

Partner, New York

International Litigation and Arbitration



T: 212.735.2978
F: 917.777.2978
lea.kuck@skadden.com

Education

J.D., New York University School of Law, 1990 (Senior Production Editor, *Annual Survey of American Law*)

A.B., Hamilton College, 1987
(*magna cum laude*)

Bar Admissions

New York

Experience

Law Clerk, Hon. Steven D. Pepe,
U.S. Magistrate Judge, U.S. District
Court for the Eastern District of
Michigan (1990-1992)

Associations

Chair, New York City Bar Association,
Arbitration Committee

Co-Chair, Organizing Committee for
New York Arbitration Week 2021

Member, Working Group on
Cybersecurity in International Arbitration

Alternate Director, New York
International Arbitration Center

Member, International Arbitration Club
of New York

Advisory Board, Institute for
Transnational Arbitration

Arbitral Women

Fellow, American Bar Foundation

Lea Haber Kuck has more than 25 years of experience advising clients on the resolution of complex disputes arising out of international business transactions. She represents clients from around the world in federal and state courts in the United States, as well as in international and domestic arbitrations conducted under UNCITRAL, ICC, ICDR, LCIA, AAA and other arbitration rules.

Ms. Kuck regularly advises clients on a variety of issues relating to international dispute resolution, including forum selection, jurisdiction, service of process, extraterritorial discovery and enforcement of judgments, as well as drafting of arbitration, dispute resolution and choice-of-court clauses. She also counsels clients on a variety of ESG-related matters.

She repeatedly has been named to *The Best Lawyers in America* and Lawdragon 500 Leading Lawyers in America, as well as to Lawdragon's inaugural Global Litigation 500 list in 2021. She also has been recognized by *The Legal 500 Latin America*. Additionally, Ms. Kuck is a member of the Skadden team that was named Litigation Department of the Year by the *New York Law Journal* in 2021; previously named a finalist for Litigation Department of the Year by *The American Lawyer*; as one of *Law360's* International Arbitration Groups of the Year; and as Law Firm of the Year: Dispute Resolution by *Chambers Global*.

She co-led the Skadden team that was honored as Arbitration Team of the Year at the 2017 Transatlantic Legal Awards and as International Arbitration Team of the Year at the 2017 Legal and Business Awards for its work on behalf of Japanese telecommunications company NTT Docomo in an LCIA arbitration arising out of a dispute over Docomo's contractual right to exit an investment in India. Docomo obtained a \$1.2 billion award against Tata Sons Limited of India, and after enforcement proceedings were commenced in India, England and New York, Docomo collected the award in full.

Ms. Kuck currently serves as co-chair of New York Arbitration Week 2021 and chair of the New York City Bar Association Arbitration Committee. She also is a member of the Working Group on Cybersecurity in International Arbitration, formed by the International Council for Commercial Arbitration; the New York City Bar Association; and the International Institute for Conflict Prevention and Resolution, which received the Best Development 2018 award by *Global Arbitration Review*.

Other notable representations include:

Cross-Border Litigation

- IRB-Brasil Resseguros, S.A., the largest reinsurer in South America, in multiple actions seeking to recover amounts due under certain global notes in which judgments in excess of \$100 million were obtained for IRB and affirmed in a seminal case by New York's highest court dealing with choice of law clauses;
- defense of Bermuda investment management firm Spencer Capital Limited and Spencer Capital Holdings Ltd. in connection with a securities fraud claim brought by an investor in which the U.S. Court of Appeals for the Second Circuit affirmed dismissal of the claim on the grounds that the transaction was so predominantly foreign as to be impermissibly extraterritorial and beyond the reach of the U.S. securities laws;
- an international investment bank in connection with disputes involving proceedings in New York and London relating to several billion dollars of structured finance products;
- an Australian gaming and entertainment company in connection with litigation arising out of the failed Fontainebleau resort construction project in Las Vegas;

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- an individual in cross-border litigation arising out of the Icelandic banking crisis, including obtaining dismissal on *forum non conveniens* grounds of an action filed in New York;
 - multiple proceedings under Section 1782 in seven jurisdictions around the U.S. on behalf of a French bank in connection with international disputes arising out of the global credit crisis;
 - DaimlerChrysler AG in connection with multiple litigations arising out of the merger of Daimler-Benz AG and Chrysler Corporation, one of which involved successfully defending at trial federal securities and state law fraud claims brought by a prominent Chrysler investor seeking more than \$1 billion in damages, a victory *The National Law Journal* dubbed its Top Defense Win of the Year; and
 - *pro bono* clients in several cases brought under the Hague Convention on International Child Abduction, for which Ms. Kuck received a 2019 Pro Bono Achievement Award from Sanctuary for Families.

International Arbitration

- The Coca-Cola Company as claimant in an ICDR arbitration that resulted in an award permitting the worldwide launch of the Coca-Cola Energy;
- an international beverage company as respondent in an ICDR arbitration in a dispute arising out of an international distribution agreement;
- a Hong Kong shipping company as claimant in an ICDR arbitration arising out of a SPAC transaction in which preliminary relief in aid of arbitration was obtained in a New York court;
- a Brazilian insurance company in an expedited ICC arbitration and related litigation arising out of parallel litigation in Brazil;
- an international beverage company in connection with its successful defense against a multibillion-dollar claim in an UNCITRAL arbitration arising out of the terms of an investment agreement with a Mexican company and its stockholders;
- a Brazilian energy company in connection with an ICC arbitration against a subsidiary of a large U.S. energy company relating to an investment in an electrical power project in Brazil;
- a North American utility company in connection with several construction disputes;
- a shareholder of a major telecommunications company with operations in the former Soviet Union in an UNCITRAL arbitration and related litigation concerning a shareholder dispute with a European telecommunications company; and
- Atlantic LNG Co. of Trinidad and Tobago in successfully defending against a \$250 million claim involving a dispute concerning a long-term LNG supply contract in a UNCITRAL arbitration based in New York.

Domestic Arbitration

- DuPont de Nemours, Inc. and Corteva, Inc. in a AAA arbitration and related litigation in a dispute originating from the spin-off of Chemours from E. I. du Pont de Nemours and Company;
- a REIT in a AAA arbitration in connection with a contract dispute with a hotel management company;
- a helicopter manufacturer in connection with a CPR arbitration relating to certain intellectual property rights; and
- the trustees of Commonwealth REIT in a two-week arbitration arising out of efforts by an activist hedge fund to take control of the trust, which resulted in an award by the arbitration panel invalidating the hedge fund's consent solicitation.

Ms. Kuck frequently writes and speaks on international arbitration and cross-border litigation topics, and is a recipient of the Burton Award for Legal Achievement, which recognizes excellence in legal scholarship.

She is a former member of Skadden's Policy Committee, the firm's governing body, was the firm's first global attorney development partner, and currently co-leads the firm's Alumni Relations efforts and serves on the firm's Pro Bono Committee. She also serves on the board of trustees of Hamilton College.

Publications

"Latin America Dispute Resolution Update," *Skadden, Arps, Slate, Meagher & Flom, LLP*, Recurring publication

"US Courts Gain Prominence as 'Anchor' Forum for Enforcing International Arbitration Awards," *Skadden's 2021 Insights*, January 26, 2021

"Commercial Litigation in New York State Courts, Fifth Edition," Chapter 70, Co-Author, *Thomson Reuters*, 2020

"Sidestep COVID-19 Judicial Logjams by Converting Litigation to Arbitration," *Skadden, Arps, Slate, Meagher & Flom, LLP*, April 16, 2020

"Enforcing International Arbitration Awards: US Courts Achieve Prompt and Efficient Enforcement, With Safeguards," *Skadden's 2020 Insights*, January 21, 2020

"The Supreme Court and Evolving Arbitration Jurisprudence," *Skadden, Arps, Slate, Meagher & Flom, LLP*, September 26, 2019

"International Arbitration Community Turns Its Focus to Cybersecurity," *Skadden's 2019 Insights*, January 17, 2019

“Decisions, Decisions: Leading Cases on the Supreme Court’s 2018 Business Docket,” *U.S. News – Best Lawyers “Best Law Firms” 2019*, December 2018

“‘Home Country’ Arbitration Clauses — Worth The Trouble?”
Law360, February 12, 2018

“Growing Acceptance of Arbitration in International Commercial Financial Transactions.” *Skadden, Arps, Slate, Meagher & Flom, LLP*, January 23, 2018

“Business And Human Rights Movement Spurs New Initiatives,”
Law360, March 5, 2017, Co-Authored with Julie Bedard and Timothy G. Nelson

“US Supreme Court to Decide Whether Foreign Defendants May Be Served by Mail,” *Skadden, Arps, Slate, Meagher & Flom, LLP*, January 24, 2017

“New D.C. Circuit Ruling Impacts International Arbitration,”
Law360, October 13, 2016

“RJR Nabisco’ and the Future of Extraterritoriality,”
The National Law Journal, July 4, 2016