



## Cross-Border Litigation

Globalization of the world's markets has brought ever-increasing opportunities for international commerce, the effect of which is to connect people, products and businesses throughout the world. With globalization, however, comes increased legal, regulatory, political, cultural, financial and reputational complexity and risk for international businesses.

Disputes arising in the context of international commerce tend to be equally complicated, often involving multiple proceedings advancing at the same time before courts of different jurisdictions. Effectively managing such disputes requires lawyers who possess a comprehensive knowledge of local law, procedure and market conditions, lawyers skilled at combining that knowledge with broad international experience, and lawyers with a truly global perspective and a thorough understanding of your business and its objectives. We call this Cross-Border Litigation.

As the largest litigation practice in the world, with over 1,800 lawyers in more than 30 countries spread across the Americas, Asia Pacific, Europe, the Middle East, Russia and the CIS, DLA Piper has more Cross-Border Litigation lawyers than any other firm. Our practice sits alongside our highly regarded International Arbitration group and leverages the firm's unrivalled teams of sector-focused lawyers to safeguard your business interests whenever, wherever and in whatever forum a dispute may arise.

In those jurisdictions where DLA Piper does not have an actual presence, the firm has well-established and trusted relationships with local firms who understand our approach to litigation, our commitment to quality and client service, and who share our international vision. In short, wherever your dispute arises and is to be resolved, DLA Piper has the experience and the sector-focused teams to secure the best outcome for your business.

### EXPERIENCE

- Representing a multinational client in the recovery of oil product and sums due under oil supply contracts with a value of over \$100 million from a Nigerian-based company, involving proceedings in the English High Court, the Nigerian Federal Court and in the Netherlands, where a ship and a cargo of oil product were arrested.
- Acting for a Saudi Arabian group in relation to a US\$10 billion fraud claim in the Cayman Islands and related proceedings in Bahrain, Switzerland, the US and England.
- Acting for one of the world's largest US manufacturers and distributors of medical products in relation to US\$200 million tortious interference claims against their competitors and defecting employees in the US, Japan, Austria, France, Germany and Switzerland.
- Representing a global defence contractor in FCPA/UK Bribery Act investigations pending simultaneously in European, African, Asian,

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- Corporate Disputes
- Energy and Natural Resources
- Technology

and US jurisdictions.

- Advising a number of major reinsurers following the major market loss arising out of the floods in Queensland, Australia, resulting in physical damage and business interruption claims by a global resources company for A\$1.2 billion.
- Representing the Government of the Republic of Zambia in its successful flagship anti-corruption case against its former president and 19 other defendants in the English High Court and on appeal, proceedings having taken place in London and Lusaka by way of a simultaneous video link between the two courtrooms.
- Advising professional trustees in US\$1 billion litigation relating to the Madoff fraud, involving claims brought in the US, Bermuda and England, with satellite litigation in a number of other offshore jurisdictions.
- Obtaining freezing orders in Cyprus, Belize, Luxembourg and Liechtenstein on behalf of a Russian bank against a borrower who had misappropriated funds, and procuring his criminal prosecution in France.
- Advising a newly-elected democratic government in Asia on the recovery in Singapore, the UK, Malaysia and Myanmar of substantial assets fraudulently misappropriated by members of the former regime through the central banking system and government-owned instrumentalities.
- Recovering over £200 million for the administrators of a bridging finance company which was the subject of an extensive and high-profile fraud by one of its directors in proceedings in Pakistan, Dubai, Greece, Spain and Portugal.

## INSIGHTS

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### Publications

#### Litigation funding - An innovative solution to costly construction disputes

21 September 2022

In summary, litigation funding can be an extremely helpful alternative source of financing for construction companies which either need financial assistance to pursue claims, or otherwise see the benefit both of offloading the downside risk of litigation and of using third party finance to fund outstanding claims, allowing them to use their own finance to invest in their core business. Given this, it is unsurprising that litigation funding plays an increasing role in the resolution of construction disputes. This is evidenced by the number of funders that are continuing to enter the market and provide innovative solutions to cost constrained companies. DLA Piper also launched an independent funding company (Aldersgate Funding Limited) to meet this need and offer clients access to GBP150 million for funding large-scale litigation and arbitration.

With that said, obtaining litigation funding for complex construction disputes (and particularly single cases) is, not a straightforward process. The funder has to have sufficient information to predict the outcome with a reasonable degree of certainty and to carry out a cost-benefit analysis, and this takes time and effort. It is key that claimants engage an experienced law firm which is able to navigate the funding process efficiently and negotiate the best terms for their clients. Often, experienced firms have strong relationships with funders, making every aspect of the process smoother.

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#### Supreme Court limits the use of 28 U.S.C. § 1782 discovery in international arbitration

27 June 2022

This decision largely puts an end to a long-standing debate.

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#### Why anti-suit injunctions may be on the rise after Brexit

27 October 2021

The departure of the UK from the EU is expected to lead to a rise in the number of anti-suit injunctions sought in the English courts. In this article we consider the four main reasons why that is likely to be the case.

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## **An interview with Aldersgate Funding**

11 October 2021

In this podcast, DLA Piper partner Henry Quinlan interviews Jim Holding and Matthew Lo at Aldersgate Funding Limited, who shed some light on the advantages of litigation and arbitration funding; the types of claims eligible for funding; the process of funding a case; and the jurisdictional constraints on this type of financing.

DLA Piper · Aldersgate Funding on how litigation funding can help your business

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## **Cayman Islands Court of Appeal confirms availability of Norwich Pharmacal relief in foreign proceedings in Arcelormittal USA LLC v Essar Global Fund Limited & ors**

18 May 2021

The Cayman Islands Court of Appeal has confirmed that the Norwich Pharmacal relief is available in the Cayman Islands in aid of foreign proceedings, a matter on which there was some doubt in light of recent English High Court decisions .

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## **NEWS**

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### **DLA Piper strengthens its litigation and international arbitration practice with partner Dr Marc Jacob**

16 March 2022

DLA Piper will strengthen its Litigation & Regulatory practice group with the appointment of Marc Jacob as a new partner in the Frankfurt office, effective 1 April 2022. He joins DLA Piper from Shearman & Sterling, where he practised litigation and international arbitration since 2013.

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