



## Litigation, Arbitration and Investigations

DLA Piper's lawyers are skilled in litigation, arbitration, investigations and ADR and will deploy that experience to help you devise the best strategies.

We have the local knowledge to apply the regulatory, economic, political and cultural context to legal issues and develop case strategies. We regularly handle technically challenging and complex multi-jurisdictional matters. Our global reach allows us to provide you with fully integrated teams and consistent quality wherever you do business. We work with you to manage potential risk and implement the most effective solutions to reduce costly escalation. We aim to solve complex business disputes as swiftly and effectively as possible and provide solutions which are aligned with your business objectives.

DLA Piper's global team of disputes and regulatory lawyers is the largest dedicated disputes practice globally as recognized by *The Lawyer's Top 50 Litigation* survey.

In an environment where regulation and its enforcement will only increase, we recognize that effective compliance and avoidance of regulatory intervention are business critical issues.

Globalization of world markets has brought limitless commercial opportunities. However, it has also increased the potential for legal liability by exposing corporations around the world to financial and reputational risk across multiple jurisdictions. Mitigation of those risks requires early engagement with experienced lawyers who understand the cultural as well as the legal and regulatory landscapes but who will also drive relentlessly to deliver results for their clients when a dispute or regulatory intervention is unavoidable.

### CAPABILITIES

We manage every type of dispute or contentious problem, quickly marshalling national and international teams.

- Antitrust and competition
- Banking and finance litigation
- Class Actions
- Contentious M&A
- Commercial contract disputes
- Cross-border litigation
- Employment litigation and dispute resolution
- Energy disputes

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### RELATED SERVICES

- Corporate
- Employment
- Finance
- Intellectual Property and Technology
- International Trade, Regulatory and Government Affairs
- Projects, Energy and Infrastructure
- Real Estate
- Tax
- International Corporate Reorganizations

### RELATED SECTORS

- Energy and Natural Resources
- Financial Services
- Insurance

- Environmental, health and safety disputes
- Infrastructure and construction disputes
- Insurance and reinsurance disputes
- International arbitration
- IT and telecoms disputes
- Marine and aviation disputes
- Patent and IP litigation
- Product Liability, Mass Torts and Product Stewardship
- Public international law
- Administrative law
- Real estate litigation and planning disputes
- Securities and enforcement litigation
- Tax disputes
- White collar and corporate crime

- Life Sciences
- Industrials
- Technology

## INSIGHTS

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### Publications

#### Get out of jail free? Not quite - ASIC launches new immunity policy for market misconduct offences

26 February 2021

ASIC launched on Wednesday a new and previously unannounced immunity policy for market misconduct offences.

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#### eSignature and ePayment News and Trends

26 February 2021

#### [ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

How legislatures and regulators endorse the movement towards digital transformation.

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#### Attorney General Insights podcast with Pennsylvania Attorney General Josh Shapiro

24 February 2021

#### [ATTORNEY GENERAL INSIGHTS PODCAST](#)

DLA Piper partner and former Delaware Attorney General Matt Denn interviews Pennsylvania Attorney General Josh Shapiro.

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#### Selling the company: A practical guide for directors and officers

23 February 2021

Announcing our new publication.

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#### Expectations for white collar enforcement under the Biden Administration

18 February 2021

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Six key areas where the Biden Administration may focus its enforcement efforts.

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### **Building and Construction security of payment regime**

15 February 2021

In the recent decision of *Civil Contractors (Aust) Pty Ltd v Galaxy Developments Pty Ltd*, the Queensland Court of Appeal has provided important guidance to principals, contractors and adjudicators on the strict requirements of the security of payment regime, including the strict time limit that applies to the delivery of adjudicators' decisions. The decision may have serious practical consequences for adjudicators where decisions given late can be void on the basis of being out of time and therefore without jurisdiction, and in those instances adjudicators will not be entitled to their fees. The decision also serves as a useful reminder to contractors to be appropriately licenced and to understand the potential payment implications for licencing issues.

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### **Protection provided for *bona fide* purchaser for value without notice in transaction involving First Nation lands**

12 February 2021

Courts have long protected the interests of *bona fide* purchasers for value without notice in land transactions. However, seeking this protection can become far more complicated in land transactions where First Nations communities assert an interest and where such lands are held in trust. Despite these complexities, a recent decision from the Alberta Court of Queen's Bench has confirmed that the interests of a *bona fide* purchaser for value without notice of a breach of trust should be protected.

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### **Compulsory Document Production Notices – Normal Service Resumed**

11 February 2021

The UK Supreme Court has handed down a judgment in *R (on the application of KBR, Inc) (Appellant) v Director of the Serious Fraud Office (Respondent)* [2021] UKSC 2 that now states the SFO will not be able to cut corners in obtaining evidence located overseas nor make it any easier to prosecute companies.

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### **Corruption Perceptions Index 2020 - a regional perspective**

11 February 2021

Last week Transparency International launched the 2020 edition of its Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people, using a scale of zero to 100 (100 being very clean and zero being highly corrupt).

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### **Group litigation and group litigation orders**

11 February 2021

This note focuses on the use of group litigation orders (GLOs) in multi-party litigation. It describes the circumstances in which a court may make a GLO, and the procedural steps that must be followed by the parties and their legal representatives, both to obtain a GLO and after a GLO has been granted.

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### ***Wastech v Greater Vancouver*: The Supreme Court narrows the scope of review over the exercise of contractual discretionary power**

9 February 2021

In *Wastech Services Ltd. v. Greater Vancouver Sewerage and Drainage District*, the Supreme Court of Canada has given further guidance on the overarching organizing principle of good faith performance of contracts, narrowing its imposition in the context of contractual exercise of discretion.

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### France Investment Treaty Arbitration

8 February 2020

The latest France chapter of the investment Treaty Arbitration presents key information needed to assess the feasibility and potential advantages of investment treaty claims against different states around the world.

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### Defensible deletion: The proof is in the planning

5 February 2021

A framework for making defensible deletion an attainable goal.

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### *Rowe & ors v Ingenious Media Holdings*: the importance of capitalised funders

1 February 2021

The recent decision in *Rowe & ors v Ingenious Media Holdings* provides some important clarification of aspects of the UK adverse costs regime applicable to third party funders, an area which poses particular risks and challenges to the market.

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### Disputes, Issue 2

28 January 2021

#### DISPUTES

In this issue, we look at the split among the federal circuits over what it means to "exceed authorized access" in violation of the Computer Fraud and Abuse Act; the ways in which the federal courts apply the Supreme Court's recent limitations on equitable disgorgement; ways to mitigate liability risk in unauthorized financial transfers; considerations for employers as they develop policies regarding use of cannabis in their workforce; and the critical importance of escalation protocols in corporate whistleblower programs.

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### No firing for lighting up? Cannabis in the workplace

28 January 2021

Appropriately addressing cannabis usage in the workplace while navigating anti-discrimination protections for workers.

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### Six months after *Liu*: The SEC and disgorgement

28 January 2021

In the wake of *Liu*, several open questions are only now starting to work their way through the courts.

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### Supreme Court dives into circuit split over the Computer Fraud and Abuse Act

28 January 2021

What does it mean to "exceed authorized access" to an Internet-connected device?

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### **The missing link in whistleblower programs – the escalation protocols**

28 January 2021

A fixed set of escalation protocols helps ensure that a whistleblower program functions efficiently.

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### **Trial attorney Buffy Mims joins DLA Piper in Washington, DC**

28 January 2021

Buffy Mims has joined DLA Piper's Litigation and Regulatory practice as a partner in Washington, DC.

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### **Unauthorized financial transaction fraud: Mitigating liability risks**

28 January 2021

Prudent financial institutions are seeking to protect themselves against liability for third-party fraud and accountholder carelessness.

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### **Enforcing arbitral awards: where does the tribunal's jurisdiction end, and the Court's begin?**

27 January 2021

The judgment in *A v B (Rev 1)* [2020] EWHC 2790 (Comm) serves as a useful reminder that, while there may occasionally be an overlap between the jurisdiction of the courts and arbitral tribunals, the final decision regarding enforcement of arbitral awards lies with the relevant court.

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### **Protecting Your Company's Competitive and Technological Advantage through Enforcing Restrictive Covenants Against Former Employees in China: Update on Recent Cases and Legislative Developments**

26 January 2021

In this article, we discuss whether and how companies may enforce restrictive covenants and protect their confidential information and trade secrets by looking at some recent cases and legislative developments.

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### **Germany Foreign Direct Investment (FDI) Control: Massive Extension of Scope**

25 January 2021

For the fourth time within one year, Germany will broaden the reach of its foreign direct investment control system.

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### **Updated guide to dispute resolution in the Middle East**

22 January 2021

We are re-launching our online guide to navigating dispute resolution in the Middle East. The tool is an interactive guide designed to assist organisations in navigating the disputes process in the region.

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### **Fatal air pollution: A subject for group actions in the UK?**

21 January 2021

It has long been recognised that air pollution, in the form of particulates, and sulphur and nitrogen oxides, has an extremely detrimental effect on health – particularly in heavily populated urban areas with high traffic densities.

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### **Modernization of civil litigation processes in Ontario**

20 January 2021

Amendments to the Ontario *Rules of Civil Procedure*, RRO 1990, Reg 194 came into force on January 1, 2021. Many of these changes, spurred on by the COVID-19 pandemic, will allow courts and litigants to make better use of modern technology. If used correctly, they may also expedite the life cycles of actions in the province.

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### **Competition Law, Digitization and the German Response – Stricter Supervision of Big Tech and Less Merger Review**

19 January 2021

The tenth amendment of the Act against Restraints of Competition (ARC) enters into force today 15 months after the first draft bill was published.

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### ***Kowal v. Sun Star Energy Inc.*: Liability for fraudulent misrepresentation by joint tortfeasors and through intermediaries**

18 January 2021

In the recent decision of *Kowal v. Sun Star Energy Inc.*, 2020 ABQB 244, all but one of the plaintiffs were awarded damages when the Court found that both the corporate defendant and the defendants in their personal capacity were liable to the plaintiffs for fraudulent misrepresentation arising from purchase of shares. Though offering no new guidance on intent as a requisite element to prove fraudulent misrepresentation, the case is meaningful in that it entrenches appellate decisions from outside Alberta with respect to joint liability and fraudulent misrepresentation through an intermediary into Alberta's civil fraud jurisprudence.

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### **Data Subject Access Requests - High Court dismisses claim where DSAR regime abused**

18 January 2021

The High Court of England and Wales dismissed a claim against a bank for allegedly failing to provide an adequate response to the Claimant's data subject access request, highlighting the robust approach that the court is willing to take where it suspects the tactical deployment (or abuse) of the DSAR regime.

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### **SCOTUS suggests expansive reach of "Bridgegate" ruling in directing Second Circuit to reconsider insider trading convictions**

14 January 2021

Yet another example of the Supreme Court's continuing effort to trim the government's overly expansive theories of criminal liability in certain cases under the federal fraud statutes.

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### **Lockdown 3.0 – a summary of the UK government's latest measures and restrictions**

11 January 2021

Prime Minister Boris Johnson addressed the nation to announce the latest restrictions to be imposed upon people living in England. We summarise the restrictions in this update.

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## Supporting the health of your health system

4 January 2021

Helping you tend to healthcare system wellness throughout the business life cycle.

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## Boardroom Brexit: What the deal means for dispute resolution

31 December 2020

### [BOARDROOM BREXIT](#)

This was one of the most contentious areas in the negotiations as both sides wanted assurances that the other party would honour the commitments contained in the TCA in the future.

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## Boardroom Brexit: What the deal means for state aid and competition

31 December 2020

### [BOARDROOM BREXIT](#)

EU state aid law applies to assistance from state resources that is selective in its application and that has a potential effect on trade between EU member states and competition.

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## *Callow v Zollinger*: the Supreme Court of Canada expands the duty of good faith performance of a contract

23 December 2020

The Supreme Court of Canada has issued a significant case on the common law duty of good faith performance of contracts in *Callow v Zollinger*.

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## The Pharmaceutical Corner

22 December 2020

A precedential decision with potentially far-reaching impacts for future Hatch-Waxman litigation and generic-product launches.

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## You can run but you can't hide (your assets): American appellate court upholds enforceability of Canadian securities disgorgement order

21 December 2020

In May 2019, a district court of Nevada recognized a CAD\$21.7 million disgorgement order issued by the British Columbia Securities Commission against Michael Lathigee, a Canadian national residing in Nevada. Lathigee appealed the district court's decision and on December 10, 2020, the Supreme Court of Nevada upheld the Nevada district court's decision, marking the first time an American court has recognized an order issued by a Canadian securities regulator.

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## 'Parent company' liability: from Vedanta to BHP

18 December 2020

On 9 November 2020, the English High Court handed down its decision in *Municipio De Mariana & Ors v BHP Group Plc & Anor* [2020] EWHC 2930 (BHP), striking out for abuse of process what would have been the largest mass tort claim in English legal

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history.

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### **Delhi and Gujarat High Courts give the nod to Indian parties choosing a foreign arbitration law and a foreign seat of arbitration**

18 December 2020

November 2020 welcomed a flurry of decisions demonstrating the increasingly pro-arbitration approach of courts in India. The proposition of whether two Indian parties may choose a foreign law to govern the arbitration and a foreign seat of arbitration has drawn much debate over the years. The Delhi High Court in *Dholi Spintex Pvt. Ltd vs Louis Dreyfus Corporation India Pvt. Ltd.* answered the question in the affirmative and held that two Indian parties can choose a foreign law as the law governing the arbitration. The Delhi High Court also reiterated the principle of limited interference in international arbitrations by courts.

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### **Brexit: The end for 261?**

17 December 2020

Currently, passengers travelling on flights into and out of an EU Member State with EU carriers, or out of an EU Member State with non-EU carriers, are afforded certain protections and rights including the right to fixed compensation in the event of cancellation, long delay, or denied boarding pursuant to Regulation 261/2004.

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### **Securing evidence during the COVID-19 pandemic (Koldyreva v Motylev)**

15 December 2020

The English High Court has recently handed down two separate judgments in *Koldyreva v Motylev & others*, spanning a number of applications aimed at tracing funds in support of a Russian bankruptcy order: a worldwide freezing order, a passport surrender order, Norwich Pharmacal orders, and search orders.

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### **Cyberfrauds and Cyberattacks: Remote Working Posing Increased Risks and How to Stay Protected**

14 December 2020

Cybercriminals are becoming more sophisticated in the ways they facilitate cyberfrauds, with the increasing use of personalised messages on instant messaging platforms such as WeChat or WhatsApp and socially engineered phishing emails to deceive recipients to transfer funds, disclose sensitive information or click on malicious links.

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### **Navigating risk and compliance in government contracts M&A**

14 December 2020

Webinar now available: government contracts and pre-closing diligence.

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### **Registered retirement accounts are fair game: Enhanced tools for securities regulators to fight white-collar crime**

14 December 2020

In November 2020, the British Columbia Securities Commission dismissed an application brought by Earle Pasquill for an order to revoke a preservation order made under the British Columbia *Securities Act* that prohibited Pasquill from withdrawing or transferring funds from his registered retirement income funds. This case comes at the heels of far-reaching legislative amendments to the Act earlier this year which significantly expanded on the Commission's powers to fight white-collar crime."

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## Spain Investment Treaty Arbitration

14 December 2020

This guide presents all the key information needed to assess the feasibility and potential advantages of investment treaty claims against different states around the world.

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## REACH 2.0 – New EU Chemicals Strategy for Sustainability

10 December 2020

Chemicals are omnipresent in our everyday life and play a fundamental role as building blocks in technologies, materials and products. However, chemicals with hazardous components can also cause damage to human and animal health and the environment.

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## Coronavirus: The Second Wave and Force Majeure

9 December 2020

The resurgence of COVID-19 (Coronavirus) cases has been observed in countries around the world after COVID-19 outbreaks were successfully curbed earlier this year. To flatten the curve of the second wave of the COVID-19 pandemic governments again closed non-essential businesses, restricted travel and imposed lockdowns and stay-at-home orders.

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## FDI: Prohibition of Acquisition of German 5G and Radar/Satellite Expert Company by a Chinese Armament Company

8 December 2020

German media today announced that for the second time the German Federal Government has prohibited the acquisition of a German entity by a foreign investor. A Chinese armament company had intended to acquire IMST GmbH. IMST is known for its expertise in the area of satellite and radar communications technology as well as with regard to 5G.

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## Practical Compliance

8 December 2020

### [PRACTICAL COMPLIANCE](#)

Q4 2020: Spotlight on real estate COVID-19 compliance.

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## China's First Measures Under New Export Control Law Target Encryption Products

7 December 2020

China's new Export Control Law took effect on December 1, 2020. The next day, the Ministry of Commerce, together with the State Cryptography Administration and the General Administration of Customs, released a circular that includes the first list of products and technologies focusing on commercial encryption products and technologies.

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## Green light for Prudential and Rothesay's transfer

4 December 2020

In what is a significant decision for the insurance sector the Court of Appeal has overturned the High Court's refusal to sanction the transfer of a portfolio of annuity policies from Prudential Assurance Company Ltd ("Prudential") to Rothesay Life Plc ("Rothesay") under Part VII of the Financial Services and Markets Act 2000 ("Part VII").

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### Applying two principles of Islamic finance to create meaningful ESG initiatives

2 December 2020

Environmental, social and governance matters are a burgeoning issue on the agenda for businesses, governments and individuals alike. Companies are under increasing pressure to shift their focus from maximising profits and shareholder value to maximising value for all stakeholders.

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### Running the orange light: Halliburton v Chubb

2 December 2020

#### [INSURANCE HORIZONS](#)

On Friday, 27 November 2020, the Supreme Court handed down a long awaited judgment in Halliburton v Chubb that concerned the issue of when an arbitrator should make disclosure of circumstances which may give rise to justifiable doubts as to his/her impartiality.

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### India Update: Arbitration and Conciliation Ordinance (Amendment), 2020

1 December 2020

On 4 November 2020, the President of India promulgated the Arbitration and Conciliation (Amendment) Ordinance, 2020 (**Ordinance**), which amends sections 36 (Enforcement) and 43-J (Norms for accreditation) of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**). The Ordinance also omits the eighth schedule of the Arbitration Act, which deals with qualifications and experience of arbitrators.

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### Ireland - Global bribery offenses guide

1 December 2020

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### Sporting Injuries: where (statutory) defence is the best form of offence

30 November 2020

In November 2020, two decisions were delivered by the superior courts of NSW in relation to sporting injuries and, particularly, the extent to which the *Civil Liability Act 2002* (NSW) (**Act**) provides protection against claims for such injuries.

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### Brexit: Choice of Law, Jurisdiction, Enforcement, and Service

27 November 2020

This article looks at the impact of reaching the end of the Brexit transition period (at 11pm on 31 December 2020) on governing law, jurisdiction, enforcement, and service in contracts between UK entities and EU member state entities.

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## Case Law Update: COVID-19, Force Majeure, and Aircraft Leases

27 November 2020

As we enter the coronavirus (COVID-19) pandemic's "second wave" and aspirations for a "back to normal levels" rebound in 2021 for the aviation industry look less likely, the financial pressure point is quickly spreading from airlines to those up and down their vertical supply chain, notably aviation lessors.

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## CMS, OIG finalize Stark and AKS overhaul – paving the way for value-based care

25 November 2020

We highlight some of the most important ways in which HHS followed through on its ideas from 2019, as well as the instances where they pivoted in reaction to public comments.

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## Issue 5

23 November 2020

### [ENERGY AND NATURAL RESOURCES CASE LAW UPDATE](#)

As the world adjusts to a new normal, businesses across all sectors will be anticipating significant changes to their operations and priorities. Continued disruption across the Energy and Natural Resources (E&NR) sector may, for example, see participants seek to re-visit long-term contracts, with subsequent disputes being played out in court.

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## Hoge Raad verduidelijkt natrekking rechtszekerheid is cruciaal

16 November 2020

Een nieuw toonaangevend arrest van de Hoge Raad op het gebied van goederenrecht en insolventierecht. Ook als het opnieuw scheiden van twee fysiek verbonden zaken nooit tot economische schade kan leiden – bijvoorbeeld omdat de samengestelde zaak door het versmelten als total loss is – kan tóch sprake zijn van natrekking.

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## Regulation 261/04 continues to evolve during 2020 with consequences for airlines – what has the Court of Justice of the European Union decided so far?

16 November 2020

In 2020, the Court of Justice of the European Union (CJEU) addressed several cases on the interpretation of Regulation 261/2004 (EC261/04) most notably on the rights of passengers in the event of cancellation or long delay.

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## Minimum standards along the supply chain - Effects of the supply chain law on German companies

12 November 2020

For internationally operating companies, new demands on their international supply chains are coming into focus. In Germany, the political debate concerning a so-called supply chain law is taking shape. A first draft is expected within the next few months. At the same time, the introduction of a similar set of rules and regulations at EU level is being discussed; a decision on this matter is expected in 2021. Other European countries such as the Netherlands and the United Kingdom have already introduced corresponding legislation.

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## **Current trends in investor state disputes in the telecommunications sector**

9 November 2020

The telecommunications sector is one of the fastest growing sectors globally, and has played a critical role during the on-going Covid-19 pandemic in keeping the world interconnected. The high levels of activity in this sector have given rise to a corresponding increase in telecoms-related #disputes, including under investment treaties.

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## **Italian Supreme Court no. 20104 of 24 September 2020**

9 November 2020

By Andrea Salvemini

According to the First Division of the Italian Supreme Court, the issue concerning the beginning of the “long time-limit” for challenging arbitration awards is open interpretation and represents an issue of particular significance worthy of submission to the Joint Division of the Italian Supreme Court, pursuant to Article 374, paragraph 2, of the Italian Code of Civil Procedure. This was stated in the order of the Supreme Court no. 20104 of 24 September 2020.

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## **Milan Chamber of Arbitration Simplified Arbitration procedure**

9 November 2020

By Nicola Naccari

On July 1, 2020, the Simplified Arbitration procedure introduced by the Milan Chamber of Arbitration (CAM) came into force with the aim of “offering companies and citizens a leaner and faster procedure to solve disputes, with a cheaper price list.” Nicola Naccari

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## **New ICSID arbitration registered against 'Bel Paese' for presumed breaches of Energy Charter Treaty's obligations in the context of the solar energy industry: “Chronicle of a Death Foretold”?**

9 November 2020

By Federica Bocci

On 6 October 2020, another case against the Republic of Italy was registered at ICSID. In the wake of the Achmea Decision and of the latest release on 29 October 2020 of the EU Advocate General's opinion within the preliminary ruling of the CJEU sought by the Court of Lazio, is this new case a “Chronicle of a Death Foretold”?

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## **Newsletter dell'Arbitration Team**

9 November 2020

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## **The Law Commission's review of the law on digital assets and smart contracts:**

9 November 2020

On 21 September 2020, the Law Commission announced that it had begun work on two projects aimed at ensuring that "English law can accommodate two emerging technologies that could revolutionise commerce: smart contracts and digital assets."

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## **A timely intervention: A drafter's perspective on the Protocol on Virtual Hearings in Africa**

4 November 2020

[AFRICA CONNECTED](#)

[VIRTUAL HEARINGS](#)

Concerned about the effects if the COVID-19 pandemic on Africa's dispute resolution landscape, the Association of Young Arbitrators (AYA), bringing together arbitration practitioners in Africa under 40 years of age, launched its Protocol on Virtual Hearings in Africa (the Protocol) in April 2020.

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## **Africa Connected: COVID-19 and the evolution of dispute resolution**

4 November 2020

[AFRICA CONNECTED](#)

[ISSUE 5](#)

COVID-19 and the evolution of dispute resolution in Africa is the theme of this edition of Africa Connected. We have articles on issues ranging from third party funding and its implications in African disputes, to the use of virtual hearing platforms across the continent. Jurisdiction-specific articles cover how the pandemic has affected legal practitioners - and the court system - in Burundi, Kenya, Nigeria and Tanzania.

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## **Africa rising: Virtual hearings in international arbitration**

4 November 2020

[AFRICA CONNECTED](#)

Before the COVID-19 pandemic, the legal community was dabbling in the use of virtual hearings in certain parts of the world. However, the imposition of national lockdowns, strict social distancing measures and travel restrictions has forced lawyers to move away from the comfort of traditional, in-person hearings, towards new-age virtual hearings held on electronic platforms.

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## **COVID-19: The effects on dispute resolution in Nigeria**

4 November 2020

[AFRICA CONNECTED](#)

Limited hearings, long adjournments, and restricted access to the courtrooms are some of the major effects of the COVID-19 pandemic on the delivery of justice in Nigeria. These issues have changed judges' and lawyers' attitudes towards the use of technology.

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## **Civil lawsuits in Burundi during COVID-19**

4 November 2020

[AFRICA CONNECTED](#)

The outbreak of the COVID-19 pandemic is unprecedented. COVID-19 has spread worldwide, and the Republic of Burundi has adopted preventive measures that have affected institutions' activities in different ways.

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## **Embracing electronic court case management systems: Lessons from the Kenyan experience during COVID-19**

4 November 2020

## [AFRICA CONNECTED](#)

The Kenyan court system is anchored in common law, which is characterized by paper-based procedures and physical court appearances. The disruptions caused by the COVID-19 pandemic have shaken the very foundation of the system, forcing the judiciary to come up with measures to mitigate the effects and assure litigants of their right to a fair trial and access to courts.

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### **Litigation funding in Africa: Maximizing opportunities**

4 November 2020

## [AFRICA CONNECTED](#)

The measures implemented by governments in response to COVID-19, coupled with the rapid economic downturn and ongoing uncertainty arising from the pandemic, have created the perfect storm. The outlook may seem bleak, but third-party funding offers a ray of hope for beleaguered boardrooms looking to maximize cashflow in this unpredictable period.

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### **Opportunities of big data in law**

4 November 2020

## [AFRICA CONNECTED](#)

Across many industries, big data is being used to drive more informed and better decision-making. But despite the willingness to adopt new technologies, Africa has been slow to tap into its benefits.

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### **SFO clarifies guidance on DPAs: Is the DPA model ready for take-off?**

4 November 2020

On 23 October 2020, the Serious Fraud Office published a new chapter from its Operational Handbook which provides further guidance on the SFO's approach to Deferred Prosecution Agreements. Whilst the guidance does not introduce any major changes, it does provide clarity on the SFO's expectations of companies wishing to avoid prosecution.

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### **Technology and the future of dispute resolution**

4 November 2020

## [AFRICA CONNECTED](#)

Technology affects the way we interact with one another, including regarding dispute resolution: it either generates new kinds of disputes which arise out of the new capabilities it offers, or it can help in the resolution of disputes. In this article we focus on how technology can assist in the resolution of disputes and how it can be leveraged in terms of promptness and efficiency.

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### **The time is now for continental unity in African dispute settlement**

4 November 2020

## [AFRICA CONNECTED](#)

Africa is on the cusp of what could be a break in a decades-long cycle of poverty and economic shortcomings. Whether this cycle will be broken depends on the ability of African nations to put in place policies that attract and protect foreign and intra-African investment.

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### **Zimbabwean courts: Catching up to the future**

4 November 2020

## [AFRICA CONNECTED](#)

The COVID-19 pandemic has caused a global shift in the way people work all over the world. There has been greater emphasis on virtual working, putting immense pressure on countries that were not prepared to shift to working virtually in important areas of the economy, with a big spotlight being on the courts.

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### **Assessing ESG factors in the energy sector**

27 October 2020

## [ESG HANDBOOKS AND GUIDES](#)

A reference tool for energy companies as they discuss and refine their ESG programs.

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### **Americas Arbitration Roundup**

26 October 2020

In this first edition of *Americas Arbitration Roundup*, our thought leaders across the region provide updates on recent key developments in international arbitration in the Americas.

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### **Argentina: The year in review**

26 October 2020

The last year has been a time of significant change in Argentina, including for international arbitration.

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### **Brazil: Will COVID-19 mean more arbitrations against public entities?**

26 October 2020

Recent legislative initiatives have created greater certainty for potential and existing parties looking to do business with Brazilian states or their instrumentalities.

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### **Canada: Third-party litigation funding, enforcement of arbitral awards, admissibility of fresh evidence during court review**

26 October 2020

Three recent decisions.

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### **Chile: Drafting arbitration clauses in international contracts – practical aspects**

26 October 2020

International arbitration has expanded considerably in recent years in Chile.

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### **Peru: Top developments in international arbitration**

26 October 2020

Major arbitration-related developments and cases recently decided in Peru.

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## **Puerto Rico: Legal and practical aspects of international arbitration**

26 October 2020

Parties benefit from this legal framework to solve their disputes when conducting business in Puerto Rico.

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## **Replacing NAFTA: What the USMCA means for the future of North American trade and investment – a Q&A**

26 October 2020

Contributors from the US, Mexico and Canada discuss several key considerations.

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## **US: Four significant developments in arbitration case law**

26 October 2020

US-style discovery; compelling arbitration on the basis of equitable estoppel; class-wide arbitration when the arbitration agreement is ambiguous; ongoing use of the US DDCC for ICSID award enforcement.

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## **USMCA investor-state dispute settlement provisions: Key differences for Mexico**

26 October 2020

For ISDS claims, only after the local litigation requirement is fulfilled or 30 months have elapsed may certain substantive claims be brought against a state.

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## **Vaping and COVID-19: Plausibility and causality**

26 October 2020

In a courtroom, assertions must be analyzed in the context of tort law.

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## **Venezuela: Recent, significant commercial arbitration developments include several Supreme Tribunal cases**

26 October 2020

Recent significant developments in Venezuela's arbitration landscape.

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## **China's New Export Control Law**

19 October 2020

On October 17, 2020, the Standing Committee of China's National People's Congress passed the Export Control Law (the ECL), which will take effect on December 1, 2020. The ECL establishes China's first comprehensive framework for restricting exports of military and dual-use products and technology for national security and public policy reasons.

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## Germany's New Foreign Direct Investments (FDI) Act took effect on 11 October 2020

19 October 2020

In addition to the intended amendments to the Foreign Trade and Payments Act Germany's Federal Government on 20 May 2020 has decided on a bill that broadens the scope and the scrutiny with regard to foreign investments.

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## Proposed practice direction for witness evidence could have unintended consequences

19 October 2020

In January 2020, we wrote about the WEWG report on improvements in current practice for factual witness evidence in the Business and Property Courts of England and Wales (BPCs). The WEWG have now published a draft practice direction, which includes a "Statement of Best Practice" to implement the proposals discussed in the report.

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## The ICC Publishes Revised Rules for 2021

19 October 2020

The International Chamber of Commerce (the ICC) has revised its Arbitration Rules with the new set of rules set to enter into force on 1 January 2021.[1] The 2021 Rules, currently in draft form, will apply to all cases submitted to the International Court of Arbitration of the ICC from that date on (unless the arbitration agreement provides otherwise).

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## Unpacking the DOJ's cryptocurrency guidance: Enforcement priorities and industry implications

15 October 2020

A warning to offshore cryptocurrency exchanges and other money services businesses operating outside of the reach of US authorities.

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## Update: The Singapore Mediation Convention and Enforcement of Settlement Agreements in India

13 October 2020

The Singapore Mediation Convention, formally known as the United Nations Convention on International Settlement Agreements Resulting from Mediation, came into force on 12 September 2020. The Convention provides a uniform, efficient framework for the recognition and enforcement of mediated settlement agreements that resolve international, commercial disputes – akin to the framework provided by the 1958 New York Convention for arbitral awards. As of 12 September 2020, the Convention has 53 signatories including the United States, China and India.

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## Revised ICC Rules in effect from 1 January 2021

9 October 2020

A new version of the ICC Arbitration Rules will come into effect on 1 January 2021 (**2021 ICC Rules**), replacing the 2017 Arbitration Rules. The updated rules were formally adopted on 6 October and intend to increase efficiency, flexibility and transparency, making ICC Arbitration more attractive to complex arbitrations on all scales.

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## California legislation and recent stockholder derivative suits push for more board diversity

7 October 2020

California's latest diversity law follows a new wave of shareholder derivative actions attacking the lack of racial diversity in

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corporate leadership.

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### **Regulatory Enforcement and Privilege – Waiver, Content, Cherry-Picking**

7 October 2020

Disclosing privileged documents under a limited waiver to regulators has the potential to attract cooperation credit when regulators decide on level of penalty or, indeed, whether to undertake enforcement proceedings or prosecution. There may also be benefits in relying on privileged material in any defence to regulatory enforcement or prosecution.

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### **Seventh Circuit prohibits § 1782 discovery in international commercial arbitration**

6 October 2020

The decision further cements a circuit split on the issue, making it a likely candidate for resolution by the Supreme Court.

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### **Recent Breakthroughs for Foreign Arbitration Institutions in China**

5 October 2020

On 7 September 2020, the State Council has further published the “Work Plan for Deepening Comprehensive Pilot and New Round of Opening-Up of Services Sectors in Beijing and Building Comprehensive Demonstrative Area of Opening-Up of State Service Sectors” further allowing foreign arbitration institutions to provide arbitration services in Beijing.

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### **The gathering storm: COVID-19-related disputes in the financial services sector – A transatlantic perspective**

5 October 2020

COVID-19 has caused the largest shock to the global economy in living memory. Whilst economic uncertainty, financial distress and market turmoil usually trigger increased levels of commercial litigation, the extreme conditions created by COVID-19 have primed the landscape for a pan-sector surge in financial services-related disputes.

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### **Constitutional challenges to inter partes review – *Arthrex, Inc. v. Smith & Nephew, Inc.***

30 September 2020

This Appointments Clause challenge to the IPR process appears to have staying power.

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### **The Pharmaceutical Corner**

30 September 2020

In this inaugural column, we look at the implications of IPR and PGR proceedings in Hatch Waxman litigation.

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### **Antitrust Bites – Newsletter**

29 September 2020

Antitrust bites - Newsletter September 2020

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### **Australia ratifies convention to increase transparency in investor-State arbitration process**

29 September 2020

Australia has this month ratified the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (Mauritius Convention). The Mauritius Convention extends the application of the UNCITRAL Rules on Transparency in Treaty-based investor-State Arbitration (Transparency Rules), which applied to investment treaties concluded after 1 April 2014 and aim to promote greater transparency and public accessibility in investor-State dispute settlement (ISDS) proceedings.

The ratification of the Mauritius Convention means that the Transparency Rules now apply to all of Australia's investment treaties, including those concluded before 1 April 2014.

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### **Disputes arising “under” a construction contract: An adjudicator’s jurisdiction**

28 September 2020

Most of the analysis of *Bresco Electrical Services Ltd (In Liquidation) v Michael J Lonsdale (Electrical) Ltd* [2020] UKSC 25 has deservedly been on how the UK Supreme Court reconciled the statutory regimes for construction adjudication and insolvency set-off.

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### **Online Arbitration Hearings: A review of key developments in response to COVID-19**

28 September 2020

#### **[VIRTUAL HEARINGS](#)**

In this second report, we focus on arbitration and look at how arbitral institutions have adapted in response to COVID-19. We draw out some of the key legal as well as practical challenges faced, and we offer some observations on what the future may look like.

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### **Blockchain and Digital Assets News and Trends**

23 September 2020

#### **[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)**

The court finds that a valid arbitration agreement exists in the ongoing WAX tokens dispute – plus latest legal, regulatory and case law developments.

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### **Four years later, federal court upholds convictions but harshly criticizes off-label prosecutions**

23 September 2020

The decision will likely draw attention both in the First Circuit and beyond.

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### **WAX tokens: Amendments to arbitration provisions still govern disputes**

23 September 2020

The court found that a valid arbitration agreement exists.

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### **China’s Unreliable Entity List Provisions: Fighting Fire with Fire?**

22 September 2020

On September 19, 2020, China's Ministry of Commerce issued the Provisions on the Unreliable Entity List (the “UEL Provisions”).

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The UEL Provisions establish formal mechanisms for sanctioning specific foreign entities and individuals for conduct inconsistent with the Chinese government's core interests and policies.

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### **Seventh Circuit hews new path regarding False Claims Act dismissals; DOJ registers its disagreement**

21 September 2020

A surprising result from the US Court of Appeals for the Seventh Circuit.

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### **The landscape after Bresco: John Doyle Construction Ltd v Erith Contractors Ltd**

21 September 2020

The Supreme Court's decision in *Bresco v Lonsdale* has been hailed by some as opening the floodgates to adjudications by insolvent companies. But as a series of recent judgments show, there remain a number of obstacles that will need to be overcome by insolvent entities seeking to enforce an adjudication award.

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### **New amendments to Singapore's International Arbitration Act**

15 September 2020

A bill has been tabled in the Singapore parliament introducing amendments to the International Arbitration Act (IAA). According to the Singapore Ministry of Law, the amendments are aimed at enhancing Singapore's status as an international commercial arbitration hub, and strengthening the state's legal framework for international arbitration.

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### **Litigation funding: Redressing the balance?**

10 September 2020

Inequitable risk allocation eroding profit margins; late payment creating a cash flow crisis; and an unparalleled level of scope changes has created a construction industry with a culture of chronic cost and time overruns, disputes, and mounting financial losses.

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### **Lexology GTDT Air Transport Guide 2021**

8 September 2020

Lexology Getting The Deal Through published the fifteenth edition of Air transport Guide. Read the content for France written by Vonnick Le Guillou, Edouard Sarrazin, Sophie Cochery, Alexis André, and Audrey Lemniaï.

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### **The Final Findings: ALRC's Report on Criminal Corporate Responsibility in Australia**

8 September 2020

The Australian Law Reform Commission's (**ALRC**) Final Report on Corporate Criminal Responsibility was tabled in the Federal Parliament last week.

The Final Report advocates for broad reform in the definition, regulation, and prosecution of corporate offences. It delivers a focused concentration on misconduct and individual accountability for those involved in the management of corporate entities that engage in wrongdoing.

Against the backdrop of the Financial Services Royal Commission's findings, the ALRC has endeavoured to understand why there are so few prosecutions against corporations in Australia, particularly relative to the prosecution of individuals. In doing so, it has examined the fundamental principles underpinning the regulation of corporations, and the proper role of the criminal law to denounce

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particularly egregious conduct, in order to make **twenty reform recommendations** that it considers will provide clarity around criminally prosecuting corporate wrongdoing and will make corporations less likely to view civil penalties as merely a 'cost of doing business'.

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### **Court affirms referral to arbitration under the Commercial Arbitration Act 2011 (Vic)**

7 September 2020

In a recent judgment, the Victorian Supreme Court refused an application to grant relief where the dispute should properly be determined by an arbitral tribunal. In *Transurban WGT Co v CPB Contractors Pty Ltd [2020] VSC 476*, the Court reviewed the extent of judicial intervention allowed by the *Commercial Arbitration Act 2011 (Vic)* (CAA) and found that the question of whether an arbitration agreement is inoperative and, in turn, the jurisdiction of the arbitral tribunal, is properly determined by the tribunal.

The CAA is one of eight uniform pieces of legislation (one in each state and territory) establishing the domestic arbitration framework in Australia. While this case refers to the CAA in force in Victoria, the decision is relevant to parties operating in all states and territories, where similar commercial arbitration legislation applies.

The case serves as a reminder to parties in all states and territories that the Australian courts take a non-interventionist approach to arbitration, and it will be left to arbitral tribunals to determine the preliminary question of their own jurisdiction. It also confirms that parties seeking relief from a court at an interlocutory stage of arbitral proceedings must have urgent and exceptional circumstances.

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### **PREP Act immunity: federal courts weigh in**

4 September 2020

The decisions suggest PREP Act immunity may apply broadly to manufacturers but may be more limited for hospitals, nursing homes, healthcare providers and others.

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### **eSignature and ePayment News and Trends**

2 September 2020

#### **[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)**

Want to receive 4506-T documents electronically? Ensure you are addressing recent changes - plus latest legal, regulatory and case law developments.

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### **Corporate social responsibility: from soft law to hard obligations through strategic litigation**

1 September 2020

In this article, Michiel Coenraads and Jorian Hamster discuss the rapid development of judge-made law and the use of soft-law instruments, giving rise to open norms and new standards that will form the core of the new rules for corporate social responsibility.

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### **English High Court allows rare appeal of arbitral award on point of law**

21 August 2020

The recent decision of *Tricon Energy Ltd v MTM Trading LLC [2020] EWHC* provides a rare example of the English High Court

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allowing an appeal against the decision of an arbitral tribunal on a point of law.

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### **Innovatiepartnerschap: The new kid on the block?**

19 August 2020

Maatschappelijke transitie vragen om innovatieve oplossingen, in het bijzonder voor de publieke sector. In deze publicatie: het innovatiepartnerschap, het juridisch kader, overige innovatievriendelijke aanbestedingsprocedures, het procedureverloop, alsook de toepassingsgevallen en wederzijdse voordelen van een innovatiepartnerschap.

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### **Claim against Commonwealth Government highlights climate-related corporate governance risks**

18 August 2020

A class action has launched in the Australian Federal Court suing the Government for failing to disclose climate-related risks when issuing Treasury bonds. This will (and should) cause ripples in the wider business community. The claim is evidence of a growing movement where investors and consumers are demanding more accountability from companies on climate change. In the post-Hayne Royal Commission environment, directors and boards should seriously consider climate-related risks and whether disclosures need to be made, or if actions must be taken in accordance with applicable guidance and frameworks. This article also considers how companies can manage the variety of climate-related risks.

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### **Delaware Court of Chancery: "Internal affairs doctrine" bars stockholder from using California Corporations Code to inspect books and records of a Delaware corporation – four takeaways**

17 August 2020

Demonstrating the power of the internal affairs doctrine.

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### **New Rules for a New Normal: The LCIA announces changes to its Arbitration Rules and Mediation Rules**

14 August 2020

On 11 August 2020, the LCIA released an update to its LCIA Arbitration Rules and LCIA Mediation Rules (the "Rules"). The updates to the Rules will become effective on 1 October 2020, marking six years since the arbitration rules currently in force came into effect.

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### **Berry & Anor v CCL Secure Pty Ltd [2020] HCA 27**

13 August 2020

The High Court has unanimously allowed an appeal from the Full Court of the Federal Court and awarded a Nigerian businessman, Dr Benoy Berry and his company over \$27 million in unpaid commissions following the misleading and deceptive termination of his contract with Securrency, an international bank note manufacturer. The case is a striking example of how the Australian statutory consumer protection regime can protect businesses from losses caused by the misleading or deceptive conduct of their commercial partners.

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### **Burying your head in the sand will not prevent enforcement of a foreign arbitral award against you:**

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13 August 2020

In a judgment handed down on 5 August 2020, the Federal Court has confirmed that ignoring foreign arbitral proceedings in the hope that they will simply go away will not prevent the subsequent arbitral award from being enforced against you, even in circumstances where the arbitral proceedings were not conducted in accordance with the contractual procedure.

In *Energy City Qatar Holding Co v Hub Street Equipment Pty Ltd (No 2)* [2020] FCA 1116, Energy City Qatar (**ECQ**) sought to enforce a Qatari arbitral award rendered pursuant to an arbitration clause in a contract between ECQ and Hub Street Equipment (**Hub**) for the supply and installation of street lighting and street furniture in Energy City. The dispute concerned an advance payment made by ECQ to Hub under the contract, which ECQ subsequently sought to recover after deciding not to proceed with the contract. After various email communications and meetings in which ECQ sought repayment of the money, Hub informed ECQ that it would identify its position after obtaining legal advice. However, Hub never communicated with ECQ again and continued to retain the advance payment.

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### **Rule 26(g) certification means more than guide and advise: Key takeaways**

12 August 2020

Sanctions were imposed on an attorney for failing to properly oversee the client's discovery process.

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### **For the healthcare industry, seeking to incentivize restocking of elective surgery supplies may lead to civil and criminal risk**

6 August 2020

Discounts and incentives may have unforeseen consequences under certain federal anti-bribery laws.

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### **Attorney General Insights podcast with Attorney General Tim Fox of Montana**

4 August 2020

#### **[ATTORNEY GENERAL INSIGHTS PODCAST](#)**

DLA Piper partner and former Delaware Attorney General Matt Denn interviews Montana Attorney General Tim Fox.

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### **The end of Intra-EU BITs. Now what?**

4 August 2020

In this second article, we will explore in more detail the fate of pending intra-EU arbitrations affected by the termination treaty and how States and claimants should deal with these arbitrations.

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### **Global class actions briefing - Scottish emerging market**

3 August 2020

On 31 July 2020, class actions (known as "group proceedings") will be permitted to be raised in the Scottish courts for the first time. The rules will allow two or more people with the same, similar, or related claims to pursue court proceedings in a single action.

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### **Shipping agent potentially responsible for alleged negligent disposal of ship in Bangladesh**

3 August 2020

The recent case of *Hamid Begum v Maran (UK) Ltd* [2020] EWHC 1846 (QB) builds on recent trends which have seen Courts

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extending traditional boundaries of tortious liability.

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### **Follow-up: Sustainable and resilient mobility – key considerations**

31 July 2020

We, together with the Spanish Chamber of Commerce in the United Kingdom, recently hosted a webinar on key considerations regarding sustainable and resilient mobility. Our panel of speakers which included Maria Pereira (Partner in DLA Piper's Finance, Projects and Restructuring department), Laura Harding (Head of Environmental Policy at HS2 Ltd), Ri.

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### **Podcast | Il processo civile nell'epoca del COVID-19**

31 July 2020

Qual è l'impatto del COVID-19 sui procedimenti civili? Karin Tayel, del nostro dipartimento di Litigation & Regulatory, ne parla in un nuovo podcast.

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### **Class actions make it easier than ever to seek redress**

28 July 2020

Businesses should note that they are at risk of increased exposure to claims once group proceedings are permitted in Scottish courts, write Alistair Drummond and Jen Talbot.

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### **Bresco v Lonsdale: Supreme Court rules insolvent company can adjudicate**

27 July 2020

With grimly apposite timing, in June, the Supreme Court gave its decision in Bresco Electrical Services Ltd (in Liquidation) v Michael J Lonsdale (Electrical) Ltd and turned on its head the construction industry's understanding of an insolvent company's right to pursue an adjudication. It will fundamentally affect construction insolvencies.

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### **Second Circuit prohibits § 1782 discovery in international commercial arbitration**

27 July 2020

The decision cements a circuit split on the issue and counters a recent trend by US circuit courts allowing such discovery.

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### **The latest English COVID-19 emergency regulations – new powers for local authorities**

27 July 2020

The Health Protection (Coronavirus, Restrictions) (No.3) (England) Regulations 2020 came into force on 18 July 2020. They give new powers to local authorities in England to respond to a public health threat caused by the incidence or spread of COVID-19.

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### **Newsletter dell'Arbitration Team**

24 July 2020

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This article looks at the codification of lawyers' duties in international arbitration. It covers the reasons for codification, how the duties coexist with the general obligation to defend client interests and how useful codification is.

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### **The duties of lawyers under the Code of Best Practices in Arbitration of the Spanish Arbitration Club**

24 July 2020

On June 4, 2020, I had the honor of speaking at a webinar organized by the Italian Chapter of the Club Español de Arbitraje (CEA) for the launch in Italy of the Code of Best Practices in Arbitration of the Spanish Arbitration Club (the Code) published in May 2019, of which my team and I contributed to the Italian translation.

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### **The new framework of the Italian dispute board**

24 July 2020

To face the dramatic financial consequences of the COVID-19 pandemic, the Italian government is now in the process of enacting a series of measures aimed at stimulating the recovery of the national economy. The so-called law decree *Semplificazioni* (literally *simplifications*) is one of those measures and, as the name suggests, it is aimed at simplifying the administrative procedures concerning public procurement and construction works.

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### **Commission launches inquiry into the Internet of Things**

22 July 2020

On 16 July, the European Commission launched an antitrust competition inquiry into the Internet of Things for consumer-related products and services in the EU.

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### **Assignment of credit claims by banks to non-banks allowed, non-bank not subject to special duty of care**

21 July 2020

The Dutch Supreme Court clarified that a bank's duty of care does not preclude the bank from assigning a credit claim to a non-bank. The non-bank is not directly subject to the duty of care, but the non-bank might be confronted with consequences that stem from the bank's duty of care.

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### **WIN Wise: Top tips for making the most of your IT contracts**

20 July 2020

There can sometimes be a disconnect between lawyers who draft contracts, and those with primary responsibility for implementing them. Through smart collaboration, effective communication and shared vision, in-house lawyers and their commercial counterparts can work together to maximize value and generate extra revenue.

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### **Court of Appeal confirms mining company is not liable for human rights abuses in Sierra Leone**

17 July 2020

Earlier this year, the Court of Appeal handed down its judgment in the case of *Kalma v (1) African Minerals Limited, (2) African Minerals (SL) Limited and (3) Tonkolili Iron Ore (SL) Limited*. In this case review, we consider the Court's findings in relation to (i) accessory liability and (ii) companies' duty of care when operating abroad.

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## Enforcement of foreign arbitral awards

17 July 2020

Foreign arbitral award holders who do not have a presence in India often face the dilemma of which Indian court to approach for the enforcement of their award. Some clarification was provided by the Supreme Court of India in 2018 in *Sundaram Finance Ltd. v. Abdul Samad & Anr.*, 2018 SCC 622, where the Court clarified that an award holder could initiate execution proceedings before any court in India where assets are located. In the event that the subject-matter of the arbitration was of a specified value, commercial courts established under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act 2015 may have jurisdiction.

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## Voir dire in the time of COVID-19

16 July 2020

The COVID-19 pandemic will only further increase limitations on *voir dire* that may prove detrimental to parties' ability to vet jurors.

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## Reputation management during investigations: ZXC v Bloomberg LP

16 July 2020

The Court of Appeal has upheld the decision of Nicklin J which found that Bloomberg had breached the privacy rights of a US businessman when it published an article containing confidential details about a UK criminal investigation which he was subject to.

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## Global Class Actions Briefing: Major developments in European consumer protection laws: Product safety and consumer class actions in Europe

15 July 2020

The EU's proposals for a revised EU General Product Safety Directive (the GPSD) and the EU's deal for a Collective Redress Directive (the CRD) point the way to a future of heightened novel risk in Europe of collective redress or, as these claims are popularly known, "class actions".

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## The new trend of "superpriority" rescue financings: Implications for existing priority creditors

14 July 2020

"Superpriority" debt circumvents protections in the credit agreement that typically require the consent of any adversely affected lender.

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## One less gadget in the arbitration toolbox: International and offshore arbitrations are not entitled to US discovery in aid of foreign proceedings

13 July 2020

A ruling that is highly relevant to the private funds and offshore dispute practice areas.

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## Food and Beverage News and Trends

10 July 2020

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## FOOD AND BEVERAGE NEWS AND TRENDS

Illinois warns bars and restaurants about social distancing, Colorado mandates cage-free hen housing.

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### Procurement Law Reform - Let's start a discussion

9 July 2020

DLA Piper's panel discussion webinar held on 1 July 2020 had a lively debate on the merits of potential options for reform and which changes might produce a better model for procurement regulation in the UK post Brexit. This is the first of a series of bitesize summary reports providing feedback from the debate.

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### A successful s67 challenge: Silence did not confer authority to enter into an arbitration agreement

7 July 2020

The case *MVV Environment Devonport Ltd v NTO Shipping GmbH & Co. KG MS 'MV Nortrader'* was one of the few successful challenges to an arbitral award which we have seen before the English courts in recent years.

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### Supreme Court finds the restriction on removal of the Consumer Financial Protection Bureau's single director unconstitutional, but leaves the bureau operational

7 July 2020

The decision also throws into question the investigative and enforcement actions of the CFPB to date.

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### The Judicial Collegium on Economic Disputes of the Supreme Court of the Russian Federation issued a ruling on a number of important issues of corporate law

7 July 2020

On 11 June 2020, the Judicial Collegium for Economic Disputes of the Supreme Court of the Russian Federation (JCED) rendered a ruling in case No. 306-ЭС-19-24912 ("Ruling") that may have a significant effect on the further application of corporate laws.

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### Pharmaceuticals sector update - July 2020

7 July 2020

On 17 March 2020 the Russian President signed an Order that allowed the distance sale of over-the-counter medicines. However, at that time, such sales were conditioned on federal legislation being adopted and the Russian Government outlining further mechanisms for such sales.

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### DC Circuit issues opinion on sovereign immunity defenses to the enforcement of arbitration award against foreign states

1 July 2020

Foreign states might not only be able to rely on the doctrine of sovereign immunity to protect themselves from final judgments, but also to avoid the burdens of litigation itself.

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### ***Allen v. Cooper*: Supreme Court affirms state sovereign immunity in copyright case**

30 June 2020

Under current copyright law, any effort by a state to provide alternate remedies for copyright infringement would be nullified by copyright preemption.

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### **Hatch-Waxman Litigation 101: The Orange Book and the Paragraph IV Notice Letter**

30 June 2020

A few of the key issues that must be addressed before a Hatch-Waxman suit is filed.

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### **WIN Wise: Liquidated damages for delay in tech disputes**

30 June 2020

The current COVID-19 pandemic is wreaking havoc on businesses and their operations across sectors and geographies. The unprecedented spread of the virus has had, and will continue to have, a profound impact upon both suppliers and customers in delivering technology projects on time and to budget.

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### **A jurisdiction too far: The English Commercial Court declines to continue freezing injunctions in support of foreign and English seated arbitrations**

26 June 2020

In *Petrochemical Logistics Ltd & Axel Krueger v PSB Alpha AG & Konstantinos Ghertsos*, the English Commercial Court declined to continue two freezing injunctions against the Defendants in support of both a London-seated LCIA arbitration and a Swiss-seated arbitration.

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### ***US v. Napout*: Second Circuit affirms convictions in FIFA foreign corruption case**

24 June 2020

A timely reminder that the risk of investigation and prosecution for foreign commercial bribery is very real and that the FCPA is not the only game in town.

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### **Illinois courts' response to the COVID-19 pandemic: Issue 4**

24 June 2020

COVID-19-related scheduling orders released by key courts in Illinois since May 22, 2020, plus analysis of the implications of *Rios*.

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### **Protecting the attorney-client privilege while under quarantine: Five tips for protecting attorney-client privilege when using online collaboration tools**

22 June 2020

With the increase in remote working comes an increased opportunity for attorney-client privilege issues to surface.

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### **SEC settles *Lucia* enforcement action**

22 June 2020

Questions remain following Supreme Court decision concerning the Appointments Clause of the Constitution and who constitutes an "Officer of the United States" for the purposes of complying with that constitutional provision.

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### **COVID-19 and Aviation in Africa: An Insight**

18 June 2020

As a consequence of COVID-19 the aviation sector is experiencing a catalyst for enormous change [...] In Africa, airlines and the aviation sector must be supported if aviation is to continue to be the lynchpin that brings the world to its doorstep and with it the benefits that such an opportunity brings to the continent's economies.

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### **Supreme Court will tackle issue of who determines arbitrability when a dispute involves arbitration carveouts**

18 June 2020

This issue is currently dividing courts of appeals and state high courts.

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### **The rise and rise of shareholders' Class Actions in the UK**

18 June 2020

In the UK there has been a steady rise in shareholders' Class Actions including several Class Actions launched by unhappy shareholders against the companies they invest in.

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### **Diary note of a remote mediation**

16 June 2020

A colleague and I recently took part in a remote mediation over Skype. Given that there are likely to be many other litigating parties seriously contemplating the use of remote mediation (some with reservations), we thought that it might be helpful to share our own candid experience of a recent remote mediation.

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### **Non-damage business interruption test case in the English Courts**

11 June 2020

Significantly in the UK, the Financial Conduct Authority (FCA) is bringing a test action, in order to seek a declaratory judgment on a number of policy coverage questions arising from non-damage cover under business interruption (BI) policies, using the Financial Markets Test Case Scheme.

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### **COVID-19 Legal Task Force Spain: Updated regulations**

10 June 2020

The coronavirus COVID-19 crisis has no similar precedent in recent times in Europe. The Spanish authorities are approving new laws and regulations addressing the challenges created by the crisis. Additional measures may be adopted in the course of the next few days and weeks. Stay attentive to new updates.

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### **Relief for Frustrated Contracts - can I get my deposit or be compensated for performance?**

9 June 2020

A common issue in recent months has been recovery for deposits paid under the terms of an agreement entered into that has now been frustrated by the COVID-19 pandemic.

Now, as businesses start to open up and the economy takes its first steps towards normality, businesses may be looking to see where and how they can take steps to recover deposits or prices paid under the terms of what is now a frustrated contract.

Under Australian law, a contract is frustrated when it is incapable of being performed due to an unforeseen event or circumstance that arises after its formation by no fault of either party. The frustrating event must significantly change the contractual rights or obligations under the contract, making it impossible to fulfil.

While under the common law it is difficult to recover a deposit or other amount paid when a contract is frustrated, in New South Wales the Frustrated Contracts Act 1978 No 105 (NSW) (Frustrated Contracts Act), and legislation enacted in South Australia and Victoria, may provide an avenue to recover those sums.

This article focuses on the Frustrated Contracts Act in force in New South Wales. A table at the end of this article sets out the key provisions in the South Australia and Victoria legislation.

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### **"Now you see it, now you don't": Ephemeral messaging may lead to sanctions**

8 June 2020

A recent decision highlights one key risk of ephemeral messaging.

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### **A law on disputes with entities and individuals subject to sanctions or due to sanction issues has been adopted**

8 June 2020

On 8 June 2020, the Russian President signed law introducing to the Russian Arbitrazh Procedure Code provisions that have an effect on disputes.

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### **Top five factors for firms to consider when conducting remote investigations: new realities?**

8 June 2020

The COVID-19 pandemic has forced many businesses to overhaul their working practices, as normal modes of working once taken for granted. These new modes of working raise novel practical issues with traditional investigative methods such as document collection/review and interviewing witnesses.

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### **US-based pharmaceutical manufacturing in response to COVID-19: new manufacturers face risks**

3 June 2020

A rush to develop a new company to begin manufacturing is fraught with risk.

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### **10 recommended tips for remote depositions**

1 June 2020

Courts increasingly are requiring remote depositions to mitigate delays during the pandemic.

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### **10 recommended tips for remote mediations**

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1 June 2020

Some parties have been required to proceed with remote mediations to mitigate further delays during the pandemic.

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### **COVID-19: Pre-negotiation letters as a critical tool for real estate workouts**

29 May 2020

There is no standard PNL; a well-drafted agreement will address the specific circumstances of the parties and the project.

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### **Expedited procedure for bankruptcy refinancing: A guide for creditors and debtors in Peru**

29 May 2020

Several aspects of PARC merit special attention.

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### **COVID-19 et protectionnisme : Quelles protections pour les investisseurs étrangers.**

28 May 2020

Face au défi de la relance économique, des mesures d'aide sont prises par certains Etats en soutien à leurs nationaux et aux entreprises locales. Une attention particulière devra être apportée par les Etats sur toute mise en place non équitable ou discriminatoire de telles mesures, ou ayant pour effet de faire perdre toute valeur à un investissement.

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### **Preparing for global class actions arising from COVID-19**

28 May 2020

The risk to companies of global and cross-border class action and collective redress proceedings is rising.

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### **Supreme Court of Wisconsin invalidates state's emergency order: Questions remain for businesses seeking to reopen**

27 May 2020

This sudden development increases challenges facing Wisconsin businesses as they consider reopening their businesses.

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### **The collapse in oil prices: force majeure and other strategies**

27 May 2020

On 20 April 2020, the WTI benchmark price for crude oil in the US temporarily fell to negative \$37.63, the first time in history it has fallen below zero. One question many clients are posing is whether a collapse in oil prices might excuse performance of a contract on force majeure grounds.

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### **Applying provisions on procedural timeframes and statutes of limitations amid the implementation of measures aimed at curbing the spread of COVID-19 in Russia**

26 May 2020

To ensure consistency in the application of laws in a situation when legislative amendments are being passed and measures are being taken to curb the spread of the novel coronavirus (COVID-19), the Supreme Court of the Russian Federation ("**Supreme Court**") has issued two practice overviews: No. 1 of 21 April 2020 and No. 2 of 30 April 2020. In these overviews, the Supreme

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Court gives clarifications, inter alia, on issues concerning procedural timeframes and the statute of limitations.

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### **Arbitration agreements between a private party and the Italian Public Administration**

26 May 2020

This publication concerns arbitration agreements between a private party and the Italian Public Administration (PA) that fall within the scope of application of the old Public Procurement Code (Legislative Decree no. 163/2006, which became effective as of 2 May 2006, (Old PPC).

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### **Arbitration proceeding in the time of Coronavirus**

26 May 2020

The Italian government, driven by the aim to counter the epidemiological emergency from COVID-19, has adopted, over the last few weeks, several measures in order to conform to the recommendations given by scientists. These measures affect different aspects of civil society, including the administration of justice and, in particular, arbitration.

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### **Newsletter dell'Arbitration Team**

26 May 2020

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### **The ICC Guidance Note on Possible Measures Aimed at Mitigating the Effects of the COVID-19 Pandemic**

26 May 2020

On April 9, 2020, the ICC issued the Guidance Note on Possible Measures Aimed at Mitigating the Effects of the COVID-19 Pandemic (the ICC Guidance Note). In the wake of the January 2019 note to the parties on the conduct of arbitration (the January Note), the ICC Guidance Note encourages counsel, parties and arbitrators to manage arbitrations in a fair, expeditious and cost-effective manner, in spite of the pandemic.

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### **COVID 19 | Legal Task Force Spain: Updated publications**

25 May 2020

The coronavirus COVID-19 crisis has no similar precedent in recent times in Europe. The Spanish authorities are doing their best to approve new laws and regulations addressing the challenges created by the crisis. This summary shall not as legal advice, but only as an informative document. Stay attentive to new updates.

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### **LCIA annual casework report shows continued growth and diversity in both its caseload and its choice of arbitrators in 2019**

25 May 2020

On 19 May 2020 the LCIA published its annual casework report for 2019. The report provides a useful summary of trends in the LCIA caseload during last year, and demonstrates the global nature and variety of disputes referred to the LCIA, in particular the continued increase in the international appeal of the LCIA.

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### **Conflicts for Experts: Issues Consultancy Firms Need to Consider**

22 May 2020

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A recent decision of the English courts has raised an important issue of conflict of interests for expert consultancy firms, by confirming that in certain circumstances firms will owe a fiduciary duty of loyalty to a client.

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### **Illinois courts' response to the COVID-19 pandemic – Issue 3**

22 May 2020

The Illinois courts respond to the pandemic.

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### **Top five UK anti-bribery and corruption risks to be aware of during the COVID-19 pandemic**

22 May 2020

COVID-19 has created an unprecedented business landscape at a local, national and international level. Few businesses, if any, will escape unscathed. As with any economic crisis, the current situation presents an opportunity for bribery and corruption to thrive.

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### **Top ten UK frauds to be aware of during the COVID-19 pandemic**

22 May 2020

The COVID-19 outbreak has had an unprecedented effect on the world economy. The UK government has quadrupled its borrowing plans over the next three months with HM Treasury seeking to raise GBP180 billion in order to meet its spending needs as tax revenues plunge.

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### **COVID-19 Litigation and Regulatory Q&A: France**

20 May 2020

What is the status of the major courts or arbitral institutions in France? Are they operating as usual, and if not what alternative procedures are in place? Am I required to attend a hearing in person at this time in France? Given there are significant local movement restrictions, are there any new or alternate procedures in place?

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### **Maryland Bar Journal Magazine Issue 1 2020**

20 May 2020

Five of our lawyers were given a spotlight in Issue 1 2020 of the *Maryland Bar Journal*.

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### **Merger control: distressed M&A in the time of COVID-19**

19 May 2020

#### **[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)**

A brief overview of the main elements of the failing firm defense.

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## **COVID-19 and investment claims under NAFTA**

15 May 2020

An examination of whether measures taken by States in response to the pandemic could provide a basis for claims under the North American Free Trade Agreement and more.

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## **Puerto Rico: Potential solutions for business agreements affected by the COVID-19 pandemic**

15 May 2020

As businesses start to reopen and redefine their operations in Puerto Rico, they should also prepare for potential disputes.

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## **The end of Intra-EU BITs. Now what? (Part 1)**

15 May 2020

In this first of a series of four articles, we analyse the key aspects of the decision of the majority of EU Member States to terminate the bilateral investment treaties between them.

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## **Virtual hearings report**

14 May 2020

### **[VIRTUAL HEARINGS](#)**

This document presents the first global, empirical study on the use of virtual hearings during the COVID-19 confinement. This just one in a series of paradigm shifts that will affect the disputes market.

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## **WIN WISE: IT Projects and dispute avoidance**

14 May 2020

Underestimated costs, unexpected delays and poor governance are just a few of the reasons why some IT projects fail. COVID-19 has now potentially created the perfect storm. This dispute-avoidance checklist highlights what parties can do during the lifetime of an IT project to minimise the risk of disputes.

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## **Post-COVID-19 sustainability and ESG disputes: pinch points and practical pointers**

12 May 2020

Where businesses are putting all of their efforts into crisis mitigation and survival in response to COVID-19, it is worth considering the importance of balancing short-term mitigation measures with the preservation of long term value and sustainability and ESG commitments

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## **Court of Appeal overturns FRC v Sports Direct: Regulator's powers do not override legal professional privilege**

11 May 2020

On 18 February 2020 the Court of Appeal handed down judgment in Sports Direct International plc v The Financial Reporting Council [2020] EWCA Civ 177, partially overturning the High Court's decision of 2018 and clarifying that the powers of the Financial Reporting Council (FRC) do not extend to compelling delivery up of privileged documents.

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## **With unanimity comes clarity: In reversing Bridgegate convictions, a unanimous Supreme Court further narrows scope of federal fraud and corruption prosecutions**

8 May 2020

The federal fraud statutes criminalize only deception targeting money and property, not other forms of chicanery, no matter how unscrupulous they might be.

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## **Certainty for commercial parties**

7 May 2020

The Court of Appeal (CoA) granted the Claimant, a Turkish construction company, an anti-suit injunction restraining an entity within the Chubb insurance group from continuing Russian court proceedings which the CoA ruled it had brought in breach of an arbitration agreement specifying London as the seat.

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## **COVID-19: New York and Other Northeast Council states take phased approach to reopening economy**

6 May 2020

These developments raise a number of immediate questions and considerations for businesses operating in the region.

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## **New York state courts permit new filings in "non-essential" matters on May 4, 2020**

5 May 2020

Latest developments impacting the court systems in New York.

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## **Algorithms and antitrust laws – increasing activities of competition authorities**

03 May 2020

Today, algorithms are applied by companies in many ways; for example, in relation to dynamic pricing, demonstration of rankings, data collection or personalization based on user preferences.

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## **Illinois courts' response to the COVID-19 pandemic – Issue 2**

1 May 2020

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## **Force Majeure Certificates in a global context: What are they and what is their effect?**

30 April 2020

On 30 January 2020 the China Council for the Promotion of International Trade announced that it would offer Force Majeure Certificates to local businesses. The intention was to assist them in prospective disputes with foreign counterparties.

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## **Post-COVID-19: What to expect in the "next normal"**

30 April 2020

Issues that are front of mind, based on an informal survey of some of the largest companies and most influential global business leaders.

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## **WIN Wise: Termination of Technology Contracts - On a need to know basis**

30 April 2020

The COVID-19 pandemic is causing untold, and unprecedented, uncertainty to businesses across the globe, and as a consequence both technology suppliers and customers are now considering their existing contractual obligations.

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## **Changes to litigation funding arrive in Scotland**

28 April 2020

Damage Based Agreements have now arrived in Scotland. Alistair Drummond and Sarah Crowe discuss the impact on businesses.

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## **Litigation trends and risk management in the COVID-19 era**

29 APR 2020

To help our clients anticipate and protect against the threat of litigation in these already difficult times, we are monitoring all COVID-19 related litigation filings, assembling the collective knowledge and experience of our lawyers across DLA Piper's global practices, sectors and jurisdictions to anticipate future trends, and proactively partner with our clients. This client alert provides a brief summary of the litigation trends that have emerged and which we expect will emerge, both in terms of class actions and other litigation, and offers some practical tips to minimize risks based on these developing trends.

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## **Measures in justice**

28 April 2020

Based on the President's decree of 16 March 2020 all court proceedings in civil cases are immediately suspended by effect of law, with the only exception of "very urgent cases" that are to be judged on an expedite basis, making use of video conference and postal/ email communications wherever possible.

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## **Preparing for the COVID-19 class action: Is there an unexpected consequence lurking in your arbitration agreement's poison pill provision?**

28 April 2020

Several decisions demonstrate that including a poison pill provision with a class action waiver that waives the right to seek public injunctive relief could render the entire arbitration agreement unenforceable.

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## **Antitrust bites - Newsletter**

27 April 2020

Newsletter Antitrust Bites April 2020

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## **ICC updates its force majeure and hardship standard clauses**

27 April 2020

In view of the current uncertainty created by COVID-19, the International Chamber of Commerce has recently updated its "off the shelf" force majeure and hardship clauses. This article explains the relief that these two clauses offer and the main changes that the

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ICC has introduced in its standard clauses.

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### **Attorney General Insights podcast with Maryland Attorney General Brian Frosh**

24 April 2020

#### [ATTORNEY GENERAL INSIGHTS PODCAST](#)

DLA Piper partner and former Delaware Attorney General Matt Denn interviews Maryland Attorney General Brian Frosh about the legal and organizational challenges that he and his fellow AGs are facing during the Covid-19 pandemic.

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### **COVID-19: conducting internal investigations in remote work settings**

24 April 2020

For companies conducting internal investigations or responding to an investigation, practical solutions in a time of distancing.

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### **Cross-Canada suspensions in limitations**

24 APR 2020

#### [CANADIAN EMPLOYMENT LAW UPDATES - COVID-19](#)

Four jurisdictions across Canada have taken dramatic measures in an effort to address the consequences of COVID-19 on litigation and other administrative processes. To date, governments in British Columbia, Alberta, Ontario and Quebec have enacted measures to extend or suspend certain limitation periods and time periods for other required procedural steps in legal proceedings.

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### **What COVID-19 could mean for the future of the Big Tech investigations**

24 April 2020

#### [ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

Rather than hampering the investigations over the long term, the pandemic may open new lines of inquiry for antitrust investigators.

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### **US Court of Appeals permits § 1782 discovery in private arbitration**

22 April 2020

The decision may indicate a significant new trend.

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### **Litigation amid the spread of COVID-19 in Russia**

21 April 2020

The situation in connection with the spread of the novel coronavirus ("COVID-19") in Russia has brought changes in how the judicial system will work, raising a number of procedural issues on the administration of justice.

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### **Regulatory measures in foreign trade in connection with the spread of COVID-19 in Russia**

21 April 2020

Several measures have been put in place seeking to minimize adverse effects of the coronavirus pandemic on the economy of the

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Eurasian Economic Union (EAEU) in general and that of the Russian Federation in particular. Our comments are focused at those measures designed to stimulate international trade.

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### **US antitrust enforcers on high alert for collusion in labor markets during COVID-19 pandemic**

21 April 2020

#### **[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)**

Antitrust enforcers are closely monitoring employer coordination to disadvantage workers.

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### **State aid: The measures for tackling the COVID-19 outbreak in Italy**

20 April 2020

Read our article on the EU's Temporary Framework for up-to-date information on how the European Commission has relaxed State aid rules to counter the economic impact of COVID-19.

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### **The litigation environment in the vape industry**

17 April 2020

The industry should anticipate more lawsuits and investigations from attorneys general and local municipalities.

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### **COVID-19 – a legitimate basis for investment claims?**

16 April 2020

This article considers whether measures taken by States in response to the COVID-19 pandemic could provide a legitimate basis for claims under bilateral investment treaties (BITs) or other investment protection instruments, and identifies some of the defences that may be available to States.

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### **Coronavirus (COVID-19) – top tips for your commercial contracts including force majeure**

16 April 2020

The outbreak of coronavirus COVID-19 is having a profound effect on the global economy, and a widespread impact on the ability of parties to perform their contractual obligations.

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### **Anticipated increase in website and mobile application litigation as a result of COVID 19-pandemic: 12 practical steps toward compliance**

15 April 2020

Companies are urged to take notice of these lawsuits, because the number of these cases is increasing and some have been very costly.

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### **Coronavirus: Impact on construction in Scotland**

15 April 2020

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COVID-19 guidance recently issued by the Scottish Government has had significant consequences for the construction industry, with many major sites ceasing “non-essential” works with immediate effect. However, the legal force and effect of this guidance must be considered - has the Government imposed a lawful prohibition on such works? This raises an interesting question - when is the law the law?

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### **US CPSC advises consumers certain recall remedies may be unavailable due to COVID-19 – four key takeaways**

15 April 2020

Guidance will evolve as the pandemic develops, and CPSC-regulated firms are encouraged to consider these actions.

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### **Corona-crisis dwingt regionale overheden tot ingrijpen in het omgevingsrecht**

14 April 2020

Het coronavirus (COVID-19) laat ook het omgevingsrecht niet ongemoeid. De noodmaatregelen van de verschillende Belgische overheden hebben een belangrijke impact op o.m. lopende bouwwerken en vergunningsprocedures, een van de belangrijkste economische motoren van ons land.

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### **Courts allow False Claims Act cases to proceed despite providers’ claims of honestly held clinical judgment**

14 April 2020

These decisions will make it easier for relators and the government to successfully prosecute FCA cases.

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### **Paradigm Change in Germany’s Foreign Direct Investments (FDI) Law**

14 April 2020

Germany’s FDI rules so far had a reputation of not being very strong. In the past few years, only three transactions have been prohibited. This is set to change under a new bill.

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### **COVID-19: New York State provides new guidance on essential businesses**

13 April 2020

The Guidelines raise a number of immediate questions and considerations for New York businesses.

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### **Draft Bill No. 1179/2020 – a compass for Brazilian private law during COVID-19?**

13 April 2020

Brazil’s bill anticipates probable contractual breaches and defaults and a resulting increase in litigation arising from the pandemic.

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## **Construction lien deadlines to be exempt from suspension of Ontario limitation periods**

10 APR 2020

Many participants in the Ontario construction industry will breathe a big sigh of relief as the result of an announcement released on April 9, 2020 by the Ontario Attorney General.

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## **Court of Appeal of Milan, 7 October 2019**

10 April 2020

With an order issued on 7 October 2019, the Court of Appeal of Milan examined two issues of particular interest.

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## **Newsletter dell'Arbitration Team**

10 April 2020

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## **Supreme Court, 31 May 2019, no. 14884**

10 April 2020

"The arbitrators' jurisdiction, except for any very precise legal limits, extends to any aspect of the contractual case brought to their cognizance, including the verification of the simulated nature of the same contract, since this is a circumstance relevant for the purposes of establishing whether and to what extent the claim made by one party is well-founded."

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## **The Milan Chamber of Arbitration suspends procedural terms**

10 April 2020

On 25 March 2020, as a follow-up to the previous decision of 13 March 2020, the Milan Chamber of Arbitration decided to suspend the running of all procedural terms (including those for the issuance of arbitral awards) until 16 April 2020.

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## **The coronavirus COVID-19 pandemic in France – force majeure and contractual good faith**

10 April 2020

The French economy is currently facing rather extraordinary circumstances both as a result of the coronavirus COVID-19 pandemic and the measures taken by the Government to fight it. This pandemic and its consequences may jeopardize the proper performance of contractual obligations by those who are bound by them. The issue of force majeure therefore arises.

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## **The exceptional power of Arbitral Tribunals in corporate arbitrations to issue interim measures clashes with the Courts' power to issue interim relief. Where is the balance?**

10 April 2020

The purpose of an interim measure is to ensure that one party's rights are effectively protected.

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## **Macdonald — SCC establishes effects-based test for hedging**

9 APR 2020

The Supreme Court of Canada (“SCC”) decision in *MacDonald v. The Queen*, 2020 SCC 6, released on March 13, 2020, establishes an effects-based test for determining whether a derivative contract is a hedge for tax purposes and clarifies that “ownership risk, like “transactional risk”, can be hedged.

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#### Issue 4

9 April 2020

### ENERGY AND NATURAL RESOURCES CASE LAW UPDATE

In this fourth edition of the E&NR Case Law update we focus on cases from the last six months of 2019 which - even where they did not directly concern the energy sector - are of general application to the drafting and management of contracts by E&NR businesses.

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#### Mass litigation, funding and costs: Ingenious

6 April 2020

When it comes to mass litigation, whether it is a representative action, formal group litigation or a collection of claims with a common interest, costs and funding frequently lie close to the heart of a litigation strategy. A recent decision of the High Court illustrates some of the complexities that can arise.

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#### Navigating your business through technology disputes risks

9 April 2020

Novel coronavirus disease (COVID-19) has completely rocked the business world and changed the operations and responses of companies around the globe. Technology is business critical to every company and sector. Whether you are a supplier or a customer with ongoing tech contracts - our clients are already encountering numerous key issues.

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#### Trump Administration issues new regulations reducing stringency of automobile fuel economy and greenhouse gas emissions standards for 2021-2026

7 April 2020

The new standards are controversial and are subject to multiple court challenges.

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#### Coronavirus: Supplier due diligence for vetting Chinese medical suppliers for quality, safety, fair pricing and anti-corruption compliance

6 April 2020

Some key risks, and potential solutions to reduce cross-border operational risks.

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#### Update: The Singapore Mediation Convention will come into force on 12 September 2020

6 April 2020

The Singapore Mediation Convention will come into force on 12 September 2020. This follows Qatar becoming the third country to ratify the convention on 12 March 2020, following Singapore and Fiji (both 25 February 2020).

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### **Civil proceedings at the time of COVID-19: Italy**

3 April 2020

In order to contrast the current epidemiological emergency, the Italian government issued the Law Decree no. 18 of March 17, 2020, (the so-called Decreto Cura Italia), providing measures which are immediately enforceable.

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### **Illinois courts' response to the COVID-19 pandemic**

2 April 2020

The Illinois courts respond to the pandemic.

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### **Individual Liability for Corporate Misconduct**

2 APR 2020

The Australian Law Reform Commission (ALRC) has decided not to make any recommendations for specific law reform on how individuals in Australian companies should be held accountable for corporate misconduct. While there was an expectation that ALRC would recommend extensive reform in this area, it has instead recommended an overall review of the effectiveness of individual accountability mechanisms for corporate misconduct by December 2025.

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### **Coronavirus: How UK mortgage lenders and administrators can comply with FCA guidelines**

1 April 2020

On 20 March 2020, the FCA published guidance for mortgage lenders and administrators aimed at helping them support customers during the Covid-19 crisis. Alongside this guidance, the FCA has also published a related webpage with information for mortgage customers.

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### **Coronavirus: What happens to my lawsuit now?**

1 April 2020

Some of these shifts in legal practice may lead to long-term efficiencies that benefit clients and improve access.

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### **DOJ increases scrutiny of nursing home industry**

1 April 2020

DOJ is doubling down on its commitment to investigate and prosecute allegations of elder abuse and of substandard quality of care.

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### **COVID-19 essential businesses: Anti-bribery and anti-corruption risks**

31 March 2020

Given the significant impact of being deemed non-essential, businesses and employees are incentivized to ensure their business is deemed essential by local authorities – and this can pose anti-bribery anti-corruption (ABAC) risks to companies.

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## Emergency Legislation In Ireland

31 March 2020

The Irish parliament has passed emergency legislation to support the national response to the COVID-19 pandemic - the "Health Act 2020" (the Act). The Act gives the Government significant powers which will have major impact on businesses across Ireland. In this article, Associate, Louise McErlean explores likely measures and impacts.

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## Coronavirus: State Attorneys General and the New COVID-19 Stimulus

30 March 2020

With the president's signature on March 27, 2020, the government passed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the largest economic stimulus package in American history. Passed in response to the coronavirus disease 2019 (COVID-19) pandemic, the CARES Act will have an enduring impact on the country for years to come, particularly so for the industries and businesses eligible for stimulus relief funds. The massive scale of the CARES Act immediately calls to mind questions about how the government will respond in its attempt to prevent fraud, waste, and abuse in carrying out the stimulus.

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## No end in sight for mass financial services Class Actions in the UK

30 March 2020

Financial services Class Actions have increased in recent years due to greater access to litigation funding, increased regulatory challenges, changes in the law such as GDPR and the prevalence of claims management companies.

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## Coronavirus: US State AGs ramp up efforts to combat price gouging

29 March 2020

### [ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

State Attorneys General throughout the country are vigorously enforcing state unfair trade practice and price gouging statutes against those alleged to be taking advantage of consumers during the COVID-19 pandemic.

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## US Antitrust enforcers issue joint statement on competitor collaboration amid COVID-19 pandemic

27 March 2020

### [ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

The US Department of Justice and Federal Trade Commission issued a Joint Antitrust Statement Regarding COVID-19, in which they announced an expedited procedure for evaluating proposed collaborations among competitors and other businesses working to address the pandemic.

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## Blockchain and Digital Assets News and Trends

25 March 2020

### [BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

The age of viral outbreaks – key contract considerations in a post-COVID-19 world, plus latest legal, regulatory and case law developments around blockchain and digital transformation.

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## DLA Piper obtains approval of first coronavirus-impacted bankruptcy sale

25 March 2020

DLA Piper's Restructuring practice is at the forefront of the intersection of COVID-19 and bankruptcy.

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## Alta Energy — FCA confirms treaty shopping not abusive

24 MAR 2020

On February 12, 2020, the Federal Court of Appeal released its decision in *The Queen v. Alta Energy Luxembourg S.A.R.L.*, 2020 FCA 43, which confirms "treaty shopping" arrangements are not inherently abusive for Canadian tax purposes and is a victory for non-residents relying on the "business property exception" in many Canadian tax treaties in structuring Canadian real estate or resource investments.

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## Barclays SFO trial: Is corporate criminal liability dead?

24 March 2020

A jury cleared three former Barclays senior executives accused of conspiracy to commit fraud in connection with the bank's 2008 recapitalisation. Aside from bringing the seven-year case to a close, this verdict finally lifts the lid on the earlier rulings in the case which led to Barclays, the corporate entity, being thrown out of the case.

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## COVID-19 en overheidsopdrachten

24 March 2020

In deze nieuwsbrief gaan wij in op de mogelijke impact van COVID-19 op nieuw in de markt te plaatsen overheidsopdrachten, lopende plaatsingsprocedures en reeds gegunde overheidsopdrachten in België. In het bijzonder rijst de vraag wat de gevolgen van COVID-19 kunnen zijn in het licht van de overheidsopdrachtenreglementering.

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## Delaware Supreme Court authorizes federal forum provisions requiring the filing of Securities Act cases in federal court

24 March 2020

This holding may spur many Delaware corporations to amend their articles of incorporation, or adopt bylaws, adding a federal forum provision.

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## Trade Secrets in Canada - now strengthened with criminal remedies

24 MAR 2020

Trade secrets are often considered the forgotten intellectual property when it comes to litigation and enforcement. With work forces at home these days, connecting into corporate computer systems using their personal devices, the risk of trade secrets being misappropriated or stolen is higher than ever. Fortunately, Canada recently implemented criminal enforcement provisions for trade secrets. On March 13, 2020, Bill C-4, the United States-Mexico-Canada (USMCA) trade agreement implementation legislation received royal assent, providing greater protection and offering additional remedies for parties that have suffered losses related to trade secrets being exposed through theft, misappropriation or other fraudulent means.

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## Coronavirus: Several state and local governments issue “shelter in place” orders (United States)

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

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## [UPDATED] New stay at home orders in California and Los Angeles: key highlights

23 March 2020

The orders all exempt various businesses from compliance, but the orders have different scopes.

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## [UPDATED] Antitrust enforcement continues amid coronavirus, but with important changes (United States)

20 March 2020

### ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD

As the coronavirus disease (COVID-19) emergency played out this week, the US Department of Justice and Federal Trade Commission issued important guidance on changes to merger review procedures, as well as ongoing antitrust investigations and litigation.

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## ASIC's new preferred approach to document production

18 MAR 2020

ASIC released new Document Production Guidelines on 2 March 2020. These Guidelines set out how ASIC expects electronic and hard copy records to be produced in response to compulsory notices. These Guidelines would also inform businesses producing records to ASIC on a voluntary basis, that is, where ASIC has not invoked its compulsive powers. In releasing these Guidelines ASIC are signalling their *preferred approach* of how documents should be produced, so while they are not mandatory, consequences may still arise to businesses who do not follow them. DLA Piper can help you navigate these requirements if you are served with a compulsory notice.

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## Introducing the DLA Piper Project Simulator

17 March 2020

One of the most critical challenges faced by our global society is developing high-quality, sustainable infrastructure. To help businesses meet this challenge, DLA Piper has collaborated with leading strategy consultancy BTS to create **The DLA Piper Project Simulator (DPS)**, an interactive training tool.

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## Mitigating Global Supply Chain and Customer Insolvency Risk

Tuesday 17 March

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## If it walks like a duck and it quacks like a duck then it's probably a duck

16 MAR 2020

A recent decision of the High Court of Australia held that if an executive can affect significantly the financial standing of a subsidiary within a corporate group, the executive may be considered an officer of that subsidiary without holding, occupying or

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acting in a recognised office in the subsidiary. It affirmed prior decisions to the effect that the definition of “officer” in Australia’s corporations law will be given a broad reading by courts with the consequent extended application of statutory duties, for example, to act in the best interests of the corporation and to exercise reasonable care and diligence.

In this brief update, we consider what the decision means for those running corporate groups in Australia, particularly in this time of heightened regulatory scrutiny of executive conduct.

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### **Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)**

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer’s unique circumstances.

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### **FTC comments and workshop reinforce increased focus on vertical mergers**

13 March 2020

Vertical mergers are in the crosshairs.

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### **The Russian Supreme Court’s first ever Plenum Resolution on Arbitration**

13 March 2020

In December 2019 the Russian Supreme Court issued its first ever Plenum Resolution on Arbitration. A Supreme Court Plenum Resolution is a court act of the highest level, is binding for lower state courts and usually serves as a “bible” for judges dealing with the relevant topic.

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### **Asia Pacific Arbitration Roundup 2019**

12 March 2020

Welcome to the first edition of our new Asia-Pac Arbitration Roundup.

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### **Maintaining the privilege: Procedure & Practice Privilege**

11 March 2020

Jean-Pierre Douglas-Henry and Bryden Dalitz consider recent developments on legal professional privilege.

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### **First CCPA-based UCL claim demonstrates litigation risk associated with privacy rights under CCPA**

5 March 2020

Until courts weigh in on the legal viability of such claims, companies will continue to face litigation risk beyond the data breach private right of action.

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### **Singapore deposits instrument of ratification for the Singapore Convention**

5 March 2020

Ambassador Satyendra Prasad of Fiji became the first two countries to deposit their instrument to ratify the Singapore Convention (also known as the United Nations Convention on International Settlement Agreements Resulting from Mediation).

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### ADGM Courts issue first arbitration-related judgements

3 March 2020

2019 saw the Abu Dhabi Global Market Court (ADGM Court) publish two arbitration-related judgments, the first published since its launch in December 2018. The first case related to the validity of an ADGM arbitration agreement (A3 v B3 [2019] ADGMCFI 0004) and the second related to the recognition and enforcement of a New York Convention award in the ADGM (and included an insight into the court's approach to the "conduit jurisdiction" question) (A4 v B4 [2019] ADGMCFI 0007).

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### When is a deal *actually* a deal under Texas law? The Texas Supreme Court weighs in again

3 March 2020

For would-be buyers and sellers, the key takeaways are simple, but important.

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### US v. Hoskins: in setback for DOJ, court grants post-trial motion for acquittal on all FCPA counts

27 February 2020

The decision calls into question DOJ's aggressive approach to a narrow but significant class of potential defendants in FCPA cases.

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### Alberta court allows Securities Commission penalty to survive bankruptcy

24 FEB 2020

On January 17, 2020, Justice Romaine of the Alberta Court of Queen's Bench found that the Alberta Securities Commission's administrative penalties against Theodor Hennig survived Hennig's discharge in bankruptcy. This decision marks the first time a Canadian court has considered securities regulatory penalties within the context of subsection 178(1) of the *Bankruptcy and Insolvency Act*.

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### Significant online defamation damages in Canada — are online platforms immune?

24 FEB 2020

Canadian courts have a reputation of awarding relatively modest damage awards in tort cases, especially when compared to our neighbours to the South. However, a recent BC Supreme Court case, *Rook v Halcrow*, demonstrates that Canadian courts will award significant damages in relation to online defamation —in that case, the defendant acted with malice when undertaking a protracted online campaign to defame a former lover on social media and the court awarded damages in excess of \$230,000. For businesses that host content online, this award raises the spectre of the potential liability that intermediaries face when their users post defamatory content on or via their platforms or services.

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### Food and Beverage News and Trends

21 February 2020

#### [FOOD AND BEVERAGE NEWS AND TRENDS](#)

Members of Congress protest proposed changes in federal school meal program; plant-based company sues California regulators on free speech grounds.

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## How do you obtain permission to bring a derivative action?

21 February 2020

*Saatchi v Gajjar* offers a very useful and comprehensive review of applicable case law and as such can be seen as a guide to others seeking to pursue or defend derivative claims.

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## CEDR's 2020 updates aim to drive continuity and procedural trust in commercial mediation

20 February 2020

Following our "Mediation Masterclass" session for in-house lawyers, in conjunction with CEDR co-founders and seasoned mediators, Eileen Carroll and Karl Mackie in January 2020, a number of the themes explored in relation to mediation past, present and future are reflected in the 2020 updates to CEDR's model documents.

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## DLA Piper's Commitment to Diversity and Inclusion: Key Insights from Head of Litigation and Regulatory

20 February 2020

In a recent episode of the Phoenix Talent Talks podcast series, Partner, Caoimhe Clarkin describes how Diversity and Inclusion is a key priority for DLA Piper and discusses how an unfaltering commitment to inclusion is key to attracting and retaining a workforce that is as talented and diverse as an organisation's client base.

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## Representing individuals in interviews – the US perspective

19 February 2020

Determining whether to consent to an interview, and any interview itself, can be pivotal.

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## Update: The Hague Rules on Business and Human Rights Arbitration

18 February 2020

The recently released Hague Rules on Business and Human Rights Arbitration may assist and encourage the widening of the ambit of arbitration beyond commercial disputes to those concerning the effect of commercial activities on human rights.

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## Austria - Global bribery offenses guide

17 February 2020

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## When is an outbreak an act of God? Mitigating commercial and operational risks during the COVID-19 crisis (Global)

13 February 2020

A close look at a standard but often overlooked "act of God" or force majeure clause in contracts may provide some insight into options for mitigating commercial and operational risks during the ongoing health crisis.

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## COP25's key outcome: adoption of the San Jose Principles on carbon market mechanisms – takeaways for

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## business

12 February 2020

Ambitious countries are not waiting for full consensus on carbon markets.

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## \$name

11 Feb 2020

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### Novel coronavirus (2019-nCoV) – potential effects on international arbitration, sale of goods, shipping and shipbuilding (AsiaPac)

10 February 2020

The current outbreak of novel coronavirus (2019-nCoV) is causing widespread concern. This article will discuss the potential impact on international arbitration, sales of goods, shipping and shipbuilding contracts.

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### Construction delays arising out of the Novel Coronavirus outbreak (AsiaPac)

7 February 2020

Since the first case of coronavirus was confirmed in Hong Kong in early February 2020, the government has imposed various measures in an attempt to contain the spread of the coronavirus. The resulting impact of the novel coronavirus is far-reaching and affects every industry and business in Hong Kong. This alert considers some of the key issues that construction contractors and developers in Hong Kong may face. If you need any specific advice, please contact May Ng or Sandy Au for further details.

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## Food and Beverage News and Trends

7 February 2020

### FOOD AND BEVERAGE NEWS AND TRENDS

Virginia moves to define "milk," court overturns Kansas ag-gag law, plus vanilla, glyphosate, and Hep A back in the news.

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### You can run but you can't hide: American Court to rule on enforceability of Canadian securities disgorgement order

5 FEB 2020

In May 2019, a district court of Nevada recognized a CAD\$21.7 million disgorgement order issued by the British Columbia Securities Commission against Michael Patrick Lathigee, a Canadian national residing in Nevada. At the time of the Nevada district court decision, the BCSC stated that it was the first time a court in the United States had recognized an order from the BCSC. This decision has since been appealed to the Nevada Supreme Court. If the District Court decision is upheld, it may mark the first time an American court recognizes an order from a Canadian securities regulator.

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### Supreme Court of Texas affirms: no surprise or accidental partnerships under Texas law

31 January 2020

The opinion removes significant uncertainty for parties during the exploratory stages of joint ventures.

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## **P v D arbitration claims under section 68 and 33 of the Arbitration Act 1996**

29 January 2020

The decision from the English Commercial Court highlights the consequences for parties if they fail to interrogate fully opponent witnesses on key points of evidence, and for Tribunals of issuing awards inconsistent with unchallenged evidence or predicated upon a case that has not been advanced.

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## **FTC announces annual revisions to HSR Act thresholds**

28 January 2020

The new thresholds will affect all transactions closing after the effective date.

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## **DLA Piper and the Centre for Effective Dispute Resolution collaborate on Business and Human Rights Mediation Initiative**

24 January 2020

DLA Piper is working with the Centre for Effective Dispute Resolution, and a core task force of collaborators, to establish a mediation facility to support the effective resolution of disputes relating to environmental, social and governance or business and human rights issues.

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## **Genocide Case Against Myanmar in the ICJ**

24 January 2020

The International Court of Justice (ICJ) yesterday delivered an historic Order for provisional measures with respect to the application brought by The Gambia against Myanmar for allegations of genocide.

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## **Antitrust bites - Newsletter**

23 January 2020

An undertaking that did not challenge, before the Administrative Court, a decision of the Italian Competition Authority (ICA) imposing a fine for participating in an anticompetitive agreement has the right to obtain a refund of the sum paid to the ICA in execution of the decision.

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## **Second Circuit (again) reverses Sheldon Silver's corruption conviction (in part) – and brings some clarity to the “as opportunities arise” theory of liability**

22 JANUARY 2020

The decision, while limited in scope, provides important clarification to the law around illicit payments to public officials.

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## **UAE Court Judgments automatically enforceable in the Courts of India**

21 January 2020

On 17 January 2020, the Indian Ministry of Law and Justice published a notification in the official gazette, which means that

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judgments rendered by both the onshore and offshore Courts of the UAE will be enforceable in the Courts of India without a re-examination of the merits.

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## **Blockchain and Digital Assets News and Trends**

16 January 2020

### **BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS**

Taxation of cryptocurrency: challenges for charities in the US and new guidance in the UK, plus latest legal developments in blockchain technology, smart contracts and digital assets.

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## **Top of Mind: Life Sciences**

16 January 2020

Eight big topics that life sciences businesses have been thinking about and how DLA Piper has been covering those stories.

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## **Court rules that "personal benefit" not necessary for criminal insider trading liability under certain statutes**

14 January 2020

*Błaszczak* is unlikely to be the last word on insider trading.

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## **5MLD: Summary of changes to UK AML law**

13 January 2020

On 10 January 2020 Fifth Money Laundering Directive (EU) 2018/843 (5MLD) came into force. On 20 December 2019, the UK Government laid before Parliament its implementing legislation, the Money Laundering and Terrorist Financing (Amendment) Regulations 2019 (MLR 2019), which amends the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLR 2017, and together with MLR 2019, the MLRs).

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## **OCIE announces 2020 Examination Priorities**

9 January 2020

SEC Chairman Jay Clayton said OCIE's list of priorities sets forth key areas of existing and emerging risk that the Commission expects market participants to identify and mitigate.

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## **Witness Evidence Working Group report**

8 January 2020

### **INSURANCE HORIZONS**

On 6 December 2019, the Witness Evidence Working Group (WEWG) published its report on improvements to the current practice regarding factual witness evidence in the Business and Property Courts of England and Wales (BPCs).

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## **Supporting the health of your health system**

6 January 2020

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Guidance to help tend to healthcare system wellness throughout the business life cycle.

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### **New California laws make potentially costly changes to Civil Discovery Act**

17 December 2019

The changes are sure to affect all California litigants and civil litigators starting in 2020.

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### **Upcoming 12/31 deadline to comment on CMS and OIG proposed rule changes under the Stark Law and Anti-Kickback Statute**

16 December 2019

The two highly consequential proposals are poised to change how HHS approaches fraud and abuse enforcement in federal healthcare programs.

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### **Blockchain and Digital Assets News and Trends**

13 December 2019

#### **[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)**

A new lawsuit alleges the CFPB Prepaid Rule violates free speech; plus the latest legal developments in blockchain technology, smart contracts and digital assets.

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### **House moves to codify the offense of insider trading**

12 December 2019

In the final analysis, the bill would expand liability for insider trading.

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### **Food and Beverage News and Trends**

11 December 2019

#### **[FOOD AND BEVERAGE NEWS AND TRENDS](#)**

Nomination of new FDA head advances, plus rose chocolate, meat wars, cage-free hens, and the last near-beer state.

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### **Preventive Medicine: Official “Antimonopoly Compliance Guidelines for Business Operators” in China**

10 December 2019

On 28 November 2019, the State Administration of Market Regulation (SAMR) released for public comment draft “Anti-Monopoly Compliance Guidelines for Operators” (the “Draft Guidelines”). These non-binding guidelines recommend measures for “business operators” subject to the Antimonopoly Law (AML) to develop and implement antitrust compliance programmes. The Draft Guidelines integrate prevailing best practices for international compliance programmes, while reflecting the unique challenges of antitrust risk management in China.

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## Announcing DLA Piper's MDL Benchmark Database

9 December 2019

Comprehensive and systematic analyses of MDL procedures and practices.

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## What starts the avalanche? Earlier triggers for life sciences mass torts in the era of big data and social media

9 December 2019

The bar for safety issues to lead to claims that ultimately result in mass tort litigation has never been lower.

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## Crimes Legislation Amendment (Combating Corporate Crime) Bill 2019

5 December 2019

On 2 December 2019, as part of its on-going commitment to strengthen Australia's foreign corporate bribery framework, previously discussed in [December 2017](#) and [April 2018](#), the Federal Government introduced the Crimes Legislation Amendment (Combating Corporate Crime) Bill 2019 (Cth) (the **Bill**). The Bill purports to address challenges associated with detecting and addressing serious corporate crime and is, with few exceptions, an identical reincarnation of its 2017 equivalent ([discussed here](#)) which lapsed earlier this year because of the Australian federal election.

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## Dutch impasse: Can the Dutch nitrogen issue a transfer to the Flemish region?

5 December 2019

The Dutch Council of State decided in May that the Dutch Action Plan Nitrogen is not in accordance with the European rules for the protection of the environment. As a result, a lot of important projects that rely on the APN had to be put on hold. Last month, the Dutch government announced emergency measures to prevent their economy from stalling.

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## Nederlandse imPASse: Kan de Nederlandse stikstofproblematiek overwaaien naar Vlaanderen

5 December 2019

De Nederlandse Raad van State besloot op 29 mei 2019 dat het Plan Aanpak Stikstof ("PAS") niet in overeenstemming is met de Europese regels ter bescherming van het milieu. Hierdoor gingen meteen een hoop belangrijke projecten die steunen op het PAS kopje onder. Kan deze stikstofproblematiek overwaaien naar Vlaanderen?

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## Angola - Global bribery offenses guide

4 December 2019

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## Argentina - Global bribery offenses guide

4 December 2019

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## **Global bribery offenses guide**

4 December 2019

In recent decades, improved standards in the identification and enforcement of international bribery offenses have provided the backdrop to a growing appreciation and management of bribery risk within the business community.

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## **Jury acquits foreign national in apparent rebuke of DOJ's attempt to police overseas corruption**

4 December 2019

The result highlights some significant issues that may, in some cases, limit the ability of the DOJ to prosecute foreign nationals for corruption overseas.

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## **Tanzania - Global bribery offenses guide**

4 December 2019

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## **Mauritius - Global bribery offenses guide**

4 December 2019

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## **Australia - Global bribery offenses guide**

4 December 2019

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## **Burundi - Global bribery offenses guide**

4 December 2019

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## **Japan - Global bribery offenses guide**

4 December 2019

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## **Kenya - Global bribery offenses guide**

4 December 2019

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**Kuwait - Global bribery offenses guide**

4 December 2019

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**Luxembourg - Global bribery offenses guide**

18 October 2019

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**Mexico - Global bribery offenses guide**

4 December 2019

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**Morocco - Global bribery offenses guide**

4 December 2019

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**New Zealand - Global bribery offenses guide**

4 December 2019

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**Norway - Global bribery offenses guide**

4 December 2019

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**Oman - Global bribery offenses guide**

4 December 2019

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**Peru - Global bribery offenses guide**

4 December 2019

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**Poland - Global bribery offenses guide**

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4 December 2019

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**Portugal - Global bribery offenses guide**

4 December 2019

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**Qatar - Global bribery offenses guide**

4 December 2019

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**Romania - Global bribery offenses guide**

4 December 2019

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**Russia - Global bribery offenses guide**

4 December 2019

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**Saudi Arabia - Global bribery offenses guide**

4 December 2019

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**Singapore - Global bribery offenses guide**

4 December 2019

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**Slovakia - Global bribery offenses guide**

4 December 2019

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**Spain - Global bribery offenses guide**

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**Sweden - Global bribery offenses guide**

4 December 2019

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**Thailand - Global bribery offenses guide**

4 December 2019

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**Tunisia - Global bribery offenses guide**

4 December 2019

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**Ukraine - Global bribery offenses guide**

4 December 2019

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**United Arab Emirates- Global bribery offenses guide**

27 September 2019

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**United Kingdom - Global bribery offenses guide**

4 December 2019

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**United States - Global bribery offenses guide**

4 December 2019

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**Zambia - Global bribery offenses guide**

4 December 2019

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**Zimbabwe - Global bribery offenses guide**

4 December 2019

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## **Corporations need to remain vigilant amidst the rise of cyberattacks and cyberfrauds**

2 December 2019

Recent figures show that Hong Kong and China remain the top destinations of fraudulent funds, most of which are the result of cyberfrauds. Read our article which gives helpful tips on how to avoid falling victim to these attacks.

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## **Transaction monitoring – practical guidance for financial institutions from three recent cases**

2 December 2019

Curbing fraud and money laundering are top of the international regulatory and political agenda. This article pulls together three recent high-profile decisions which clarify the standards currently expected of banks, in particular, and the financial services sector more generally.

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## **Bahrain - Global bribery offenses guide**

4 December 2019

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## **Belgium - Global bribery offenses guide**

4 December 2019

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## **Brazil - Global bribery offenses guide**

4 December 2019

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## **Canada - Global bribery offenses guide**

4 December 2019

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## **Chile - Global bribery offenses guide**

4 December 2019

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## **China - Global bribery offenses guide**

4 December 2019

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**Colombia - Global bribery offenses guide**

4 December 2019

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**Czech Republic - Global bribery offenses guide**

4 December 2019

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**Denmark - Global bribery offenses guide**

4 December 2019

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**Ethiopia - Global bribery offenses guide**

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**Finland - Global bribery offenses guide**

4 December 2019

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**France - Global bribery offenses guide**

4 December 2019

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**Germany - Global bribery offenses guide**

4 December 2019

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**Hong Kong - Global bribery offenses guide**

4 December 2019

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**Hungary - Global bribery offenses guide**

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4 December 2019

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## Italy - Global bribery offenses guide

4 December 2019

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## The China International Commercial Courts confirms jurisdiction to rule on validity arbitration agreements

22 November 2019

The China International Commercial Courts (CICC) set up by the Supreme People's Court of China in June 2018 had recently published its first judgments confirming its jurisdiction to rule on validity of arbitration agreements and severability of arbitration agreements. This article provides an update on the latest development.

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## *Sit Kwong Lam v Petrolimex Singapore Pte. Ltd*

20 November 2019

The Hong Kong Court of Appeal was again asked to consider the correctness of the controversial approach adopted in the case of *Lasmos Limited v. Southwest Pacific Bauxite (HK) Limited (2018)*. This article provides an update and guidance on issuing statutory demands and commencing insolvency proceedings for debt recovery in Hong Kong.

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## Data breach class actions – The proof of damages dichotomy

20 NOV 2019

The Quebec Superior Court has denied an Application for Authorization to Institute a Class Action, resulting from the September 7, 2017 global data breach at Equifax. The decision can be distinguished from other applications resulting from data breach scenarios, in that the Court concluded that the Plaintiff had not demonstrated the existence of damages.

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## Food and Beverage News and Trends

15 November 2019

### [FOOD AND BEVERAGE NEWS AND TRENDS](#)

The FDA addresses the future of food safety, plus labels for plant-based “meat”; vapes in the news; and cotton... for dinner?

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## GIR Asia Pacific Investigations Review 2020: Handling internal investigations in Australia

13 November 2019

DLA Piper has contributed a chapter on internal investigations in Australia to the recently released GIR Asia-Pacific Investigations Review 2020. Our chapter provides a brief overview of the key considerations relevant to conducting an effective Australian internal investigation and sets out some strategies to achieve a prompt and robust outcome.

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## Enforcement trends: binary options industry sees surge in federal criminal and regulatory enforcement proceedings

11 November 2019

Binary options offer investors the opportunity to earn enormous returns quickly, but come with the risk of substantial losses.

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### **The other shoe drops: Supreme Court will decide whether the SEC may obtain disgorgement as an equitable remedy**

11 November 2019

The Supreme Court has accepted a *certiorari* petition in a case seeking to determine whether the SEC is entitled to seek and obtain disgorgement as equitable relief.

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### **Jury finds former executive Lawrence Hoskins guilty in key case testing agency under the FCPA**

8 November 2019

On November 8, 2019, jurors in the long-awaited trial of Lawrence Hoskins found him guilty of one count of conspiracy to violate the Foreign Corrupt Practices Act and six counts of violating the FCPA.

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### **Texas: New safeguards to protect sensitive information**

4 November 2019

The new PIA amendments will change the grounds upon which organizations may object to the disclosure of their sensitive information.

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### **DOJ issues guidance regarding business entities' inability to pay corporate fines and penalties: key takeaways**

31 October 2019

The latest guidance from DOJ to incentivize companies to self-report their violations and cooperate with the DOJ's investigations and recommended remedial actions.

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### **Disputes, Issue 1**

October 2019

#### **DISPUTES**

The inaugural issue of *Disputes* examines choice of law and the global class action; the slow death of agency deference; cybercrime via business email; the value of trade secret protection programs; the pre-service removal mechanism; and a significant decision regarding the *McDonnell* "official act" requirement.

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### **Interim Measures now available for Hong Kong arbitrations from the PRC courts**

21 October 2019

On 1 October 2019, the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region (the Arrangement) came into force. This is a significant development because interim measures are now available in the PRC for arbitrations seated in Hong Kong.

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## CMS and OIG release most expansive changes to the fraud and abuse laws in over a decade

18 October 2019

The proposed changes are part of the HHS Regulatory Sprint, which seeks to remove regulatory barriers to care coordination and value-based care.

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### Issue 3

17 October 2019

## ENERGY AND NATURAL RESOURCES CASE LAW UPDATE

Deals in the Energy and Natural Resources (E&NR) Sector are often complex, high value and high stakes, and disputes can arise at any stage of the deal life cycle. In this third E&NR Case Law Update, we draw together relevant themes emerging from recent cases.

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## Prompt payment and adjudication have arrived in Ontario

17 OCT 2019

The second phase of Ontario's *Construction Act* reform has finally taken effect - as of October 1, 2019. Ontario construction contracts that meet the applicable transition test will now be governed by the new prompt payment and adjudication regime in the province. In addition, the Authorized Nominating Authority ("ANA") responsible for administering and overseeing the adjudication of construction disputes has now been established under the name, "Ontario Dispute Adjudication for Construction Contracts" or "ODACC".

This bulletin is an updated and supplemented version of a summary we published in April 2019, which takes into account these most recent developments. Please also look out for a further update on similar proposals and legislation across the country, which will be posted shortly.

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## US Supreme Court denies review of *Robles v. Domino's Pizza*, opening door to more lawsuits on website and mobile app accessibility claims

16 October 2019

Does the ADA apply to websites and mobile apps?

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## No more 'get out of jail cards' for contractors

14 October 2019

Commonly claimed as an alternative remedy to damages under a contract terminated for breach or repudiation, a *quantum meruit* claim comes with the potential to generate a windfall for contractors that have underpriced their work by allowing them to calculate the value of the work performed by reference to the actual cost of the work, rather than the agreed contract price. The availability of a *quantum meruit* claim - Latin for "the amount he deserved" or "what the job is worth" - has long been the subject of heated debate, in particular for its lack of regard for commercial bargain, to the advantage of contractors.

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## President Trump sounds the death knell for "regulation by guidance"

10 October 2019

Two Executive Orders effectively end the controversial practice.

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### ***Lloyd v Google*: A good day for claimant lawyers; a bad day for Google and organisations defending privacy group litigation**

3 October 2019

On 2 October 2019 the Court of Appeal allowed an appeal in *Lloyd v Google*, a significant case in the continued evolution of the UK class action and data protection regimes.

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### **Brazilian federal government issues decree regulating arbitration in disputes between Public Administration and transport and logistics sectors**

1 October 2019

The Brazilian federal government recently issued a decree regulating arbitration of disputes involving the Public Administration and relating to infrastructure projects – ports, roads, railways, waterways and airports.

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### **The Supreme Court of Canada “levels” class certification**

30 SEP 2019

Class actions are often complex: thousands if not millions of putative class members may unite, seeking millions if not billions of dollars. With so much at stake, there is often a fierce initial battle at the class certification stage over whether the diverse individual claims are sufficiently common to proceed together.

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### **California Supreme Court: PAGA plaintiffs cannot recover back wages in addition to civil penalties**

16 September 2019

The decision is important because California plaintiffs are increasingly attempting to skirt valid arbitration agreements with class action waivers by bringing PAGA-only claims.

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### **Effective strategies for challenging master complaints in multidistrict litigation**

16 September 2019

There are a number of creative ways for defendants to challenge master complaints in MDLs.

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### **Eleventh Circuit rejects reliance on statistical sampling and requires proof of objective falsity for each claim pursued under the FCA**

12 September 2019

The holdings will likely have broad implications for any FCA claims based on false certification in the circuit.

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## Food and Beverage News and Trends

6 September 2019

### FOOD AND BEVERAGE NEWS AND TRENDS

In this issue, FDA warning letter puts papaya industry, and food sector, on notice; cell-based meat companies form trade group; Florida ponders reforming alcohol laws.

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## California Supreme Court: notice-prejudice rule in first-party insurance contract is a fundamental public policy that can trump a choice-of-law provision

5 September 2019

The decision holds, in the first-party pollution coverage context, that the notice-prejudice rule is a fundamental public policy in California.

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## Gemeentewegen slaan nieuwe weg in vanaf 1 september

2 September 2019

Op 3 mei 2019 heeft het Vlaams Parlement het voorstel van decreet houdende gemeentewegen bekrachtigd en afgekondigd. Het decreet gaat uit van een geïntegreerde benadering en werkt één uniforme regelgeving uit voor alle gemeentewegen. Alle gemeentewegen krijgen een vergelijkbaar statuut en uniforme procedures, wat zorgt voor meer eenduidigheid.

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## New Permitting Proceedings in Brussels as from 1 September

2 September 2019

Last year, the Brussels Capital Region approved a major reform of the Brussels Code of Spatial Planning. A limited number of reforms immediately entered into force on 30 April 2018. Due to the lack of executing decrees, the implementation of the reforms relating to permitting was postponed until 1st September 2019.

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## Nieuwe vergunningsprocedure in Brussel vanaf 1 september

2 September 2019

Vorig jaar keurde het Brussels Hoofdstedelijk Gewest een grote hervorming van het Brussels Wetboek van Ruimtelijke Ordening (BWRO) goed. Een beperkt aantal hervormingen (meer in het bijzonder deze m.b.t. planning) trad reeds in werking op 30 april 2018 (zie ook onze eerdere newflash van 2 mei 2018 hierover). Het tweede deel van de hervormingen zou normaal op 20 april 2019 in werking treden. Omdat een deel van de uitvoeringsbesluiten niet tijdig klaar waren, traden slechts enkele wijzigingen in werking op die datum en stelde de Brusselse Hoofdstedelijke Regering de inwerkingtreding uit tot 1 september 2019.

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## Reflecting on unauthorised wealth orders: Considerations for mortgagees

2 September 2019

Unexplained wealth orders (UWO) were introduced in January 2018 and the National Crime Agency (NCA) has now successfully obtained five. All but one of the orders specifically target premium London properties; with the remaining order covering eight properties across the UK.

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## No-deal Brexit: Impact on dispute resolution

1 September 2019

While a range of outcomes, including a departure under the terms of the current Withdrawal Agreement, remains possible, it is important for businesses to plan for a no-deal Brexit, in which the UK leaves the EU without a withdrawal agreement or other deal. Here we look at the potential impact of a no-deal Brexit on dispute resolution.

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## Bank cardholders' care in protecting their card and PIN

29 August 2019

Possible gross negligence has a significant impact in contractual damages claims, as limitations of liability clauses are set aside based on grossly negligent behavior of the party that causes the damage. The standard of proof for gross negligence has traditionally been high. In a recent decision, justices of the Supreme Court and the Appeal Court arrived at opposite rulings on gross negligence.

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## Issue 4: Managing Risks and Disputes

26 August 2019

### [DIGITAL TRANSFORMATION AND OUTSOURCING CONTRACTS](#)

This is the fourth of a series of fortnightly articles in which we will give practical tips on how to avoid contractual issues arising out of digital transformation and outsourcing contracts.

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## Food and Beverage News and Trends

20 August 2019

### [FOOD AND BEVERAGE NEWS AND TRENDS](#)

In this issue, FDA issues first warning letter under the FSMA foreign supplier verification requirements, Seattle wrangles over soda tax revenue, plus school meal standards, clean water, and Hep A in the news.

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## UK Serious Fraud Office releases Guidance on Corporate Cooperation

15 August 2019

On 6 August 2019, the UK's Serious Fraud Office (SFO) issued much-awaited guidance on corporate co-operation, which forms part of its Operational Handbook (the Guidance). The Guidance outlines the steps it expects companies to take in order to qualify for cooperation credit.

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## Legal professional privilege: just an immunity

14 August 2019

The High Court of Australia today handed down an important, unanimous judgment on legal professional privilege. The Court confirmed that while legal professional privilege can immunise parties from having to produce privileged communications outside the lawyer-client relationship, it is not a legal right on which a cause of action can be based.

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### Issue 3: Record-keeping matters

13 August 2019

#### **DIGITAL TRANSFORMATION AND OUTSOURCING CONTRACTS**

This is the third of a series of fortnightly issues in which we will give practical tips on how to avoid contractual issues arising out of digital transformation and outsourcing contracts.

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### Second Circuit: *McDonnell* "official act" requirement doesn't apply to FCPA violations

October 2019

The court found that prosecutors need not satisfy the *McDonnell* heightened "official act" requirement in order to prove an FCPA violation.

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### Ninth Circuit finds Article III standing in case alleging Facebook violated the Illinois Biometric Information Privacy Act

9 Aug 2019

The Ninth Circuit will likely continue to be a hotbed of privacy litigation for years to come.

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### ASIC consults on whistleblower policy requirements

7 August 2019

ASIC has published its long awaited consultation paper on the requirements of whistleblower policies for public companies, large proprietary companies and proprietary companies that are trustees of registrable superannuation entities operating in Australia.

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### Healthcare providers beware! Amendment to Florida Patient Brokering Act may impact previously protected arrangements

6 August 2019

The bill's application extends well beyond the substance abuse space to essentially all Florida healthcare providers.

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### Successfully obtaining an anti-suit injunction: Practice points (A v B, July 2019)

6 August 2019

On 19 July 2019, DLA Piper successfully obtained a final anti-suit injunction order in the High Court before His Honourable Mr Justice Jacobs.

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### Institution of civil class action takes effect in Russia

2 August 2019

On 18 July 2019, the President of Russia signed a law whereby lawsuits can be filed to protect groups of people in civil disputes

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(so-called "class action suits").

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### **The learned intermediary doctrine in the WebMD era**

1 August 2019

Our US medical system continues to put the physician between the medication or treatment and the patient for a reason.

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### **Issue 2: Follow Your Contract**

26 July 2019

#### **DIGITAL TRANSFORMATION AND OUTSOURCING CONTRACTS**

This is the second of a series of fortnightly issues in which we will give practical tips on how to avoid contractual issues arising out of digital transformation and outsourcing contracts.

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### **Taking concurrent evidence in international arbitration for procedural efficiency**

25 July 2019

With the growing need to improve efficiency in international arbitration, concurrent presentation of witness evidence (also known as witness conferencing or "*hot-tubbing*") is an attractive proposition for tribunals and parties endeavouring to achieve time and cost savings.

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### **High Court confirms a settlement agreement under an FCA review scheme does not equate to civil liability or create an automatic entitlement to consequential losses**

23 July 2019

The High Court has handed down a judgment which is relevant to all banks who have been involved with any form of FCA review process.

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### **FINRA issues significant and detailed guidance on credit for extraordinary cooperation**

22 July 2019

The Notice delineates the differences between extraordinary cooperation and required self-reporting and cooperation under FINRA rules and offers substantial new guidance.

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### **Partial commencement of the Competition Amendment Act 18 of 2018**

19 July 2019

Certain provisions of the Competition Amendment Act 18 of 2018 came into effect on 12 July 2019. The amendments have a strong public interest focus and are expected to have a significant impact on market participants and the regulation of competition in South Africa.

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### **Take your 'Seat' - the relative merits of European arbitral seats**

19 July 2019

On the 19th June 2019, DLA Piper hosted a debate at their London office on the relative merits of conducting arbitration proceedings in different European seats of arbitration.

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### **Jurisdictional expansion of BC's Civil Resolution Tribunal to societies: A new avenue of dispute resolution**

16 JUL 2019

Effective July 15, 2019, a variety of society disputes may be resolved by the B.C. Civil Resolution Tribunal instead of the B.C. Supreme Court. This new dispute resolution mechanism will have significant implications for those wishing to make a claim against a society or its directors, as well societies themselves. This information bulletin addresses the scope of the CRT's expanded jurisdiction over "society claims" and highlights the key takeaways for those who may be impacted by these amendments.

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### **DC Circuit's ruling in OPM data breach case deepens circuit split on Article III standing**

10 July 2019

The court finds a heightened risk of identity theft alone can provide data breach litigants with standing.

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### **Shareholder efforts to bootstrap FCPA violations into private securities cases meet with mixed success – key takeaways**

10 July 2019

When an FCPA-related resolution exposes a company to securities fraud claims.

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### **Issue 1: Know Your Contract**

9 July 2019

#### **DIGITAL TRANSFORMATION AND OUTSOURCING CONTRACTS**

This is the first issue of a new fortnightly series in which we will give practical tips on how to avoid contractual issues arising out of digital transformation and outsourcing contracts. In particular, this issue emphasises the importance of knowing the contract, providing top tips as to how best to familiarise yourself with its content.

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### **A gamechanger in international dispute resolution: the 2019 Convention on Enforcement of Foreign Judgments**

8 July 2019

International commercial litigation is about to become radically more efficient, in a major development for international businesses. Under the Convention, a judgment given by a court of a Contracting State shall in principle be recognized and enforced in another Contracting State without any review of the merits.

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### **Beslag: minder pressie, meer efficiëntie**

3 July 2019

De minister heeft op 14 juni jongstleden het wetsvoorstel 'Herziening beslag en executierecht' ingediend bij de Tweede Kamer. Indien de wetswijziging wordt aangenomen, kan dit belangrijke gevolgen hebben voor (de inzet van het middel) beslag in de praktijk.

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## Major developments in class action litigation for 2018 – 2019

18 June 2019

A top-level look at class action litigation for 2018-2019 and a look at trends, issues, and strategies that businesses face in the months to come.

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### ***District of Columbia v. Facebook*: General Consumer Protection Statute can serve as vehicle for state attorney general seeking redress for data privacy violations**

12 June 2019

This case should be carefully examined by entities that collect data for a number of reasons.

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### **Texas narrows anti-SLAPP law**

10 June 2019

The new law enjoys broad bipartisan support.

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### **Swedish Supreme Court reinforces arbitration-friendly stance**

29 MAY 2019

The Swedish Supreme Court has in two recent rulings clarified under which circumstances procedural errors by an arbitral tribunal should lead to an award being set aside under the Swedish Arbitration Act. The rulings can be said to reflect and reinforce an arbitration-friendly stance, safeguarding principles of due process and the parties' right to fully present their case, while at the same time not letting the finality of an award be challenged by immaterial procedural flaws.

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### **British Standards Institution "Privacy – Raising the standard" Conference, 25 June 2019 in London**

28 MAY 2019

We are pleased to announce that Bertold Bär-Bouyssiere, EU Competition Partner and Elected member of the International Board at DLA Piper, will speak at the conference "Privacy – Raising the standard" on 25 June 2019 in London.

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### **Supreme Court of Canada decision concerning arbitration agreement provisions and class action lawsuits has businesses dialed in**

24 MAY 2019

On April 4, 2019, the Supreme Court of Canada released its decision in *Telus Communications Inc. v. Wellman*, 2019 SCC 19. The decision concerns the interaction between the Ontario *Arbitration Act, 1991*, S.O. 1991, c. 17 and the Ontario *Consumer Protection Act, 2002*, S.O. 2002, c. 30 within the context of a mixed consumer and non-consumer class action lawsuit.

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## **In *Albrecht*, US Supreme Court narrows implied preemption of failure-to-warn claims, finds preemption is legal issue for judge, not jury**

21 MAY 2019

The *Albrecht* decision clarifies and substantially narrows the scope of preemption under the *Wyeth v. Levine* "clear evidence" standard.

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## **The twists and turns of the CCPA class action**

21 MAY 2019

The range of data elements whose breach could give rise to class-action exposure under the CCPA appears likely to grow.

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## **Court finds that failure to comply with cybersecurity obligations can create False Claims Act liability**

20 MAY 2019

Key takeaways about this significant finding.

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## **Bellwether trials in MDL proceedings – guidance for transferee judges**

16 MAY 2019

Practical considerations for transferee judges establishing and implementing bellwether protocols in MDL proceedings.

---

## **Unprecedented Saudi Law Draft of the *Commercial Courts Law and Procedures***

10 MAY 2019

Saudi Arabia is drafting a new law called "Commercial Courts Law & Procedures" that aims to change the features of commercial judiciary, adds progressive and modern rules and adopts legal concepts from comparative laws, with the aim to increase trust in commercial dealings and foreign investment.

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## **Department of Justice unveils guidelines for cooperation credit in False Claims Act matters**

9 MAY 2019

The new DOJ guidelines are an effort to formalize guidance and credit mechanisms for corporate cooperation in civil cases, especially False Claims Act cases.

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## **First Circuit reverses course on its first-to-file rule**

9 MAY 2019

First Circuit law on the first-to-file rule is evolving in a way that could have significant consequences for False Claims Act defendants.

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## **High Court of Australia affirms liberal pro-arbitration approach and the importance of arbitration in confidential**

## disputes

9 MAY 2019

In yesterday's decision of *Rinehart v Hancock Prospecting* [2019] HCA 13, the High Court confirmed that arbitration agreements should be interpreted liberally and should be informed by surrounding circumstances including the purpose and object of the contract in which the arbitration agreement sits.

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## *US v. Connolly* and the potential pitfalls of cooperation in internal investigations

8 MAY 2019

A warning shot to government lawyers against delegating core investigative functions to outside counsel for targets or subjects of their investigations.

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## DOJ revises its guidance on corporate compliance programs

2 MAY 2019

DOJ has made tangible the benefits a company can receive for designing and implementing an effective compliance program, and the newly revised Compliance Guidance reinforces those principles.

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## Only if the cap fits: *Arkin* Cap not applicable in all funded cases

30 APR 2019

The High Court has recently held in *Davey v Money & Anor* that the *Arkin* cap, whereby the adverse costs liability of a commercial litigation funder is limited to the amount of its investment, should not be applied automatically in all cases involving commercial litigation funders.

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## Issue 2

25 April 2019

### [ENERGY AND NATURAL RESOURCES CASE LAW UPDATE](#)

Deals in the Energy and Natural Resources (E&NR) Sector are often complex, high value and high stakes, and disputes can arise at any stage of the deal life cycle.

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## The Vedanta decision and EU law: a post-Brexit outlook on parent company liability

25 APR 2019

On 10 April 2019, the UK Supreme Court handed down judgment in the case of *Vedanta Resources PLC and another v Lungowe and others* [2019] UKSC 20 (*Vedanta*).

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## Unpacking the SEC's Digital Assets Guidance Framework and No Action Letter

16 APR 2019

The Framework describes factors for assessing whether digital assets are "investment contracts" subject to federal securities laws; the No Action letter applies those factors.

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## **Australian A-G announces review of corporate crime laws – quick summary**

11 APR 2019

On the eve of calling the Federal Election, the Australian A-G announced a comprehensive review by the Australian Law Reform Commission (ALRC) into the laws dealing with corporate criminal responsibility.

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## **New Acting FDA Commissioner Sharpless: 4 policy issues to watch**

9 APR 2019

A look at four pressing, high-profile issues facing the new acting FDA commissioner.

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## **Whistleblower protections and disclosure obligations - recent developments in the DIFC**

7 APR 2019

In November 2018, the Dubai International Financial Centre (DIFC) issued DIFC Law No. 7 of 2018 (the Operating Law) which introduced explicit whistleblowing protections and an obligation to disclose certain conduct. The Operating Law applies to any person operating or conducting business in or from the DIFC.

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## **EU lawmakers agree to greater co-operation on anti-money laundering oversight: A genuine solution or a halfway house?**

4 APR 2019

In the wake of numerous money laundering scandals involving European based banks, a provisional deal agreed by the Council presidency and the European Parliament on the supervisory framework for European financial institutions lays the ground work for a tougher approach.

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## **Saudi Arabian courts take a robust approach in upholding arbitration agreement**

4 APR 2019

We acted on a successful strike-out application in the Commercial Court in Dammam, which was made by reference to an arbitration agreement contained in a contract between our contractor client and one of its subcontractors. This is an important reminder of the robust approach the Saudi courts take when upholding private arbitration agreements.

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## **Brusselse stedenbouw beweegt**

3 APR 2019

Er zijn heel wat bewegingen op til in de Brusselse stedenbouwregelgeving. Vorig jaar reeds keurde het Brussels Hoofdstedelijk Gewest een grote hervorming van het Brussels Wetboek van Ruimtelijke Ordening (BWRO) goed. Een beperkt aantal hervormingen (meer in het bijzonder deze m.b.t. planning) trad reeds in werking op 30 april 2018.

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## **Everything new in...March? The new Trade Secret Act**

01 Apr 2019

On March 21, the Bundestag passed the Trade Secret Act. This represents the conclusion of a legislative process that started more

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than five years ago with the first discussions on EU level on a know-how directive (EU 2016/943). The aim was to provide uniform minimum standards of trade secret protection throughout Europe and to improve enforcement possibilities.

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### **Getting ready for Ontario's new *Construction Act***

2 APR 2019

Industry observers in Ontario are now well aware of the scope of the changes introduced through the amendments to the old *Construction Lien Act*, giving us what is a dramatically different piece of legislation – the *Construction Act*. However, becoming familiar with these significant changes and implementing them in practice are two very different undertakings. With prompt payment and adjudication now around the corner, a refresher is therefore in order.

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### **Global Insight - Issue 28, April 2019**

2 April 2019

#### **RESTRUCTURING - GLOBAL INSIGHT**

News, views and analysis from DLA Piper's Global Restructuring Group.

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### **CJEU rules on economic succession in the Finnish asphalt cartel case**

29 MAR 2019

The European Court of Justice (CJEU) has ruled that corporate parents that acquired the shares of a cartel company may be held liable for damages caused by past infringements.

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### **Supreme Court *Lorenzo* decision extends securities fraud liability to those who disseminate false statements made by others**

28 MAR 2019

The ruling potentially wide-reaching implications for ancillary participants in securities transactions, including investment banks, brokers and law firms.

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### **Significant preemption win for Bristol-Myers-Squibb and Pfizer in Eliquis product liability multi-district litigation**

27 MAR 2019

The ruling significantly strengthens preemption law in two respects.

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### **Ukraine: VAT refund process streamlined by Supreme Court**

21 MAR 2019

Ukrainian courts may now award recovery of VAT refunds directly from the state budget, according to a February 2019 Supreme Court ruling.

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### **Top of Mind: Litigation**

20 MAR 2019

In this issue, our coverage of 10 big topics businesses have been thinking about this quarter.

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## **Northern District of Illinois dismisses False Claims Act case against Pfizer and Hospira: key takeaways**

19 MAR 2019

The DLA Piper team expects this case will be cited frequently by qui tam defendants in future cases.

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## **FBI's new Miami International Corruption Squad sends clear message to South Florida businesses**

18 MAR 2019

This development offers companies the opportunity to improve their corporate compliance programs and their operations in South Florida, Latin America and the Caribbean.

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## **Health Alert (Australia) 18 March 2019**

18 MAR 2019

### **[HEALTH ALERT \(AUSTRALIA\) SERIES](#)**

Health Alert is a weekly summary of the critical judgments, legislation, press releases and news items relevant to the health industry.

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## **Constitutional Court of Ukraine strikes down law criminalizing illicit enrichment**

13 MAR 2019

The Constitutional Court of Ukraine held Article 368-2 of the Criminal Code to be inconsistent with the Constitution of Ukraine. The article in question criminalized illicit enrichment and made it punishable by imprisonment and removal of the right to perform certain functions related to the exercise of public service if found guilty.

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## **CFTC issues advisory incentivizing market participants to self-report foreign corrupt practices**

12 MAR 2019

The first time that the CFTC is publicly incentivizing market participants.

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## **Fifth Circuit Court of Appeals affirms CMS demand for return of \$8 million from failed care management demonstration project**

12 MAR 2019

In a demonstration project, the provider's rights and remedies must be expressed in the grant agreement.

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## **Health Alert (Australia) 11 March 2019**

11 MAR 2019

### **[HEALTH ALERT \(AUSTRALIA\) SERIES](#)**

Health Alert is a weekly summary of the critical judgments, legislation, press releases and news items relevant to the health industry.

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## Patent case filings surge in the WDTX

11 MAR 2019

Soon after Judge Alan Albright was nominated, and accelerating considerably since his confirmation, patent case filings have spiked in the WDTX.

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## Civil procedure in a post-Brexit landscape

8 MAR 2019

With the Brexit deadline fast approaching, a no-deal scenario remains a real possibility. Companies facing on-going and threatened English litigation proceedings are keen to understand the impact of a "no-deal" Brexit on the conduct of their disputes.

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## *Fourth Estate Public Benefit Corp. v. Wall-Street.com*: when can a copyright claimant sue for infringement? Supreme Court says not until the copyright has been registered

5 MAR 2019

This decision will have an immediate impact on both pending and future copyright infringement lawsuits.

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## DLA Piper Commercial Litigation Case Note

5 MAR 2019

A recent Queensland Court of Appeal decision, *Wichmann v Dormway Pty Ltd* [2019] QCA 31, confirms the limitations that can apply to the scope of releases often found in commercial settlement agreements.

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## Health Alert (Australia) 5 March 2019

5 MAR 2019

### [HEALTH ALERT \(AUSTRALIA\) SERIES](#)

Health Alert is a weekly summary of the critical judgments, legislation, press releases and news items relevant to the health industry.

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## Text, blood and rock 'n' roll

27 DEC 2017

You are not a "free bird" – the duty to preserve text messages may extend to third parties.

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## Up, up and away: BC Court of Appeal dismisses unjust enrichment class action against international airlines

15 SEP 2017

On September 12, 2017, the BC Court of Appeal upheld the decision of the B.C. Supreme Court in *Unlu v Air Canada*, 2015 BCSC 1453, refusing to certify as class proceedings five separate actions against each of Air Canada, Deutsche Lufthansa Aktiengesellschaft, Delta Air Lines, Inc., United Air Lines, Inc., and British Airways PLC.

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## **Dramatic change ahead for the Ontario construction industry**

5 SEP 2017

It is widely anticipated that the second reading of Bill 142, also known as the *Act to amend the Construction Lien Act*, will take place this fall. If implemented, Bill 142 will represent the most significant legislative reform seen in the Ontario construction industry since 1983, when the existing *Construction Lien Act* came into force.

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## **Penn State Ninth Interim Report**

5 DEC 2014

This is the ninth quarterly report of Senator George J. Mitchell - the Independent Athletics Integrity Monitor - on Penn State's progress in implementing the requirements of the Athletics Integrity Agreement among Penn State, the NCAA and the Big Ten Conference.

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## **Second Circuit clarifies law of insider trading in reversing convictions of remote tippees**

11 DEC 2014

The decision is likely to have implications for the type of insider trading prosecutions that are brought in the future and how the litigants will prosecute and defend those cases

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## **Gatekeeping - stops class action cold!**

6 DEC 2016

On 16 November 2016, Madam Justice Dillon issued her decision in *Harrison v. Afexa Life Sciences Inc.*, 2016 BCSC 2123, denying the certification of a class action against the makers of Cold-Fx under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50. Dillon J. confirmed the court's important gatekeeping role is to ensure that the powerful machinery of class proceedings legislation is only invoked to assist genuine plaintiffs with genuine claims.

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## **Penn State Third Annual Report**

21 SEP 2015

This is the third annual report of the Independent Athletics Integrity Monitor – Charles P. Scheeler - on Penn State's progress in implementing the requirements of the Athletics Integrity Agreement among Penn State, the NCAA and the Big Ten Conference.

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## **Penn State Eleventh Interim Report**

29 MAY 2015

This is the eleventh quarterly report of the Independent Athletics Integrity Monitor - Charles Scheeler - on Penn State's progress in implementing the requirements of the Athletics Integrity Agreement among Penn State, the NCAA and the Big Ten Conference.

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## **Penn State Tenth Interim Report**

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27 FEB 2015

This is the tenth quarterly report of Senator George J. Mitchell - the Independent Athletics Integrity Monitor - on Penn State's progress in implementing the requirements of the Athletics Integrity Agreement among Penn State, the NCAA and the Big Ten Conference.

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### **Penn State Second Annual Report**

8 SEP 2014

This is the second annual report of Senator George J. Mitchell - the Independent Athletics Integrity Monitor - on Penn State's progress in implementing the requirements of the Athletics Integrity Agreement among Penn State, the NCAA and the Big Ten Conference.

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### **Penn State Seventh Interim Report**

30 MAY 2014

This is the seventh quarterly report of Senator George J. Mitchell - the Independent Athletics Integrity Monitor - on Penn State's progress in implementing the requirements of the Athletics Integrity Agreement among Penn State, the NCAA and the Big Ten Conference.

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### **DOJ dismisses last of the drug trafficking charges against FedEx: two key takeaways**

5 JUL 2016

A sudden about-face from the DOJ.

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### **Supreme Court unanimously overturns public corruption conviction of former Virginia governor: routine political courtesies such as setting up meetings or hosting events, standing alone, do not constitute "official acts" for the purposes of the bribery statute**

29 JUN 2016

In a highly anticipated decision, SCOTUS narrowed the definition of "official acts," making it substantially more difficult for DOJ to prosecute bribery and other public corruption.

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### ***Universal Health Services*: contractors take note – Supreme Court approves implied certification theory of False Claims Act liability**

22 JUN 2016

The Court's recognition of "implied certification" theory resolves a circuit split in favor of a more expansive view of the Act.

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### **CFTC announces its largest whistleblower award to date – key takeaways**

2 MAY 2016

CFTC sends a clear message to commodities futures traders that it means to aggressively court tipsters who have information about possible violations of the CEA.

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### **DLA Piper's 2016 Compliance & Risk Report: What CCOs need to know**

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19 APR 2016

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### **How well do you know your compliance program? 6 simple tools**

13 JAN 2016

Companies are under increasing pressure to demonstrate to both the Audit Committee and, if necessary, regulators, that their compliance program is operational and effective. But how do you really measure that?

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### **United States Supreme Court reaffirms use of class action waivers in arbitration agreements: next stop – employment contracts**

18 DEC 2015

The most recent in a line of Supreme Court decisions affirming the validity of class action waivers in arbitration agreements

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### **Interaction between Ontario Securities Act and the Class Proceedings Act: Supreme Court of Canada trilogy affirms the reasonably low threshold for leave under the Ontario Securities Act**

8 DEC 2015

The decision provides helpful insight into the balance struck between parties in securities class actions and reaffirms the applicable standard to obtain leave under the OSA in order to commence a statutory secondary market misrepresentation claim under the OSA.

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### **Plan now to use off-band communications during an incident response: key points**

27 OCT 2015

A robust IR plan should include communications techniques that operate outside regular company communication methods.

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### **US courts affirm expansive discovery under 28 U.S.C. § 1782**

29 SEP 2015

There is increasingly clear consensus among US courts giving § 1782 expansive reach.

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### **BC Supreme Court dismisses applications for certification of consumer protection claims in five class actions against international airlines**

27 AUG 2015

On August 18, 2015, Madame Justice Adair of the B.C. Supreme Court refused to certify as class proceedings five separate actions against international airlines. *Unlu v. Air Canada*, 2015 BCSC 1453 is an important decision for consumer protection claims in British Columbia.

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### **Mexico's new National Anticorruption System: 7 key points**

20 JUL 2015

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Constitutional reform regarding the creation of the National Anticorruption System

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### **District court says appointment of SEC administrative law judge was likely unconstitutional**

9 JUN 2015

This ruling is the first time a court has held that an SEC ALJ's appointment likely violated the Appointments Clause

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### **The preliminary merits test for secondary market claims is not just a "speed bump" to certification: The Supreme Court of Canada clarifies the test with its decision in *Theratechnologies Inc. v. 121851 Canada Inc.***

5 MAY 2015

Following amendments made in the last decade to various provincial Securities Acts to include statutory causes of action in the secondary market against public issuers for misrepresentation and/or failure to make timely disclosure to investors there has been ongoing debate about the appropriate threshold test for obtaining the requisite leave to commence a secondary market class action.

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### **Third parties: 4 FCPA takeaways for working with distributors**

24 SEP 2014

Four key challenges and related "cures"

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### **The Marcotte Decision: The Supreme Court of Canada rules against banks in provincial consumer protection class action**

22 Sep 2014

On September 19, 2014, the Supreme Court of Canada (the "Court") ruled in *Bank of Montreal v. Marcotte* ("Marcotte") that Quebec's consumer protection legislation is applicable to federally regulated banks such that it provides the basis for consumer class actions in Quebec against those banks.

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### **Tackling the realities of due diligence in a global setting**

24 OCT 2013

For even the most conscientious of companies, hurdles exist to conducting fulsome due diligence in a global setting

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### ***United States v. Vilar*: new limits on extraterritorial securities enforcement**

9 SEP 2013

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### **CFTC approves final cross-border guidance of the swap provisions of the Dodd-Frank Act**

12 JUL 2013

The Final Guidance aims to set forth the CFTC's policy on the application of the swap provisions of the Commodities Exchange Act to cross-border activities

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## **Congress, Administration move forward to secure critical US infrastructure**

11 JUL 2013

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## **European Commission and CFTC announce a path forward on cross-border regulation of OTC derivatives**

11 JUL 2013

A high-level joint understanding

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## **Growing whistleblower activity calls for close employer attention to retaliation issues**

7 MAY 2013

Careful consideration must precede adverse action against purported whistleblowers

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## **Cybersecurity and US federal public procurements: what contractors need to know**

11 MAR 2013

Practical considerations for US federal contractors

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## **What companies need to know about the Obama Administration's Cybersecurity Order**

14 FEB 2013

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## **China's patent litigation landscape shifts**

5 Sep 2012

China bested the United States to become the No. 1 patent filing country in the world in 2011 by obtaining 526,412 invention patent applications, compared to 503,582 utility patent applications in the US. Of these, 79 percent went to domestic Chinese entities, as compared to 49.2 percent to domestic entities in the US.

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## **Law à la Mode**

26 JUN 2012

[LAW À LA MODE](#)

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## **Marcellus Shale pipeline decision provides guidance on scope of environmental "cumulative impacts" analysis for projects requiring government approval**

20 Jun 2012

The Second Circuit has issued a decision providing further clarity on the scope of "cumulative impacts" analysis required under the National Environmental Policy Act (NEPA).

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## **Federal agencies, Congress accelerate defense against cyber attacks – every private company will be affected**

21 Mar 2012

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## **Whose followers are they, and how much are they worth?**

3 JAN 2012

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## **SEC's whistleblower report reveals surprising volume of tips from foreign countries**

30 Nov 2011

The US Securities and Exchange Commission has issued its Annual Report on the Dodd-Frank Whistleblower Program.

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## **SEC, CFTC approve new Dodd-Frank rule requiring many hedge fund advisers to report detailed information**

3 Nov 2011

The regulatory tide continues to roll a year after President Barack Obama signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act. This past week, the SEC and CFTC jointly adopted a rule that will require many hedge fund advisers to complete a new form that discloses detailed information about their funds' holdings and investments to federal regulators.

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## **With even tougher SEC scrutiny imminent, can a mock examination help you prevail?**

7 Sep 2011

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## **Responding to the SEC's final whistleblower bounty rules**

2 Jun 2011

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## **B4 u txt: will your text message ads lead to a class action lawsuit?**

6 APR 2011

It is useful for businesses to understand the statutory framework that governs advertising through text messages as well as key legal terms and the way these terms have been interpreted by the FCC and the courts.

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## **Growing liability risk to foreign financial institutions from tax disclosure cases**

16 Feb 2010

[\*FINANCIAL FRAUD LAW REPORT\*](#)

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## **Tax man cometh — and is looking for your overseas accounts**

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22 Jun 2009

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### **Easing the burden to prove tax evasion while stiffening the penalties**

5 May 2009

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### **Facebook - the future of service of process?**

8 Apr 2009

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## **Events**

### **Upcoming**

#### **Cybersecurity Breakfast**

2 March 2021

Webinar

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#### **Hong Kong Employment Litigation Series: Labour Tribunals**

4 March 2021

Webinar

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#### **Strategic Management of Third-Party Risk: Creating the best speed to value while managing your control architecture**

16 March 2021 | 1:00 - 2:00 ET

#### **[MODERN COMPLIANCE OFFICER MCLE WEBINAR SERIES](#)**

Webinar

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#### **DLA Piper Global Vis Pre-Moot 2021 St Petersburg**

18-20 March 2021

#### **[DLA PIPER PRE-MOOTS 2021](#)**

Webinar

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#### **The FCA and nursing homes: A target before and after the pandemic**

24 March 2021

Webinar

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## [Previous](#)

### **Taking the Pulse of the EU Green Deal**

24 February 2021  
Public Law Academy  
Webinar

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### **Global Disputes Forecast: 2021 - what does the future hold?**

22 February 2021  
Webinar

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### **FBA Qui Tam Section: 2021 Conference**

19 February 2021  
Webinar

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### **Milan Investment Arbitration Pre-moot**

19-20 February 2021  
DLA Piper Pre-Moots 2021  
Webinar

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### **Overview of the most significant judgments in public procurement in 2020**

29 January 2021  
Public Law Academy  
Webinar

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### **Payments Forum – New Year challenges for lawyers in the payments sector**

26 January 2020  
Webinar

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### **The Brexit Deal - what does it mean for climate change and energy?**

26 January 2021  
Webinar

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### **Data and evidence challenges in cross-border IP disputes and investigations: Key developments and practical tips**

20 January 2021 | 10:00 - 11:00 ET

Data and evidence challenges in cross-border IP disputes and investigations: Key developments and practical tips  
Webinar

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### **Effectively handling fraud allegations and regulatory investigations by listed companies**

20 January 2021

Webinar

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### **Data and evidence challenges in cross-border IP disputes and investigations: Key developments and practical tips**

19 January 2021 | 2:00 - 3:00 ET

Data and evidence challenges in cross-border IP disputes and investigations: Key developments and practical tips  
Webinar

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### ***AMG Capital Management v. FTC*: A Supreme Court oral argument preview**

6 January 2021

Webinar

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### **Corporate Fraud, Corruption and Cyber Risks: Current Trends and Practical Strategies**

16 December 2020

Webinar

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### **Looking back to 2020 and forward to 2021**

15 December 2020

Webinar

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### **IBDE: Clarity at last? Brexit, the US election, and the UK's post-Brexit trading future**

9 December 2020

Webinar

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### **Latin America International Arbitration Webinar Series 2020-2021**

8 December 2020 | 12:00 - 1:00 CST

Latin America International Arbitration Webinar Series 2020-2021

Webinar

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### **Michael Gove: Building back better after COVID-19 and Brexit**

24 November 2020  
Webinar

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### **Planning for an Uncertain World**

16 November 2020  
TechLaw Event Series  
Webinar

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### **The real risk is in not changing the process**

2 November 2020 | 1:00 - 2:00 ET  
Modern Compliance Officer MCLE webinar series  
Webinar

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### **Essential Legal Update 2020**

12 October 2020 - 15 October 2020  
Webinar

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### **Episode I – 28 U.S.C. § 1782: A sword or a shield in your international dispute**

30 September 2020 | 11:00 am Eastern  
Latin America International Arbitration Webinar Series 2020-2021  
Webinar

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### **You are here - how strategic process mapping and project management can get you to the finish line of an investigation**

28 September 2020 | 1:00 – 2:00 ET  
Modern Compliance Officer MCLE webinar series  
Webinar

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### **Class actions and complex litigation in 2020: Creating a cutting-edge solution to class action litigation**

17 September 2020 | 3:00 - 4:00 ET  
Webinar

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### **How to handle SFC investigation**

13 August 2020  
Webinar

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### **Considerations for drug pricing and demonstrating value in a post-pandemic environment**

5 August 2020 | 12:00 – 1:00 ET  
Webinar

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## **TechLaw**

31 July 2020  
TechLaw Event Series  
Webinar

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## **Transforming data flows into actionable insights**

30 July 2020 | 11:00 - 12:00 ET  
Modern Compliance Officer MCLE webinar series  
Webinar

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## **Keep up with the CJEU Decision Unpacked: *DPC v Facebook Ireland, Schrems***

17 July 2020 | 1:00 - 2:00 ET  
Webinar

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## **Sustainable and resilient mobility – key considerations**

16 July 2020

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## **Big Data: Approaches to using it under the new DOJ Guidelines**

16 July 2020 | 2:00 - 3:00 ET  
Modern Compliance Officer MCLE webinar series  
Webinar

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## **UK Construction & Engineering Projects and COVID-19: Beyond force majeure notices**

9 July 2020  
Webinar

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## **The Future of ISDS in Africa**

6 July 2020  
Webinar

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## **The ransomware threat is changing – sectoral implications**

17 June 2020 | 11:30 – 12:30 ET  
Webinar

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### **Preparing for global class actions arising from COVID-19**

16 June 2020 | 9:00 - 10:30 a.m. ET (Session one) | 8:00 - 9:30 p.m. ET (Session two)  
Webinar

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### **Disclosure Issues During COVID-19**

15 June 2020 | 12:00 - 1:30 ET  
Webinar

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### **Women in dispute resolution: Navigating the new normal, adapting career strategies and building resilience after COVID-19**

11 June 2020 | 10:00 - 11:00 EST  
Webinar

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### **DLA Piper White Collar CLE Series: Take 5**

4 June 2020 | 1:00 - 2:00 ET  
Webinar

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### **Webinar: Issues arising from COVID-19 related insurance claims in Thailand**

21 May 2020  
Webinar

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### **Force Majeure and US-China Contract Fulfillment Challenges**

6 May 2020 | 7:00 - 8:00 PST  
Webinar

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### **Risk Management Essentials: The Imperative for Proactive Cyber Risk Management**

2 April 2020  
Webinar

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### **DLA Piper Global Vis Pre-Moot 2020 St Petersburg**

10-11 March 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
St Petersburg

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## **David D. Caron Praelium**

5 March 2020  
New York

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## **CIArb Australia Vis Pre-Moot hosted by DLA Piper**

5-6 March 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Melbourne

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## **TechLaw**

5 March 2020  
TechLaw Event Series  
Sydney

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## **DLA Piper Global Vis Pre-Moot 2020 Frankfurt**

4 March 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Frankfurt

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## **TechLaw**

3 March 2020  
TechLaw Event Series  
Melbourne

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## **Federal Bar Association Qui Tam Conference**

27-28 February 2020

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## **WIN In-House Counsel Day 2020, Perth**

27 February 2020  
WIN In-House Counsel Day 2020  
Perth

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## **WIN In-House Counsel Day 2020, Melbourne**

20 February 2020  
WIN In-House Counsel Day 2020  
Melbourne

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### **WIN In-House Counsel Day 2020, Brisbane**

19 February 2020  
WIN In-House Counsel Day 2020  
Brisbane

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### **WIN In-House Counsel Day 2020, Sydney**

18 February 2020  
WIN In-House Counsel Day 2020  
Sydney

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### **DLA Piper Global Vis Pre-Moot 2020 Rio de Janeiro**

13-14 February 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Rio de Janeiro, RJ

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### **DLA Piper Global Vis Pre-Moot 2020 São Paulo**

13-14 February 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
São Paulo, SP

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### **The Seventh International Pre-Moot Amsterdam**

6-9 February 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Amsterdam

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### **Comité de Arbitraje Bajío**

6 February 2020

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### **9th Annual Advanced Trial Strategies Conference**

6-7 February 2020

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### **Are you ready for CCPA data breach litigation?**

9 January 2020  
Webinar

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**Delegation of Chinese Investors and Entrepreneurs from Sichuan, China**

19 December 2019  
East Palo Alto

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**35th Annual SEC Reporting and FASB Forum**

17 December 2019  
New York

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**Breakfast Briefing International Arbitration**

13 November 2019  
Miami

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**Employment CLE briefing and networking happy hour**

7 November 2019  
Dallas

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**Arbitral Parents: Managing Parenthood in the context of an International Practice**

30 October 2019  
Milan

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**WIN Supply chain risk**

16 October 2019  
Manchester

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**DLA Piper White Collar CLE Series: Take 5**

26 September 2019  
Webinar

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**Attorney-client privilege and work product protection for in-house life sciences lawyers**

10 September 2019  
Webinar

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**Major developments in class action litigation: a CLE webinar**

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16 July 2019  
Webinar

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**TopCo liability panel**

25 JUN 2019  
London

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**Take your 'Seat' - a debate on the relative merits of European arbitral seats**

19 JUN 2019  
London

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**2019 Annual Assembly**

30-31 MAY 2019

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**Regional conference of the National Association of Attorneys General**

21 May 2019

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**Investment Arbitration Planning**

13 MAY 2019  
Tel Aviv-Yafo

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**Financial Services Class Actions 360°: What is on the horizon in 2019?**

8 MAY 2019  
London

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**Through the looking glass - Finding the balance between transparency and confidentiality in international arbitration**

7 MAY 2019  
London

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**Project Delays Masterclass with Gareth Stokes & Phillip Kelly**

1 MAY 2019  
London

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**DLA Piper Global Vis Pre-Moot 2019 (Madrid)**

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9 APR 2019  
DLA Piper Global Vis Pre-Moots Series 2020  
Madrid

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#### **DLA Piper Global Vis Pre-Moot 2019 (Paris)**

8 APR 2019  
DLA Piper Global Vis Pre-Moots Series 2020  
Paris

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#### **GDPR & Arbitration**

4 APR 2019  
Paris

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#### **DLA Piper Global Vis Pre-Moot 2019 (St. Petersburg)**

27-28 MAR 2019  
DLA Piper Global Vis Pre-Moots Series 2020  
St. Petersburg

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#### **Climate change: change your business!**

21 MAR 2019  
Amsterdam

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#### **Public Private Partnership (PPP) in Thailand**

14 MAR 2019  
Bangkok

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#### **WIN In-House Counsel Day 2019 - Perth**

14 MAR 2019  
WIN In-House Counsel Day 2019  
Perth

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#### **WIN In-House Counsel Day 2019 - Melbourne**

12 MARCH 2019  
WIN In-House Counsel Day 2019  
Melbourne

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#### **WIN In-House Counsel Day 2019 - Brisbane**

7 MARCH 2019  
WIN In-House Counsel Day 2019  
Brisbane

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### **TechLaw Event - "M&A for the New Digital Economy"**

7 March 2019  
TechLaw Event Series  
Amsterdam

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### **WIN In-House Counsel Day 2019 - Sydney**

5 MARCH 2019  
WIN In-House Counsel Day 2019  
Sydney

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## **NEWS**

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### **Securities litigator Melanie Walker joins DLA Piper in Los Angeles**

1 March 2021  
DLA Piper announced today that Melanie Walker has joined the firm's Litigation and Regulatory practice as a partner based in Los Angeles.

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### **DLA Piper advises lenders on the refinancing of the Warnow Tunnel in Germany**

26 February 2021  
DLA Piper has advised the lenders on the EUR115 million refinancing of the Warnow Tunnel in Rostock (Germany), also known as the Warnow River Crossing (Warnowquerung).

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### **DLA Piper (Canada) LLP recognized by *Chambers Global 2021***

19 February 2021  
DLA Piper (Canada) LLP and nine of its practitioners have been recognized in the 2021 edition of *Chambers Global*.

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### **Ricardo Alarcon joins DLA Piper Martinez Beltran as director of new International Arbitration practice**

16 February 2021  
DLA Piper announced today that Ricardo Alarcon has joined DLA Piper Martinez Beltran in Colombia as director of the new International Arbitration practice.

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### **Ricardo Alarcon joins DLA Piper Martinez Beltran as director of new International Arbitration practice**

16 February 2021

DLA Piper announced today that Ricardo Alarcon has joined DLA Piper Martinez Beltran in Colombia as director of the new International Arbitration practice.

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### **DLA Piper advises the Canadian group Nautel on the acquisition of radio communications innovators, Digidia and Kenta**

11 February 2021

DLA Piper has advised the technology group Nautel, a specialist in the development of high-power electronic equipment and digital signal processing, headquartered in Canada, in its acquisition of Digidia and Kenta, leaders in digital broadcasting solutions, based respectively near Rennes and Quimper.

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### **DLA Piper helps CAPE win High Court claim for seller misrepresentation**

9 February 2021

DLA Piper has advised China Agri-Products Exchange Ltd, a company listed on the Hong Kong Stock Exchange, on a complex cross border litigation heard in the High Court of Hong Kong.

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### **DLA Piper expands Litigation and Regulatory offering in Dublin with key hires**

1 February 2021

DLA Piper today announces the expansion of its Litigation and Regulatory practice in Dublin with the appointment of two key hires, as part of the firm's ongoing growth in Ireland.

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### **DLA Piper advises Kölner Pensionskasse and Caritas Pensionskasse on their reorganization**

21 January 2021

DLA Piper hat die Kölner Pensionskasse und die Pensionskasse der Caritas aufsichtsrechtlich gegenüber der Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin), bei der Gestaltung und Umsetzung des Sanierungskonzepts sowie bei dem damit verbundenen formellen Gang in den Status der Liquidation beraten.

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### **DLA Piper strengthens North Asia Arbitration offer with new partner hire**

13 January 2021

Global law firm DLA Piper today announces that Tony Andriotis has joined the firm in its Tokyo office as a partner to lead the International Arbitration practice in Japan.

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### **DLA Piper strengthens North Asia Arbitration offer with new partner hire**

13 January 2021

Global law firm DLA Piper today announces that Tony Andriotis has joined the firm in its Tokyo office as a partner to lead the International Arbitration practice in Japan.

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### **Two DLA Piper lawyers listed in *D Magazine's* 2021 Best Lawyers Under 40 list**

13 January 2021

Crystal Woods, a partner in DLA Piper's Employment practice, and James C. Bookhout, an associate in the firm's Litigation and Regulatory practice, were recently named to *D Magazine's* 2021 Best Lawyers Under 40 list, which recognizes outstanding young lawyers in Dallas.

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### **Buffy Mims joins DLA Piper's Litigation and Regulatory practice in Washington, DC**

11 January 2021

DLA Piper announced today that Buffy Mims has joined the firm's Litigation and Regulatory practice as a partner in Washington, DC.

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### **Matthew Matule joins DLA Piper's Litigation and Regulatory practice in Boston**

11 January 2021

DLA Piper announced today that Matthew Matule has joined the firm's Litigation and Regulatory practice as a partner in Boston.

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### **Retired Judge Andrew Peck appointed as Judicial Emeritus member of Sedona Conference Working Group 1 Steering Committee**

5 January 2021

DLA Piper is pleased to announce that former United States Magistrate Judge Andrew J. Peck has been appointed by The Sedona Conference as a Judicial Emeritus member of the Steering Committee of Working Group 1 (WG1), effective January 2021.

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### **DLA Piper (Canada) LLP welcomes Partner Jerritt R. Pawlyk**

4 January 2021

DLA Piper (Canada) LLP is pleased to announce that Jerritt R. Pawlyk has joined the firm as a Partner in the Edmonton office. Jerritt has a restructuring and insolvency practice and is an experienced advocate and advisor for clients across many industries, in particular the real estate and real estate finance sector.

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### **DLA Piper (Canada) LLP welcomes new associate Sara Pedlow**

4 January 2020

DLA Piper (Canada) LLP welcomes Sara Pedlow to the firm's Vancouver office as an associate in the Tax and Estates Group.

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### **DLA Piper advises Wipro Limited on the acquisition of METRO-NOM GmbH and METRO Systems Romania**

4 January 2020

DLA Piper has advised Wipro Limited, a leading global information technology, consulting, and business process services company, on the acquisition of METRO AG's IT units – METRO-NOM GmbH in Germany and METRO Systems Romania S.R.L.

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### **Jordan Deering named Chair of the Canadian White Collar, Corporate Crime and Investigations practice**

21 December 2020

DLA Piper (Canada) LLP is pleased to announce that Jordan Deering has been appointed Chair of the Canadian White Collar, Corporate Crime and Investigations practice.

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### **DLA Piper advises Nemetschek on acquisition of DEXMA by subsidiary Spacewell**

18 December 2020

DLA Piper has advised the Nemetschek group, one of the world's leading software providers for the Architecture, Engineering, Construction and Owner-operated (AECO) industry, on the acquisition of 100% of the shares in DEXMA by its subsidiary Spacewell.

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### **DLA Piper advises Stillfront Group on the acquisition of gaming company Sandbox Interactive**

18 December 2020

DLA Piper has advised Stillfront Group AB, a leading free-to-play gaming studios company, on the acquisition of Sandbox Interactive GmbH, a rapidly growing and highly profitable gaming company based in Berlin and developer and publisher of the popular cross-platform free-to-play sandbox MMORPG Albion Online. The sellers are the four co-founders of Sandbox.

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### **Raj N. Shah named to *Crain's Chicago Business* 2020 Notable Minorities in Accounting, Consulting & Law list**

17 December 2020

DLA Piper is pleased to announce that Raj N. Shah, co-managing partner of the firm's Chicago office, has been named to *Crain's Chicago Business's* 2020 Notable Minorities in Accounting, Consulting & Law list recognizing 56 professionals who have "overcome challenges and bias to rise to the top of their professions."

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### **DLA Piper shortlisted by the *Financial Times* for five FT North America Innovative Lawyers awards**

8 December 2020

DLA Piper is pleased to announce it has been shortlisted by the *Financial Times* for five FT North America Innovative Lawyers 2020 awards.

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### **DLA Piper wins TMT Finance M&A Global Telecom Deal of the Year**

8 December 2020

DLA Piper is pleased to announce that they have received the TMT Finance M&A Global Telecom Deal of the Year for their representation of T-Mobile and Deutsche Telekom in the T-Mobile-Sprint merger.

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### **'Industry standard' for use of arbitration platforms moves a step closer as pan-firm collaboration receives support**

30 November 2020

Plans to standardise the approach to online case management in international arbitration are a step closer to reality, after a draft protocol received positive feedback from an industry-wide consultation.

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### **DLA Piper and Kirm Perpar secure win for Kranjska Gora municipality**

20 November 2020

DLA Piper have successfully advised the Slovenian municipality of Kranjska Gora alongside the Slovenian law firm Kirm & Perpar

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on complex arbitration proceedings against the group WTE Wassertechnik GmbH (WTE) at the Vienna International Arbitration Centre.

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### **Katrina Edgerton-McGhan named a 2020 Lexpert Rising Star**

16 November 2020

DLA Piper (Canada) LLP is pleased to announce that Katrina Edgerton-McGhan from the firm's Calgary office has been named a 2020 Lexpert Rising Star.

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### **DLA Piper (Canada) LLP recognized in the 2021 edition of the *Legal 500 Canada***

13 November 2020

DLA Piper (Canada) LLP and its lawyers have been recognized as industry leaders across multiple practice areas in the latest edition of the *Legal 500 Canada*.

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### **DLA Piper announces launch of Compliance Atlas app**

27 October 2020

DLA Piper is pleased to announce the launch of the Compliance Atlas app, a mobile solution built to meet the policy needs of modern-day companies.

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### **DLA Piper versterkt Litigation & Regulatory praktijk met Anne Josephus Jitta**

8 oktober 2020

DLA Piper heeft Anne Josephus Jitta per 1 oktober als Legal Director aangesteld ter versterking van de Litigation & Regulatory praktijk. Het internationale advocatenkantoor zet met de aanstelling van Josephus Jitta een belangrijke stap in de uitbreiding van het arbitrageteam.

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### **Five DLA Piper (Canada) LLP partners named LMG Life Science Stars**

5 October 2020

Five DLA Piper Canada partners have been awarded Life Science Stars in Canada by the Legal Media Guide's (LMG) 2020 Life Sciences ranking guide.

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### **DLA Piper advises CCR Logistics Systems AG on the legislative process for the new German Battery Act**

23 September 2020

DLA Piper has advised CCR Logistics Systems AG on the legislative process for the new Battery Act, which was passed by the German Bundestag on 17 September 2020 and due to come into force on 1 January 2021.

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### **DLA Piper (Canada) LLP welcomes Partner Jordan Deering**

21 September 2020

DLA Piper (Canada) LLP is pleased to announce that Jordan Deering has joined the firm as a Partner in the Calgary office. Jordan

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has almost 20 years of experience acting on matters involving all aspects of fraud, corruption, and white collar crime.

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### **DLA Piper advise Liverpool Football Club on sponsorship claim defence**

14 September 2020

DLA Piper has successfully represented The Liverpool Football Club and Athletics Grounds Limited (LFC) in defending a GBP1.13 million claim brought by sports intermediary Winlink Marketing Limited.

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### **DLA Piper (Canada) LLP recognized by *Chambers Canada* 2021**

10 September 2020

DLA Piper (Canada) LLP is pleased to see 25 of our lawyers recognized across 16 practice areas in the 2021 edition of *Chambers Canada*.

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### **Katie Hausfeld and Kerry Johnson named to *Crain's Chicago Business* Notable Women in Law list**

8 September 2020

DLA Piper is pleased to announce that Katie Hausfeld and Kerry Johnson have been named to *Crain's Chicago Business's* Notable Women in Law list.

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### **Loren Brown named to the *National Law Journal's* 2020 list of Winning Litigators**

1 September 2020

DLA Piper is pleased to announce that Loren Brown has been named a 2020 Winning Litigator by the *National Law Journal*.

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### **DLA Piper Canada increases rankings in 2021 edition of *Best Lawyers in Canada***

28 AUG 2020

DLA Piper (Canada) LLP is pleased to see 79 of our lawyers across 35 practice areas recognized in the 2021 *Best Lawyers in Canada* guide, resulting in our best showing with the guide since its inception.

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### **DLA Piper (Canada) LLP welcomes Colin Brousson and Jeffrey Bradshaw to Restructuring group**

21 AUG 2020

DLA Piper (Canada) LLP is delighted to welcome Colin Brousson as Partner and Jeffrey Bradshaw as Associate to our national Restructuring group. Both Colin and Jeffrey join our Vancouver office.

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### **DLA Piper achieves appellate victory for cryptocurrency exchange Coinbase in lawsuit over Bitcoin Gold**

13 August 2020

DLA Piper won a significant appellate victory on behalf of global cryptocurrency exchange Coinbase, defeating a lawsuit alleging that the exchange violated various obligations to users when it refused to support or provide access to the forked cryptocurrency Bitcoin Gold.

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## **DLA Piper (Canada) LLP partners shortlisted for LMG Life Science Awards**

7 AUG 2020

DLA Piper (Canada) LLP is pleased to see two of our partners shortlisted for the Legal Media Guide's (LMG) 2020 Life Sciences Awards.

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## **DLA Piper appoints Head of International financial lines insurance disputes**

6 August 2020

DLA Piper announces the appointment of Jane Childs to its specialist Insurance & Reinsurance Disputes team within its Litigation & Regulatory practice in London.

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## **Former Congressman Jim Greenwood joins DLA Piper as senior policy advisor, adding significant strength to growing life sciences policy and regulatory group**

4 August 2020

DLA Piper announced today that former US Representative Jim Greenwood has joined the firm's Litigation and Regulatory practice as a senior policy advisor based in Washington, DC.

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## **Three partners recognised in Jeune Afrique's Top 100 lawyers in Francophone Africa**

30 July 2020

DLA Piper is delighted to announce that Litigation & Regulatory partners Michael Ostrove and Alexander Brabant and Finance, Projects and Restructuring partner Eric Villateau, have again been nominated in Jeune Afrique's top 100 lawyers in Francophone Africa 2020.

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## **DLA Piper arbitration practice recognized as world leading by Global Arbitration Review**

14 July 2020

DLA Piper has been recognized once again as having one of the world's leading international arbitration practices.

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## **John Gibson joins DLA Piper's Litigation and Regulatory practice in Los Angeles**

14 July 2020

DLA Piper announced that John Gibson has joined the firm's Litigation and Regulatory practice as a partner in Los Angeles.

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## **DLA Piper boosts financial services litigation capability with partner hire in Australia**

6 July 2020

Global law firm DLA Piper announces that financial services dispute resolution and class actions lawyer Matthew (Matt) Spain has joined the firm, effective today.

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## **Law firms collaborate on industry first to accelerate tech adoption in international arbitration**

2 July 2020

DLA Piper is amongst six international law firms which have developed a Protocol to help deliver a globally consistent approach to the use of online case management platforms in international arbitration.

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### **DLA Piper patent litigators conduct Federal Court's first virtual trial**

22 JUN 2020

DLA Piper's team of patent litigators made history this month by representing their client, Videotron Ltd, in the Federal Court's first virtual trial (*Rovi Guides Inc. v. Videotron Ltd.*, T-921-17). The patent infringement proceeding involved multiple patents on interactive television program guides.

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### **DLA Piper advises SEBI in recouping millions held in Australia from one of the world's largest Ponzi schemes**

18 June 2020

DLA Piper has successfully acted for the Securities and Exchange Board of India (SEBI) in recovering more than AUD71 million in misappropriated funds relating to one of the largest Ponzi schemes in history.

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### **DLA Piper represents Axogen in dismissal of securities class action lawsuit**

22 April 2020

DLA Piper represented Axogen, Inc. in the dismissal of a securities class action lawsuit filed in the US District Court for the Middle District of Florida.

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### **Sangeetha Punniyamoorthy named Chair of the Canadian IPT Group**

20 MAY 2020

DLA Piper (Canada) LLP is pleased to announce that Sangeetha Punniyamoorthy has been appointed Chair of the Canadian Intellectual Property and Technology Group.

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### **Donna Thiel joins DLA Piper's Litigation and Regulatory practice and Healthcare sector in Washington, DC**

11 May 2020

DLA Piper announced today that Donna Thiel has joined the firm's Litigation and Regulatory practice and Healthcare sector as a partner in Washington, DC.

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### **DLA Piper lawyers and practices ranked in latest Chambers edition**

8 May 2020

DLA Piper today announced that the firm received 172 lawyer rankings and 71 practice rankings in *Chambers USA's* 2020 guide.

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### **DLA Piper announces partnership promotions for 2020**

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1,

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2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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### **DLA Piper kondigt partnerbenoemingen voor 2020 aan**

30 April 2020

Khaled Dadi en Janet Meesters zijn met ingang van 1 mei 2020 tot partner benoemd bij DLA Piper in Amsterdam.

Wereldwijd heeft het advocatenkantoor 67 advocaten in 13 verschillende landen tot partner benoemd.

**Khaled Dadi** is als advocaat verbonden aan de Intellectual Property and Technology praktijkgroep. Hij heeft ruime ervaring met het adviseren van zijn cliënten over de juridische aspecten van digitale transformatie processen, strategic sourcing projecten en commerciële contracten. Verder heeft hij uitgebreide ervaring in het adviseren en procederen over IT-geschillen. Dadi adviseert voornamelijk cliënten in de financiële-, technologische- en industriële sector. Daarnaast is hij betrokken bij pro bono projecten voor onder andere UNICEF, Plan Nederland en het door DLA Piper opgezette Know Your Rights programma.

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### **DLA Piper strengthens Litigation & Regulatory practice with appointment of Martijn Boeve**

28 April 2020

DLA Piper has strengthened its Litigation & Regulatory practice, by appointing Martijn Boeve as Legal Director as of 1 April. The appointment is an important step in the expansion of the international law firm's Financial Regulatory team.

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### **DLA Piper (Canada) LLP increases rankings in the 2020 *Canadian Legal Lexpert Directory***

24 APR 2020

DLA Piper (Canada) LLP is pleased to announce that we have significantly increased the number of lawyers ranked as leading practitioners in the 2020 edition of the Canadian Legal Lexpert Directory.

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### **DLA Piper hires new partners in Australia**

23 April 2020

Global law firm DLA Piper today announces that leading tax disputes partner Paul McNab and litigation lawyer John Fogarty will be joining the firm in May.

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### **Daniel Garen joins DLA Piper's Litigation and Regulatory practice in Washington, DC**

22 April 2020

DLA Piper announced today that Daniel Garen has joined the firm's Litigation and Regulatory practice as a partner in Washington, DC.

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### **John Phillips joins DLA Piper's Litigation practice in Northern California**

26 March 2020

DLA Piper announced today that John Phillips has joined the firm's Litigation practice as a partner in Northern California, based in the San Francisco office.

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### **Ronald N. Brown, III joins DLA Piper's Litigation practice in Wilmington**

19 March 2020

DLA Piper announced today that Ronald N. Brown, III has joined the firm's Litigation practice as a partner in the Wilmington office.

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper's Jonathan Haray named 2020 Criminal Law Trailblazer by the National Law Journal**

7 March 2020

DLA Piper is pleased to announce that Jonathan Haray, a Litigation partner in the firm's Washington, DC office, has been named by the *National Law Journal* as a 2020 Criminal Law Trailblazer.

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### **DLA Piper appoints Head of Global Government Affairs team**

6 March 2020

DLA Piper announces the strengthening of its Global Government Affairs team with the appointment of Richard Sterneberg who will head up the team in its Brussels office. Richard brings with him over 20 years of experience working in Brussels as a global government affairs expert.

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### **DLA Piper (Canada) LLP welcomes new associate Raymond Bastedo**

2 MAR 2020

DLA Piper (Canada) LLP welcomes Raymond Bastedo to the firm's Calgary office as an associate in the Litigation, Arbitration and Investigations Group.

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### **Keelin Kavanagh, Arthur Hoffmann and David Jaroslaw join DLA Piper's Litigation practice in New York**

12 February 2020

DLA Piper announced today that Keelin Kavanagh, Arthur Hoffmann and David Jaroslaw have joined the firm's Litigation practice as partners in New York.

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### **Craig Waugh joins DLA Piper's Litigation practice in Phoenix**

11 February 2020

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DLA Piper announced today that Craig Waugh has joined the firm's Litigation practice as a partner in Phoenix.

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### **Matthew Miller, Robert Nolan and Michael Fluhr join DLA Piper's Litigation practice in Northern California**

10 February 2020

DLA Piper announced today that Matthew Miller and Robert Nolan have joined the firm's Litigation practice as partners in Northern California, based in the San Francisco office, and Michael Fluhr has joined as of counsel, also based in San Francisco.

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### **James C. Bookhout of DLA Piper listed in *D Magazine's* 2020 Best Lawyers Under 40 list**

7 February 2020

James C. Bookhout was recently named to *D Magazine's* 2020 Best Lawyers Under 40 list, which recognizes outstanding young lawyers in Dallas.

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### **Michael Hazzard joins DLA Piper's Litigation practice in Washington, DC**

4 February 2020

DLA Piper announced today that Michael Hazzard has joined the firm's Litigation practice as a partner in Washington, DC.

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### **Nicholas Klein joins DLA Piper's Litigation and Regulatory practice in Washington, DC**

3 February 2020

DLA Piper announced today that Nicholas Klein has joined the firm's Litigation and Regulatory practice as of counsel in the Washington, DC office.

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### **DLA Piper launches commercial litigation offering in South Africa with key hire**

30 January 2020

DLA Piper today announced the appointment of Kirsty Simpson as disputes director in the Litigation & Regulatory practice in South Africa.

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### **Christopher Mikson joins DLA Piper's Litigation practice in Philadelphia and Washington, DC**

23 January 2020

DLA Piper announced today that Christopher Mikson has joined the firm's Litigation practice as a partner in Philadelphia and Washington, DC.

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### **DLA Piper (Canada) LLP welcomes three new partners**

1 JAN 2020

DLA Piper (Canada) LLP welcomes three new additions to the partnership, effective January 1, 2020.

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### **DLA Piper senior associate Wincen Santoso admitted as a Fellow of the Chartered Institute of Arbitrators (CIArb),**

## **the United Kingdom**

17 December 2019

DLA Piper is pleased to announce that Wincen Santoso, an Indonesian and New York qualified senior associate in Singapore, has been admitted as a Fellow of the Chartered Institute of Arbitrators (CIArb), the United Kingdom, a leading professional membership organization representing the interests of alternative dispute resolution practitioners.

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## **DLA Piper advises Evraz on the EUR40m sale of major Italian steel production site to Marcegaglia Group**

9 December 2019

DLA Piper has advised Evraz, a global steel and mining company listed on the London Stock Exchange and a constituent of the FTSE 100 index, on the EUR40 million sale of Evraz Palini e Bertoli, a plate rolling mill located in Italy, to Marcegaglia Group, an Italy-based global operator in the steel processing sector.

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## **DLA Piper (Canada) LLP welcomes new associate Andrew MacGregor**

4 DEC 2019

DLA Piper (Canada) LLP welcomes Andrew MacGregor to the firm's Calgary office as an associate in the Litigation, Arbitration and Investigations Group.

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## **DLA Piper launches its Global Litigation Guide**

3 December 2019

DLA Piper has launched its 'Global Litigation Guide', which covers aspects of civil litigation in 30 jurisdictions worldwide.

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## **Scott Wilson joins DLA Piper's Litigation practice in New York**

2 December 2019

DLA Piper announced today that Scott Wilson has joined the firm's Litigation practice as a partner in the New York office.

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## **DLA Piper makes heavy weight hires to boost its Litigation & Regulatory group**

27 November 2019

DLA Piper announces the appointment of Bob Maynard and Caroline Pope as partners in its Litigation and Regulatory practice in London.

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## **DLA Piper achieves victory for California Institute of Technology**

26 November 2019

DLA Piper recently represented the California Institute of Technology (Caltech) in the dismissal of a case filed by David Lillie, an employee of Caltech subcontractor ManTech International, which alleged defamation and a number of other causes.

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## **DLA Piper achieves trial victory for Applied Underwriters**

22 November 2019

DLA Piper recently represented Applied Underwriters, Inc. in a bench trial victory in California state court.

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## **DLA Piper (Canada) LLP recommended in the 2020 edition of the *Legal 500 Canada***

14 NOV 2019

DLA Piper (Canada) LLP has been recommended across a broad range of practice areas in the latest edition of the *Legal 500 Canada*.

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## **DLA Piper named Regulatory & Investigations Team of the Year**

8 November 2019

DLA Piper has been named Regulatory & Investigations Team of the Year at the Legal Week Commercial Litigation and Arbitration Awards held at the Waldorf Hilton in London on 5 November.

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## **DLA Piper achieves victory for Maryland Reclamation Associates**

6 November 2019

DLA Piper recently achieved a victory for its client, Maryland Reclamation Associates, Inc. (MRA), in a case filed against Harford County, Maryland.

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## **34 DLA Piper lawyers in nine countries ranked among The World's Leading Patent Professionals**

30 October 2019

DLA Piper is pleased to announce that IAM Patent 1000: The World's Leading Patent Professionals 2019 has named 34 DLA Piper lawyers from nine countries to its list of top patent professionals – representing an increase for the firm in numbers of both lawyers and countries.

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## **DLA Piper's Angela Agrusa named the *Los Angeles Business Journal's* Leaders in Law 2019 Litigation Attorney of the Year**

29 OCT 2019

DLA Piper is pleased to announce that Angela Agrusa, Los Angeles-based co-head of Business and Commercial Litigation and co-chair of the Food and Beverage sector, has been named the *Los Angeles Business Journals* Leaders in Law 2019 Litigation Attorney of the Year.

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## **Jonathan Sablone joins Litigation practice in Boston**

15 October 2019

DLA Piper announced today that Jonathan Sablone has joined the firm's Litigation practice as a partner in the Boston office.

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### **DLA Piper partner Isabelle Ord honored by Western Bankers Association**

11 October 2019

DLA Piper is pleased to announce that Isabelle Ord, co-chair of the firm's Class Action Litigation practice and co-leader of the LIBOR Transition practice, has received the Franzel Award from the Western Bankers Association.

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### **Tamany Vinson Bentz named to the *Daily Journals* list of Top Trade Secrets Lawyers**

9 October 2019

DLA Piper is pleased to announce that Tamany Vinson Bentz, a Los Angeles-based partner in the IPT Litigation practice, has been named to the *Daily Journal's* 2019 list of Top Trade Secrets Lawyers.

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### **DLA Piper (Canada) LLP welcomes Partner Stephen Gleave**

7 OCT 2019

DLA Piper (Canada) LLP is pleased to announce that Stephen Gleave has joined the firm as a Partner in the Toronto office. Stephen has a commercial litigation practice with a focus on employment litigation.

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### **DLA Piper announces launch of LIBOR Transition practice**

23 September 2019

DLA Piper announced today the launch of its LIBOR Transition practice, which will focus on assisting companies with impact assessment and advising on benchmark reform implementation across multiple jurisdictions and products.

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### **DLA Piper (Canada) LLP recognized by *Chambers Canada* 2020**

20 Sep 2019

DLA Piper (Canada) LLP is pleased to be recognized as an industry leader in the 2020 edition of *Chambers Canada*.

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### **DLA Piper (Canada) LLP welcomes new associate Simon McCleary**

9 SEPT 2019

DLA Piper (Canada) LLP welcomes Simon McCleary to the firm's Toronto office as an associate in the Litigation, Arbitration and Investigations Group.

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### **Abigail Reardon appointed chair of the Attorney Grievance Committee for the First Department of the Appellate Division of the New York Supreme Court**

5 September 2019

DLA Piper is pleased to announce that Abigail Reardon, a partner in the firm's New York office, has been appointed by the First Department of the Appellate Division of the New York Supreme Court to serve as a chair of the Attorney Grievance Committee for the First Department.

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### **DLA Piper continues to boost CEE region capability with new hires in Poland**

5 September 2019

DLA Piper today announces the appointment of eight new lawyers in its Warsaw office into three key practice areas of Corporate, Finance & Projects (F&P) and Litigation & Regulatory. These hires follow the recent appointment of corporate partners Marek Sawicki and Jakub Marcinkowski from CMS.

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### **DLA Piper (Canada) LLP welcomes associate Adrienne Wong**

3 SEP 2019

DLA Piper (Canada) LLP welcomes Adrienne Wong to the firm's Calgary office as an associate in the Litigation, Arbitration and Investigations Group.

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### **DLA Piper (Canada) LLP welcomes associate Brooke Stewart**

3 SEP 2019

DLA Piper (Canada) LLP welcomes Brooke Stewart to the firm's Toronto office as an associate in the Employment Group.

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### **George G. Demos joins DLA Piper's Litigation practice in Northern California**

3 September 2019

DLA Piper announced today that George G. Demos has joined the firm's Litigation practice as a partner in Northern California based in the Sacramento office.

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### **Paul Hemmersbaugh joins DLA Piper's Litigation practice as chair of Transportation Regulatory group**

3 September 2019

DLA Piper announced today that Paul Hemmersbaugh has joined the firm's Litigation practice as a partner and chair of its transportation regulatory and litigation group, in Washington, DC.

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### **DLA Piper's Angela Agrusa named to the *Los Angeles Business Journal's* 2019 list of Top Litigators and Trial Lawyers**

27 August 2019

DLA Piper is pleased to announce that Angela Agrusa has been named to the *Los Angeles Business Journal's* 2019 list of Top Litigators and Trial Lawyers.

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### **DLA Piper's Michael Garfinkel named to the *Los Angeles Business Journal's* 2019 list of Top Litigators and Trial Lawyers**

27 August 2019

DLA Piper is pleased to announce that Michael Garfinkel has been named to the *Los Angeles Business Journal's* 2019 list of Top Litigators and Trial Lawyers.

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### **Edward Hanover to join DLA Piper's Litigation practice in Northern California**

26 August 2019

DLA Piper announced today that Edward Hanover will join the firm's Litigation practice as a partner in Northern California based in the Silicon Valley office.

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### **DLA Piper Canada lawyers recognized in 2020 edition of *Best Lawyers in Canada***

21 AUG 2019

DLA Piper (Canada) LLP is pleased to see 70 of our lawyers across 34 practice areas recognized in the 2020 *Best Lawyers in Canada* guide.

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### **DLA Piper represents Applied Underwriters in defeat of three class certification motions**

19 August 2019

DLA Piper represented Applied Underwriters in its defeat of three separate motions for class certification arising out of a regulatory dispute over whether a reinsurance transaction adjunct to workers' compensation coverage was required to be filed with, among others, the California Department of Insurance.

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### **DLA Piper partner Andrew Hoffman named to the *Daily Journal's* Top 40 Under 40 list**

16 August 2019

DLA Piper is pleased to announce that Andrew Hoffman, a partner in the firm's Litigation practice, has been named to the *Daily Journal's* 2019 Top 40 Under 40 list honoring young California lawyers across a range of practice areas.

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### **DLA Piper grows Litigation & Regulatory practice in South Africa with new hire**

1 August 2019

DLA Piper today announces the appointment of Werner Rysbergen as a new director in its Litigation & Regulatory practice, based in Johannesburg, South Africa.

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### **Six-partner group joins DLA Piper across key markets and practice groups from coast to coast**

18 July 2019

DLA Piper announced today the addition of a six-partner group whose members will be part of the firm's Corporate, Intellectual Property and Technology, and Litigation practices. The partners will be based in San Francisco, Los Angeles, Silicon Valley and New York.

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### **DLA Piper advises IMF Bentham on new USD500 million fund**

4 July 2019

Global law firm DLA Piper has advised IMF Bentham (ASX:IMF) on the launch of a new USD500 million fund (Fund 5) to invest in litigation cases across Australia, Asia, Canada and Europe.

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### **DLA Piper secures significant victory for Houston Casualty**

3 July 2019

DLA Piper secured a significant victory for Houston Casualty in *Houston Casualty Co. v. Cavan Corp. of N.Y., et al.* before the New York State Supreme Court on June 27, 2019.

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### **DLA Piper hires disputes partner in France**

27 June 2019

DLA Piper is pleased to announce that Marine Lallemand will be joining the firm as a partner in the Litigation & Regulatory practice in Paris.

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### **DLA Piper (Canada) LLP welcomes new associate Emma Cosgrave**

24 JUN 2019

DLA Piper (Canada) LLP welcomes Emma Cosgrave to the firm's Toronto office as an associate in the Litigation, Arbitration and Investigations Group.

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### **DLA Piper's Ilana Eisenstein named an Unsung Hero by the *Legal Intelligencer***

19 June 2019

DLA Piper is pleased to announce that Ilana Eisenstein, a Philadelphia-based partner and co-chair of the Appellate Advocacy practice, has been named to the *Legal Intelligencer* 2019 list of Unsung Heroes.

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### **DLA Piper secures appellate victory for Petrobras America**

18 June 2019

DLA Piper secured a victory on behalf of Petrobras America, Inc. in a long-running lawsuit against Vicinay Cadenas, S.A., a manufacturer of chains and accessories for the offshore industry.

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### **DLA Piper (Canada) LLP recognized as a leader in patent laws by IAM Patent 1000**

12 JUN 2019

The 2019 edition of *IAM Patent 1000 - The World's Leading Patent Practitioners* has recognized DLA Piper (Canada) LLP and four

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members of its Intellectual Property and Technology (IPT) Group as leaders in the Canadian patent market.

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### **Scott Weber joins DLA Piper's Litigation practice in New York**

10 June 2019

DLA Piper announced today that Scott Weber has joined the firm's Litigation practice as a partner in the New York office.

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### **DLA Piper represents the Conrad Prebys Foundation in dismissal of derivative lawsuit**

31 MAY 2019

DLA Piper represented the Conrad Prebys Foundation, a charitable foundation started by late philanthropist and San Diego developer Conrad Prebys, in the successful dismissal of a lawsuit filed by Prebys' partner and former foundation board member.

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### **DLA Piper hires public law partner in France**

28 MAY 2019

DLA Piper is pleased to announce that Jérôme Pentecoste will be joining the firm as a partner in the Litigation & Regulatory practice in Paris.

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### **named to *Latinvex's* list of Latin America's Top 100 Female Lawyers**

23 MAY 2019

DLA Piper is pleased to announce that Kate Brown de Vejar and Lida Rodriguez-Taseff have been named to *Latinvex's* 2019 list of Latin America's Top 100 Female Lawyers.

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### **DLA Piper announces launch of Artificial Intelligence practice**

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

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### **Mariana Lozza and Nicolas Teijeiro join DLA Piper Argentina**

14 MAY 2019

DLA Piper Argentina announced today the addition of Mariana Lozza as a partner in the International Arbitration practice and Nicolas Teijeiro as a partner in the Corporate Finance practice. Both will be based in the firm's Buenos Aires office.

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### **DLA Piper (Canada) LLP ranked in 2019 *Canadian Legal Lexpert Directory***

3 MAY 2019

DLA Piper (Canada) LLP is pleased to announce that thirty-eight of the firm's lawyers have been recognized as leading practitioners in the 2019 edition of the *Canadian Legal Lexpert Directory*.

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#### **Bretton Woods Law Canada to join DLA Piper (Canada) LLP's Montréal office**

1 MAY 2019

DLA Piper (Canada) LLP is pleased to announce it has reached an agreement with the Montréal office of Bretton Woods Law Canada. Effective May 1, 2019, Bretton Woods Canada's team of four lawyers and an articling student will join DLA Piper Canada's Montréal office.

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#### **Carl Wessel joins DLA Piper's Litigation practice in Washington, DC**

22 APR 2019

DLA Piper announced today that Carl Wessel has joined the firm's Litigation practice as a partner in Washington, DC.

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#### **DLA Piper establishes Litigation Regulatory offering in Dublin with partner hire**

18 APR 2019

DLA Piper today announces the appointment of Caoimhe Clarkin as a Litigation & Regulatory partner in the firm's Dublin office. This is the seventh partner hire for DLA Piper in Dublin this year.

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#### **DLA Piper strengthens Intellectual Property and Technology offering in Russia**

18 APR 2019

DLA Piper today announces that Julianna Tabastajewa will be joining the firm as a counsel in its Intellectual Property and Technology practice based in Moscow. Her practice focuses on IP protection and litigation in the area of pharmaceutical, competition and, media law, as well as franchising.

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#### **DLA Piper represents Immunomedics in dismissal of class action lawsuit**

16 APR 2019

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#### **DLA Piper advised Geophysical Sub-Strata on its tap sale of US\$114.5 million Guaranteed Medium Term Notes**

4 APR 2019

DLA Piper has advised Geophysical Sub-Strata Ltd. on the tap sale of US\$114.5 million 8% Guaranteed Medium Term Notes due 2023 as Series 001, Tranche 002 under the Company's US\$400,000,000 Guaranteed Multicurrency Medium Term Note Programme.

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#### **DLA Piper announces partnership promotions for 2019**

1 APR 2019

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DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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### **Peter Karanjia joins DLA Piper's Telecom and Appellate practices in Washington, DC**

4 MAR 2019

DLA Piper announced today that Peter Karanjia has joined the firm's Telecom and Appellate practices as a partner in Washington, DC.

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