Domestic U.S. Arbitration

Our arbitration practice has always been one of the cornerstones of our firm. We have succeeded in hundreds of arbitrations. Our lawyers not only have broad experience as advocates, but some also have substantial experience as chairs or members of arbitration panels.

As advocates, many of our arbitration lawyers have decades of experience in arbitrating complex cases involving virtually every type of business endeavor and under virtually all institutional arbitration rules and domestic laws, as well as *ad hoc* arbitrations not tied to any institutional rules.

As arbitrators, our lawyers regularly serve on panels in major arbitration proceedings that involve business disputes of all kinds. This gives us invaluable perspectives on how to present all aspects of cases most effectively to arbitration panels. Our partners have been and are members of the most prestigious arbitration panels in the U.S., including the Large Complex Case Panels of the AAA and the Center for Public Resources arbitration panel.

As arbitration scholars, we work hard to stay abreast of—and contribute to—important developments in the study and practice of arbitration. Our current and former partners have served on numerous arbitration boards and executive committees of the most prominent arbitration associations, including the AAA Board of Directors and Executive Committee, the London Court of International Arbitration, and the ICC Commission on Arbitration. We regularly sponsor and present arbitration seminars for clients and arbitration practitioners.

OUR ALTERNATIVE FEE STRUCTURES

We also *proactively* propose alternative fee structures when we believe that would be mutually beneficial for us and our clients. These may include full or partial contingency fee arrangements; flat fees for specific tasks or phases of the arbitration process; success fees for achieving pre-defined results—for clients as claimants or respondents; and hybrid combinations of these fee structures.

RECENT REPRESENTATIONS

- We represented venture-backed SaaS company **Tessell** and its three co-founders in a JAMS arbitration brought by their former employer, Nutanix. Nutanix sought more than $100 million in damages and a constructive trust over the founders' equity in Tessell, based on claims of trade secret misappropriation, copyright infringement, breach of contract, tortious interference, and breach of fiduciary duty. We obtained a complete defense victory when the arbitrator rejected every claim and dismissed all of them with prejudice, fully exonerating our clients.

- We represented **Film Finances International**, the world's leading completion guarantor, in a bet-the-company JAMS arbitration concerning the production and delivery of Kevin

Attorney Advertising. Prior results do not guarantee a similar outcome.

Costner's Horizon: An American Saga – Part 2. Following a five-day evidentiary hearing before the Hon. George King (Ret.), we secured a complete victory — the arbitrator found that the film was timely delivered and that New Line Productions, not Film Finances, must pay City National Bank approximately $45 million in distribution fees.

- We successfully represented a **large healthcare network** as the claimant in an AAA arbitration. Our client alleged that the respondent failed to perform its obligations under a healthcare services outsourcing agreement and, following a three-week hearing, the arbitration panel found in its favor, awarding over US$ 100 in damages.

- We represent national **Hyundai** and **Kia** vehicle distributors **Hyundai Motor America** and **Kia America, Inc.** in opt-out cases from a class settlement involving allegations that they sold around nine million cars without immobilizers that were thus purportedly "easy to steal." We have obtained complete victories in multiple individual court actions and arbitrations against many opt-out plaintiffs, often in early stages and other times on the merits at arbitral hearings. Each case that has been decided on the merits had ended in our clients being dismissed without any finding of liability against them. These wins send a strong message to plaintiffs' attorneys who attempt to leverage social media to gather thousands of class action opt-outs seeking enhanced settlements.

- We represented **Susan "Gregg" Renfrew, Counter Brands, Inc.,** and **G2G Ventures, PBC** in a putative class action brought by former independent contractors following the termination of their contracts and the restructuring of clean beauty company Counter Brands, LLC. Plaintiffs alleged a variety of quasi-contractual claims, business tort claims, and fraudulent transfer claims arising from G2G's acquisition of certain Counter Brands assets in a foreclosure sale. We obtained a complete dismissal of all claims against our clients for lack of personal jurisdiction.

- We represented **Vantage Drilling International** in an ICDR arbitration against a multinational energy company alleging the wrongful termination of a deepwater drilling contract. The arbitration resulted in a $720 million award in Vantage's favor. We obtained confirmation of the award in the Southern District of Texas and successfully opposed both a Fifth Circuit appeal and a U.S. Supreme Court cert. petition.

- We obtained an arbitration award of more than $170 million for our biotech clients **NantCell, Inc. and Immunotherapy NANTibody** against Sorrento Therapeutics, Inc. and its Chairman and CEO following a four-week arbitration. The arbitrator found for our clients on all material issues, including finding that the opposing party had breached a license agreement.

- We represented **National Australia Bank** in a FINRA arbitration against Goldman Sachs and obtained the third largest award in the history of FINRA, $100 million. The arbitration arose from fraudulent misrepresentations by Goldman Sachs that $80 million of CDOs sold to our client were highly rated and "stable" when the investment actually posed significant risk and failed when the U.S. subprime market imploded.

- We represented an **international food processing company** and its subsidiary ("Seller") against a challenge brought by the U.S. buyer of the subsidiary. The adversary disputed the Seller's historical accounting practices and demanded a nine-figure reduction in the multi-billion-dollar purchase price. After an 18-month process and over 300 pages of submissions, we secured a ruling in Seller's favor on over 95% of the disputed amounts.

- We represented **Rosen Capital Partners** in obtaining an award of $89 million, including interest, against Merrill Lynch. The Wall Street Journal described our victory as one of the largest investor arbitration awards ever issued by a FINRA arbitration panel. The award

was confirmed by the Los Angeles Superior Court and the California Second District Court of Appeal.

- We represented **ImmunityBio, Inc.** and its subsidiaries in a major arbitration and federal court litigation involving massive theft of trade secrets by a former executive and his new company, HCW Biologics. We achieved a favorable settlement shortly after the close of evidence.

- We represented a **renewable feedstock and fuels producer** in an arbitration proceeding before the American Fats and Oils Association, a forum composed entirely of industry representatives. The arbitration involved a supplier dispute regarding a product valued at over $40 million. We protected our client's reputation in a competitive marketplace through accelerated proceedings with highly technical discovery and unique controlling law.

- We represented **Leslie John Dilley II**, a creator of a privacy coin to be built on Ethereum and other open-source-software components released under the GPLv3 license, defending against a $2 million trade secret misappropriation claim by a co-founder. We successfully compelled arbitration and secured a complete victory for our client on all claims and an award of attorneys' fees and costs.

- We prevailed in a FINRA arbitration for **Raymond James** against an international financial services company and obtained a $16.5 million award.

- We achieved a highly favorable settlement for our **investment bank client** in connection with discrimination and wrongful termination allegations. We compelled all of Plaintiff's claims to arbitration and then dismantled the case through opening and cross examination, at which point Plaintiff agreed to settle for a small fraction of her $10 million demand.

- We represented **limited partners of a hedge fund** in a shareholder derivative arbitration against a hedge fund manager and his stockbroker sister based on claims of systemic fraud in post-execution allocations of securities trades over more than a decade. After a several-month arbitration, a unanimous panel awarded our clients $75 million in compensatory and punitive damages, including $35 million for disgorgement of compensation.

- We represented client **Oxy USA, Inc**. against SandRidge Exploration and Production LLC stemming from SandRidge's breach of its contractual obligation to provide a minimum quantity of natural gas for processing under a gas treatment agreement, winning a $70 million arbitration award.

- We represented K. Hovnanian Homes, Inc., a publicly traded national home builder, in an arbitration involving the termination of a $60 million real estate transaction. The arbitrator's decision granted our client a complete victory, including costs and attorneys' fees.

- We represented a **pharmaceutical company** in securing a nine-figure settlement for several contract disputes arising out of drug and device development collaboration and licensing agreements, without having to file suit or request arbitration. This is a prime example of the "Quinn Emanuel Effect," where our appearance, reputation, and initial strategic initiatives result in an early and highly favorable outcome.

- We recently achieved a significant settlement for **two solar power executives** and entrepreneurs just days after closing arguments in an arbitration. The adversary had

made a settlement offer of essentially nothing the week before – but, after learning the award was about to issue right after argument, the adversary hastened to settle the matter on very favorable terms for our clients.

- We represented **Toshiba Corporation** in a patent license dispute against Coby Electronics, a manufacturer of DVD video players, for unpaid and underreported royalties, winning an $18.5 million dollar AAA/ICDR arbitration award.

- We represented a **major reinsurance company** in a six-week arbitration in which our client faced a claim by film producers for $50 million in film financing. We won a complete defense.

- We represented the **University of Southern California** in an arbitration brought by its former head football coach, Steve Sarkisian, claiming damages of $30 million from his October 2015 termination after a series of public incidents involving apparent alcohol use. After a seven-day arbitration, we secured a complete victory for USC and denial of all claims, including wrongful termination and breach of contract.

- We represented **MetroPCS Wireless, Inc.** in a FINRA arbitration against Merrill Lynch. MetroPCS brought fraud and related claims arising out of Merrill's sale of over $100 million of auction rate securities, comprised of certain tranches of collateralized debt obligations, ultimately achieving a settlement on favorable terms prior to the hearing.

- We represented **one family member** against another in a dispute over ownership of $300 million in real estate ventures (e.g., shopping malls, apartments, residential developments, etc.) bought and sold over a 30-year period, in a private judge/arbitration proceeding. The arbitration hearing lasted more than six months, resulting in our recovery of cash and property worth over $150 million for our client.

- We represented **Google, LLC** in a case involving allegations of trademark infringement, trademark dilution, and unfair competition, brought by a customer of Google's advertising services. We successfully won a motion to compel the dispute to arbitration.

- We represented a **subsidiary of JP Morgan** in defeating two 28 U.S.C. § 1782 petitions for discovery in aid of foreign proceedings to confirm an arbitration award. The court denied both petitions because JP Morgan's subsidiary was attempting to circumvent an adverse discovery ruling in a parallel U.S. proceeding to confirm the same award, creating new case law in the process.

- We represented insurer **CIFG Assurance North America** in its pursuit of damages against Goldman Sachs for fraud in connection with a collateralized debt obligation for which CIFG had provided insurance and in which it had invested. In arbitrating CIFG's claim relating to its investment, we prevailed and successfully obtained a finding of fraud against Goldman and an order to pay substantial damages.

- We represented **Wellquest International, Inc.** in an appeal from an order denying a motion to compel arbitration because the arbitration provision at issue only applied to claims "arising out of or related to" a clause giving the right to initiate an audit for unpaid royalties that Wellquest had never invoked. The California Court of Appeal reversed, holding that the claims for unpaid royalties were "related to" the audit clause and had to be arbitrated.

- We represent the board and top management of a **financial technology company** in all pending disputes, including regulatory inquiries and shareholder litigation. We were

retained to conduct an arbitration against a former executive and achieved a settlement on the eve of the hearing.

- We achieved an appellate victory for BlackRock subsidiary Tennenbaum Capital Partners (TCP), convincing the California Court of Appeal to reject a challenge to an arbitration award by TCP's adversary, its former general counsel. The adversary attempted to invoke the California Labor Code to alter an arbitration award relating to sharing of carried interests and to add attorneys' fees; the Court of Appeal rejected each of his arguments.

- We represented a **novel technology start up** in proceedings in the ICC and Commercial Court of London against a multinational partner, which had neglected its obligations under exclusive commercialization arrangements but refused to release our client from its exclusive relationship. We obtained a full exit for our client and transfer of substantial intellectual property rights, so it could form commercialization arrangements with a new partner.

- We represented the **holder of significant amounts of wireless spectrum** in a contract dispute with a major telecommunications provider. Without filing a complaint, we were able to obtain a highly favorable settlement while maintaining the business relationship between our client and the telecom company.

- We represented **Vermillion, Inc.** and **Bio-Rad Laboratories, Inc.** in arbitration with respect to claims including breach of contract, tortious interference with contract, and fraud regarding the use and licensing of rights to surface-enhanced laser desorption technology, ultimately obtaining rulings of no liability.

- We represented **GK Films,** which has produced films such as "The Departed," in a motion picture financing dispute arising from actions by Aurelius Films to cut GK out of a deal regarding "The Medallion." The arbitrator awarded our client damages of $1.3 million plus its attorneys' fees and costs for claims including breach of representations and warranties in the agreement.

- We represented eleven individual Respondents against claims by their former employer, Smith Barney, arising out of their resignation from Smith Barney to join **Convergent Wealth Advisors.** The three-arbitrator FINRA panel dismissed all of Smith Barney's claims and ordered Smith Barney to pay all hearing fees.

- We represented **Houston Casualty Company and CineFinance Insurance Services (HCC)** in a dispute initiated by a film financer seeking $15.8 million based on the delayed completion of the film "Tekken." The arbitrator found that the financer knew the film could not have been completed by the stated delivery date, and awarded our client a complete victory, including $3.9 million in attorneys' fees and costs.

- We represented **Ortho-McNeil**, a Johnson & Johnson subsidiary, in a dispute over patent families for new drugs for production of red blood cells, worth billions of dollars in annual sales. In a victory for our client that made an important new law narrowing "manifest disregard of the law" as a ground for district court vacatur of arbitral awards, the Seventh Circuit found that an award favoring our client could not be vacated for legal error and remanded the award for full confirmation.

- We represented several Koch Industries subsidiaries (collectively, "**INVISTA**"), in obtaining dismissal of an appeal to the Third Circuit by French chemicals firm, Rhodia S.A. ("Rhodia"). The Third Circuit held that a defendant may not obtain a stay of litigation in favor of a foreign arbitration pursuant to the FAA when the arbitral tribunal has already

rejected the defendant as a party to the foreign arbitration, allowing INVISTA's claims against Rhodia to proceed.

- We represented **Sequus Pharmaceuticals, Inc.** in securing a ruling from the Ninth Circuit that the district court had removal jurisdiction under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards when a party raises an affirmative defense related to a foreign arbitral award. The Ninth Circuit agreed with our client that the removal provision should be construed broadly to allow removal so that it provides a meaningful shield against would-be state court litigation seeking an end run around foreign arbitration awards.

DIRECTV ACTIONS:

- We represented **DIRECTV** in AAA arbitration against a former retailer seeking millions in damages for wrongful termination and the decision to limit that retailer's operation to the state of Colorado. The arbitrator denied all of the retailer's claims, simultaneously granting DIRECTV damages for its counterclaims and approximately $1.3 million in attorneys' fees and costs.

- We represented **DIRECTV** in *Garcia v. DIRECTV*, obtaining a grant of certiorari from the U.S. Supreme Court on the propriety of classwide arbitration under the Federal Arbitration Act. On remand, the California Court of Appeal held for the first time that whether an arbitration agreement governed by the FAA permits classwide arbitration must be determined by the arbitrator, not the courts, reversing long-standing California law.

- We represented **DIRECTV** in *DIRECTV v. NWS*, which resulted in a multi-million-dollar arbitration award for DIRECTV based on claims of fraud, signal theft, and commercial misuse.

- We represented DIRECTV against claims of unfair business practices arising out of DIRECTV's policies relating to its Pay-Per-View programming. We obtained a complete defense award in a putative classwide arbitration.

- We represented **Film Finances, Inc.** in an arbitration brought by Fortis Bank regarding Spike Lee's film, "Miracle at St. Anna." Fortis claimed that the film did not comply with the financing contracts because it was too long and differed from the approved screenplay. The arbitrator dismissed the claim and awarded Film Finances declaratory relief, attorneys' fees, and costs.

- We represented a **global telecommunications company** in two contract disputes arising from the parties' fifteen-year relationship. In one dispute, we successfully represented our client in the Federal Circuit in an appeal that set the standard of review for determining arbitrability. In the other, we obtained a very favorable settlement as lead counsel in an arbitration involving multiple claims and cross-claims about contractual issues.

- We represented **leading venture capital firms** and their top partners in a case brought by the founder of a leading internet company for fraudulent inducement, alleging that our clients persuaded him into taking venture capital money that yielded the founder $5 million, rather than selling his internet company for a cash/stock value of what is now $180 million. The arbitrator sided with our clients and awarded a zero verdict.

- On behalf of the **Academy of Television Arts & Sciences**, we successfully obtained a permanent injunction in arbitration preventing its sister organization, the National Academy, from creating new Emmy® award categories to recognize user-generated

content and programming for broadband distribution and new media platforms like iPods, Blackberries, and cellphones. We then successfully defeated several attempts to challenge the award in the New York courts.

- We represented the ***Los Angeles Times*** in a dispute over the design and construction of its state-of-the-art Los Angeles printing plant.

- We have represented medical corporations and HMOs, including such companies as **Kaiser Permanente**, in arbitrations of various medical-related disputes.

- We represented private equity firm **The Gores Group** in an arbitration against Vista Equity Partners regarding representations and warranties in a purchase agreement over the sale of a telephone software company. The arbitration ended in a favorable settlement for the Gores Group a week before trial.

- We represented **TRW** (now **Northrop Grumman**) in a AAA arbitration involving an alleged breach of contract to purchase application specific integrated circuits. We obtained an award in TRW's favor.

- We represented **Dentsu Aegis** subsidiary Carat Interactive in a AAA arbitration involving claims by shareholders of an acquired interactive media company invoking an "earn out" provision in the stock purchase agreement. The matter settled favorably after our cross-examination of the first witness.

- We represented the **named inventor on a patent** claiming dental implant assemblies in a JAMS arbitration proceeding against Nobel Biocare, one of the world's leading manufacturers of dental implants, for breach of contract, patent infringement, and invalidity of the patent in suit. The matter settled on favorable terms after a full-day Markman hearing that included live testimony by the parties and expert witnesses.

- We represented internet start-up company **1GlobalPlace** in an arbitration against VeriSign regarding an "earn-out" provision in a merger agreement. After winning the key issues in the arbitration, we went on to procure a favorable settlement for 1GlobalPlace on the first day of trial.

- We represented a **brokerage client** in a margin call case where a hedge fund alleged that our client had improperly wiped out their accounts. The case settled on very favorable terms.

"I would recommend Quinn Emanuel highly for complex arbitrations."
Client Testimonials, ***Chambers and Partners***

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