

international arbitration

In commercial arbitrations, Bi-Lateral Investment Treaty arbitrations, the ability to present an appropriate calculation for damages or valuation of loss during the proceedings is as vital as it is challenging. Not only does this process involve the analysis of complex financial information, forecasts and market information, but it is essential that the team have substantial experience of providing expert evidence (in both written and oral form).

At Navigant, our dedicated international arbitration team is skilled in developing robust financial analysis and presenting conclusions in a clear, concise and objective manner. We can prepare a powerful submission that can be easily understood and trusted by the tribunal to navigate and decide on difficult matters. Navigant's international arbitration experts have significant testimony experience (both written and oral) in arbitrations across Europe, North America, the Middle East and Asia.



SERVICES

Navigant's experts have been involved in many international commercial arbitrations where contractual relations break down between business partners, including:

- » share purchase agreements
- » post-acquisition settlements
- » supply contracts
- » joint venture agreements
- » build-operate-transfer arrangements.

CONTACT

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CHALLENGE

VALUATION OF RUSSIAN BUSINESSES

SOLUTION

Navigant was appointed to evaluate damages in a LCIA arbitration involving alleged misappropriation of business and assets between Russian companies. The Claimants valued the lost businesses at over US\$500m. Although the majority of documentation was in Russian, Navigant was able to undertake the valuation of numerous different companies in a very short time period. After receiving our expert report, the parties settled the dispute for a sum very close to the Navigant valuation of approximately US\$100million.

CHALLENGE

VALUATION OF DAMAGES ARISING FROM BREACH OF CONTRACT

SOLUTION

Navigant was appointed to calculate damages in an ICC arbitration involving the losses suffered by a distributor of medical testing equipment as a result of the vendor breaching the exclusivity of the contract. Navigant assessed damages from the time of the breach through to the end of the contract, five years into the future. Although the Tribunal held that there was a causation issue for the last three years of the contract, it awarded damages up to that time, in line with Navigant's calculation of damages.

“We thought that the reports produced by Navigant were excellent, and that its expert testimony and response to cross-examination was first rate. Navigant held its position, but at the same time appeared reasonable to the Tribunal.”

Partner in US law firm commenting on London arbitration

FACTS & FIGURES

Navigant has successfully:

- » Acted in over 45 Bi-Lateral Investment Treaty arbitrations and numerous commercial arbitrations
- » Testified in arbitrations in London, Stockholm, The Hague, Geneva, Paris, Dubai, Hong Kong, Singapore, Toronto and Washington DC
- » Appeared in front of over 100 international arbitrators from around the world
- » Provided evidence in ICC, ICSID, CEPANI, AAA, LCIA and institutional arbitrations as well as for various chambers of commerce and before ad hoc arbitral tribunals operating under the UNICITRAL rules
- » Provided evidence on matters with losses up to US \$30 billion

