



**Siemer - Siegl - Füreder & Partner**  
Rechtsanwälte

ATTORNEYS-AT-LAW

DR. ROBERT SIEMER (1926-2001)

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 **MERITAS** LAW FIRMS WORLDWIDE

# **DISPUTE RESOLUTION & ARBITRATION PRESENTATION**

May 2008

SIEMER-SIEGL-FÜREDER & PARTNER is a law firm with an international orientation having its seat in Vienna. Founded in 1959, the firm brings together a steadily growing team of highly qualified lawyers. Our firm has a long standing expertise in the field of **national and international dispute resolution**, with a particular focus on **international commercial arbitration and alternative dispute resolution**.

The attorneys of our dispute resolution practice group assist domestic and international clients with the drafting of dispute resolution clauses and conduct international arbitration proceedings under all major institutional rules to the highest professional standards. Prior to arbitration proceedings we provide professional advice with respect to risk analysis in the preparatory stages of arbitration proceedings. Further we regularly represent clients on the enforcement of arbitral awards and conduct or defend set aside procedures.

SIEMER-SIEGL-FÜREDER & PARTNER was ranked as a high level dispute resolution law firm by The European Legal 500 Law Firms in Europe and the Middle East in 2008: *“Clients appreciate Siemer – Siegl – Füreder & Partner, Rechtsanwälte’s ‘specific know-how and longstanding experience’, and the team is ‘warmly recommended for its profound support.’ Key clients include some of the largest Austrian banks and some of the leading names in the electronics industry.”* In addition Dr. Heinrich Siegl, Markus Fellner and Dr. Gerald Gries received personal recommendations in their field.

Members of this practice group have significant connections with various important arbitration institutions, including the VIAC, ICC and LCIA and served both as counsel and arbitrator.

In support of the next generation of young arbitrators the law office strongly supports the Willem C. Vis International Commercial Arbitration Moot. Several of the firm’s attorneys regularly participate as arbitrators and one of our practice group members acts as the Principal Administrator of the Moot. Furthermore, we are proud sponsors of the team student participants from the University of Vienna.

## ADR and Arbitration References

We ask for your understanding that due to confidentiality issues and Austrian professional rules of conduct, we are unable to provide detailed information regarding our clients and cases. Below please find an overview of select disputes in which we have acted as counsel or arbitrator between 2004 and now:

- Successfully representing a joint venture partner in an **ICC arbitration** relating to a dispute arising out of the construction of two hydroelectric dams in Iran (value: USD 37 million).
- Representing a leading producer of transformers in an alternative dispute resolution case involving claims for damages which result from an incident in a nuclear powerplant of a US based utility company (value: USD 34 million).
- Counselling one of the world's largest electrical engineering and electronics companies in an alternative dispute resolution case concerning the construction and renovation of a medical institution and a landmarked church in its claims against a joint-venture partner and the principal, a foreign state authority (value: EUR 94 million).
- Representing one of the world's largest electrical engineering and electronics companies in an alternative dispute resolution case involving claims for damages which result of a fire loss in a factory of a world leading producer of aluminium (value: EUR 13 million).
- Counselling a Serbian company specialized in the field of drink distribution activities regarding claims against a supplier of manufactory machines in an **ICC arbitration** proceeding.
- Counselling one of the world's largest electrical engineering and electronics companies in an alternative dispute resolution case concerning the supply of facility services/MEP worth EUR 21 million for the construction of an office and shopping center in the city center of Prague.
- Representing successfully one of the world's largest electrical engineering and electronics companies in a **Vienna Rules** arbitration proceeding

regarding the fraudulent drawing of a bank guarantee in connection with the alleged malfunction of a steam turbine (value: EUR 1 million).

- Acting as party representative to the consortium leader in a **DIS arbitration** relating to the delivery of train parts (value EUR 300.000,--).
- Acting as party representative to the consortium leader in a **Vienna Rules** arbitration regarding the delivery of non-conforming metal support frames for subway trains (amount in dispute EUR 1.2 million plus action for declaratory judgment regarding future damages).
- Successfully defended the consortium leader in a **Vienna Rules** arbitration for the construction of a multi-level office building on an approx. 8200 m<sup>2</sup> property in Moscow (amount in dispute EUR 170.000).
- Acting as party representative in a **Vienna Rules** arbitration for the purchaser in a corporate acquisition in the field of relay electronics with respect to warranty claims relating to South American subsidiaries.
- Successfully acting as party representative for the contractor vis-à-vis the subcontractor regarding the delivery of defective **train parts** for the second generation IC train (amount in dispute EUR 2.3 million).
- Successfully represented the co-defendant and consortium leader in a **Vienna Rules** arbitration regarding additional costs with respect to the **construction of a caloric power plant** in Salzburg, Austria (amount in dispute approx. EUR 1 million).
- Acting as party representative for the main contractor in a subcontract dispute relating to the **construction of telephone cable networks in Cairo**.
- Acting as party representative to a French yacht building wharf with respect to warranty claims relating to the **construction of a luxury yacht**.
- Acting as party representative in proceedings with respect to contract price disputes regarding the delivery and instalment of an automated **logistic and shelving system for pharmacies**.

- Acting as arbitrator in two proceedings regarding warranty claims with respect to the delivery of inferior quality **steel**.
- Acting as sole arbitrator in a proceeding involving an Austrian supplier and a Czech customer for payment of purchase price for **steel products**.

## Our Dispute Resolution Team

### Heinrich Siegl

**Dr. Heinrich Siegl's** practice focuses pre-dominantly on litigation and arbitration. His **litigation** practice has involved some of the biggest and most complicated cases ever litigated in Austria, for example a case concerning the **construction** of a major **hospital**. Dr. Siegl has been asked to render expert opinions on Austrian procedural law, litigation practice and the law of damages in the pending US trial involving a ski train accident in Austria ("Kaprun" case).



Heinrich Siegl is a recommended arbitrator for the Vienna Chamber of Commerce. He has served both as counsel and as arbitrator in many **national and international arbitration** cases involving e.g. banking and finance law, commercial contracts and product liability issues.

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### Markus Fellner

**Mag. Markus Fellner, LL.M.** has served as counsel and is an experienced lawyer in regard to ICC-, VIAC/Vienna Rules-, DIS- and ad-hoc arbitration proceedings concerning domestic and international commercial arbitration cases. He currently represents one of the three largest construction companies in Europe in an **ICC Arbitration** proceeding and one of the leading multinational corporate groups in a **Vienna Rules** proceeding. He advises clients in arbitration matters and dispute resolution covering all areas of national and international business and commer-



cial law with regard to construction, infrastructure, projects, corporate and commercial matters. Markus Fellner is a member of the ICC International Chamber of Commerce; LCIA Young International Arbitration Group, ICDR Young and International Arbitration, YAAP Young Austrian Arbitration Practitioners / Austrian Arbitration Association, and regularly invited as an arbitrator at the annual Willem C. Vis International Commercial Arbitration Moot Court in Vienna. Markus Fellner has frequently published articles in the field of arbitration.

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## Gerald Gries

**Dr. Gerald Gries'** main focus of practice is **civil commercial litigation and arbitration**. He has tried several **complex litigation** and **arbitration** cases involving amongst others **train construction** (in particular subway construction) and the construction of industrial plants. He also practices **international trade litigation** again with an emphasis on train and subway construction with cases reaching as far as Bangkok and Taipei. His other cases frequently involve communications technology, computer and office equipment and other electric goods. Gerald Gries is a member of the YAAP Young Austrian Arbitration Practitioners / Austrian Arbitration Association.



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### **Martin Platte**

Mag. Martin Platte, LL.M. joined the firm after having worked with two major international law firms in London and Vienna. He has published numerous articles and books on the subject of arbitration and dispute resolution. Amongst others, he is co-author of *Arbitration Law of Austria : Practice and Procedure*, as well as *Enforcement of International Arbitration Awards : The New York Convention of 1958*. Martin Platte has acted as party-representative in a number of international arbitration cases, mainly in the field of construction and post M&A disputes. Recently he has also been appointed as arbitrator by the VIAC in a multi-party dispute regarding distribution contracts in South-Eastern Europe. Mr Platte is a member of ICDR Young and International Arbitration, YAAP Young Austrian Arbitration Practitioners and DIS40 German Institution of Arbitration.



### **Patrizia Netal**

Mag. Patrizia Netal has been organising the Willem C. Vis International Commercial Arbitration Moot since 2002. As the Principal Administrator of the Willem C. Vis Moot she acts as leading member of the Austrian Association for the organisation and promotion of the Willem C. Vis Moot. Patrizia Netal particularly works in the field of civil commercial litigation and arbitration with an emphasis on construction. She is a member of the ICDR Young and International Arbitration, YAAP Young Austrian Arbitration Practitioners / Austrian Arbitration Association, and an honourable member of the MAA Moot Alumni Association.

