

Arbitration



Selendy & Gay’s deep knowledge of the specialized intricacies of arbitration, combined with the courtroom skills of our partners, have resulted in high-value awards and settlements for clients as claimants and respondents in their most sensitive and complex matters.

We draw on our experience to craft practical strategies to achieve our clients’ goals when their businesses or reputations are at risk. We make appropriate use of the range of levers and rules available in arbitration, such as those relating to threshold jurisdictional issues, the territorial reach of arbitration subpoenas and other issues concerning party and non-party discovery, the interaction of the Federal Arbitration Act (FAA) with state arbitration law, public policy exceptions to arbitrability, post-hearing review standards, and enforcement of awards.

Our lawyers have achieved successes in bet-the-company arbitrations involving multiple parties, jurisdictions, and related litigation such as court proceedings for temporary restraining orders and for discovery in aid of international arbitration. We have prevailed in both ad hoc arbitrations and also arbitrations administered by the major arbitral providers, such as the American Arbitration Association (AAA) and its International Centre for Dispute Resolution (ICDR), JAMS, Financial Industry Regulatory Authority (FINRA), and UNCITRAL. Among other areas, we have arbitrated over private equity investments, nuclear and other types of energy, corporate governance and “divorce”, executive employment and lift outs, trade secrets, and intellectual property rights.

Our representative engagements include:

- **A member of a Delaware Limited Liability Company**, in a governance dispute concerning rights under the LLC agreement, including rights held by board designees with respect to setting compensation for the company’s top executives.
- An **energy company** in a contract dispute with the supplier of fuel needed to produce electric power.
- The **head of a bank’s practice area group** in a FINRA arbitration concerning deferred compensation and other disputes arising from the head’s departure from the bank along with a group of other bankers.
- A **major energy company**, as respondent in a confidential international arbitration victory in front of a AAA Panel that awarded claimant zero and dismissed with prejudice its claim for hundreds of millions of dollars.

- **Rosen Capital Advisors LLC**, an investment fund, in a two-week FINRA hearing against its prime broker, Merrill Lynch, for damages arising from fraud, negligence, and breach of Merrill Lynch's contractual duties in connection with managing the investor's account. Resulted in one of the largest FINRA investor arbitration awards on record at the time, amounting to about \$79 million.
- **North Atlantic Refinery Limited**, a Canadian crude oil refinery, in an international arbitration over an exclusive oil supply agreement. On behalf of our client, we developed critical counter-claims and won key rulings against BP that transformed the nature of the action, allowing the bankruptcy-threatened refinery to resolve all claims and expand its operations.
- A **major Wall Street bank** in arbitrations and class claims arising from the burst of the Internet bubble. Defended the bank and Mary Meeker, a prominent Internet analyst, in related SEC and NYAG investigations.
- **Bossier Casino**, a luxury hotel and casino, in arbitration defeating a claim for \$200 million in trademark license fees. We successfully obtained a ruling that our client could use trademarks without further payments during the license term.
- **Assured Guaranty Municipal Corp.**, a financial services provider formerly known as CIFG Assurance North America Inc., as plaintiff, in FINRA arbitration resulting in a determination that defendant Goldman Sachs committed fraud in connection with a collateralized debt obligation and award of substantial damages.
- A **minority venture capital investor** in a week-long hearing against a start-up LLC involving claims and counterclaims related to breach of the operating agreement and breach of fiduciary duty.
- **Ticketmaster Entertainment Inc.**, an American ticket sales and distribution company, against claims brought by MovieFone alleging that Ticketmaster tried to quash MovieFone's move into the concert business by interfering in its public offering and intimidating potential investors.