted BCLP's arguments, recognised the agreement as invalid and dismissed all the former general director's claims. The arbitrator also ordered the claimant to reimburse 70% of the Cyprus company's arbitration costs.

Russian bank

Represented a Russian bank in a dispute with a Cyprus company and a group of co-defendants. The dispute arose out of several SAPs for securities between the Russian bank (as the buyer) and the Cyprus company (as the seller), which were signed retrospectively by an unauthorised person. The seller entered a claim for the bank to pay the purchase price for the securities. The seller's claims, totalling USD 200 m, were heard in several parallel international arbitrations. The bank was deprived of the opportunity to question the Cyprus directors and the selling company's lawyers, as they had testified in writing. A joint team of BCLP and Cyprus lawyers managed to have the Cyprus court impose injunctions to search, together with IT experts, the premises, servers, computers and mobile devices of the defendants.

BVI-registered corporate creditor

Represented a corporate creditor in a dispute over recovery of debt from a New-York company and its sole shareholder. The dispute arises from an English law governed loan agreement between the BVI company, as the lender, and the New-York company, as the borrower. Under the LCIA award, the claimant obtained recovery of the principal debt and increased interest from the defendant. Upon recognition of the award in the USA and following interrogation of the company shareholder as part of disclosure of evidence, the shareholder and the company chose to sign a settlement agreement with the lender. Then the debtor defaulted on the settlement agreement and the creditor is currently enforcing recovery of the debt from the debtors under the settlement agreement.

Venture capital fund

Acted for a venture capital fund in an LCIA arbitration against a claim brought by an IT start-up majority shareholder. Our client challenged occurrence of the deadlock and legitimacy of the Russian roulette being launched. It also filed a counterclaim seeking enforcement of the call option at the par value of the shares on the grounds that the company did not reach a certain level of sales.