

## Commercial Arbitration

When commercial disputes are subject to arbitration, it is critical to have experienced counsel at your side. With deep understanding of the arbitration process, familiarity with the arbitrators and experience arbitrating dozens of matters through to final award, our lawyers can guide you through what may be unfamiliar territory. We understand the differences between arbitration and litigation and know how to approach this dispute resolution process to achieve the best results for clients.

Our lawyers have arbitrated international and domestic commercial disputes as well as insurance and reinsurance matters, including those subject to the Bermuda form. Once the arbitration is complete, we follow through to the extent motions to confirm or vacate are necessary under the Federal Arbitration Act or state equivalents.

In addition to arbitrating commercial disputes, we assist clients with drafting arbitration clauses for their contracts. Our extensive arbitration experience provides insight into issues that may arise in the process —issues that can be minimized or avoided by including certain provisions in the arbitration clause itself.

### RECOGNITIONS AND AWARDS

Since 2015, White and Williams has been recognized by Chambers USA as a leading firm in Pennsylvania for its achievements and client service in the area of insurance law. The firm is described as having a “renowned practice offering expert representation to insurers and reinsurers across an impressive range of areas.” Clients reported that the firm has “great working knowledge of arbitration.”

### REPRESENTATIVE MATTERS

Represented the issuer of a buyer-side M&A representation and warranty insurance policy in a complex, multi million dollar arbitration stemming from a private equity firm’s acquisition of a healthcare company that allegedly misrepresented its warranted financial statements

Following receipt of a foreign arbitration award entered by the China International Economic Trade Arbitration Commission in favor of a firm client, successfully confirmed the award in the U.S. District Court for the Eastern District of New York on behalf of that client, a Chinese manufacturer

### RELATED PRACTICES

Commercial Litigation  
Construction and Surety  
Corporate and Securities  
Financial Lines  
Financial Restructuring and Bankruptcy  
Insurance Coverage and Bad Faith  
Intellectual Property  
International  
Litigation

### PRACTICE HIGHLIGHTS

- White and Williams has a “great working knowledge of arbitration,” Chambers USA 2017
- International and domestic capabilities

Represented insurance company in an arbitration under the Bermuda Arbitration Act involving a dispute over D&O coverage for a utility company's settlement of securities and derivative litigation against a bankrupt entity

Represented a property owner in claims arising out of breach of a construction agreement

Represented a CEO in claims against a former employer for breach of executive compensation agreement

Represented a private mortgage insurer in a complex multiparty arbitration involving the issuance and the insurance of mortgage-backed securities that lost most of their value following the 2008 financial crisis

Represented multiple ceding companies in dozens of reinsurance disputes concerning the accumulation of long tail claims pursuant to "causative agency" and similar language

Represented a ceding company in several cases to collect reinsurance for asbestos liabilities under a clash treaty

Represented a reinsurer, and obtained summary judgment, in a matter in which the ceding company attempted to cede extra-contractual obligations under an excess of policy limits provision

Arbitrated several disputes involving finite risk contracts

Arbitrated several disputes in which one of the parties was seeking rescission of the reinsurance contract

Represented ceding companies and reinsurers against insurance companies in liquidation and confronted issues involving offsets and cut throughs

Represented insurance company in an arbitration under the Bermuda Arbitration Act involving a dispute over CGL coverage for a medical device company's settlements of lawsuits relating to the failure of the device

Represented insurance company in an arbitration under the London Arbitration Act involving a dispute over CGL coverage for a major environmental catastrophe

Represented insurance company in an arbitration under the London Arbitration Act involving a dispute over D&O coverage for a telecommunications company's settlement of a complex securities class action

Represented a physician practice group in defending claims by a withdrawing shareholder

Represented a leading satellite service provider in AAA/ICDR international arbitration against a leading satellite manufacturer arising from defects in a satellite intended to service the Asian market

Represented a leading satellite services provider in an ad hoc international arbitration against one of the world's leading diversified media companies over a planned direct-to-home television service in the India market

Represented a leading European manufacturer of high end jewelry in AAA/ICDR arbitration over a dispute with a service provider

Represented a US manufacturer in ICC arbitration arising from a dispute with its local representative over procuring a contract to supply products in the Republic of Ghana

Advised Latin American financial institutions on arbitral claims against the Venezuelan government arising from the expropriation of assets

Advised a Latin American entrepreneur in claims lodged in the Inter-American Commission on Human Rights over misappropriation of assets

Advised a US manufacturer on possible claims under the Australian-United States Free Trade Agreement

Represented a US-based manufacturer of sophisticated power plant components in an arbitration administered by the International Chamber of Commerce seated in Brussels, Belgium regarding the construction of a power plant in Greece

Represented a US manufacturer and distributor of heating and cooling equipment in an arbitration in Hong Kong under UNCITRAL arbitration rules administered by the Hong Kong International Arbitration Centre (HKIAC) against a Korean manufacturer of component part

Represented Chapter 7 bankruptcy trustee in a commercial arbitration against debtor's auditors for losses resulting from professional negligence and other malfeasance

Represented healthcare industry corporation in dispute with minority shareholder who was withdrawing from corporation and challenging valuation of her stock

Represented former chief executive officer in dispute with material handling corporation over breaches of his employment agreement

Represented property owners in large dispute with contractors over failure to perform construction services in competent manner

## **CASES & DEALS**

White and Williams Team Prevails in Enforcement of Foreign Arbitration Award  
6.4.19

## **NEWS**

Thomas Butler and Nicole Sullivan Join White and Williams in New York  
2.27.17

Coverage College Celebrates Its 10th Anniversary  
9.22.16

## **PUBLICATIONS**

Strike and Rank – An Alternative to the Strike and Flip Umpire Selection Process  
*Reinsurance Alert*, 3.4.21

Mind On His Money and His Money On His Mind: New York District Court Judge Affirms Arbitral Award Arising Out of Dispute Over Royalties Owed to Rapper Snoop Dogg

*Reinsurance Alert*, 2.12.21

Parties to Private Commercial Arbitrations Held Overseas May Not Be Able to Utilize US Courts to Obtain Discovery

*Commercial Litigation Alert*, 7.9.20

Recent Cases Shed Light on Enforcement of Foreign Arbitration Awards

*The Legal Intelligencer*, 1.10.19

Supreme Court Rejects "Wholly Groundless" Exception to Question of Arbitrability

*Reinsurance Alert*, 1.9.19

Kaepernick Case Raises Arbitrator Subpoena Power Questions

*Sports Law360*, 6.20.18

US Senate Joins House in Striking Down CFPB Arbitration Rule

*General Commercial Litigation Alert*, 10.25.17

Bureau of Consumer Financial Protection Issues New Arbitration Rule; U.S. House of Representatives Rejects It

*General Commercial Litigation Alert*, 8.28.17

Superior Court Provides Road Map for Enforceability of Arbitration Provisions in Assisted Living Residency Agreements

*Healthcare Alert*, 4.25.17

Federal Court Enjoins CMS Ban on Pre-Dispute Arbitration Agreements in Long-Term Care Facilities

*Healthcare Alert*, 11.7.16

Third Circuit Compels Arbitration of Fraud in the Inducement Claim

*Reinsurance Alert*, 11.4.16

CMS Bans Pre-Dispute Arbitration Agreements for Long-Term Care Facilities

*Healthcare Alert*, 9.30.16

Recent Court Challenges Could Signal a Change for Special Arbitration

*The Subrogation Strategist*, 7.15.16

Arbitration Provision Against Public Policy

*The Subrogation Strategist*, 8.21.15