

Partner, New York

International Litigation and Arbitration



T: 212.735.2442
F: 917.777.2442
john.gardiner@skadden.com

Education

LL.B., University College Dublin, 1984

Bar Admissions

New York

Roll of Solicitors, Republic of Ireland, 1988

Roll of Solicitors, England and Wales, 1998

U.S. Court of Appeals for the Federal Circuit

Associations

Executive Committee, New York International Arbitration Center

Singapore International Arbitration Users Council

United States Council for International Business

International Council for Commercial Arbitration

Institute for Transnational Arbitration

John L. Gardiner is global head of Skadden's International Litigation and Arbitration Group. He concentrates his practice in the resolution of complex, high-exposure, multijurisdictional disputes before leading arbitral institutions as well as before federal and state courts in the United States.

Mr. Gardiner repeatedly has been listed in *Chambers Global: The World's Leading Lawyers for Business*, *The Best Lawyers in America*, *International Who's Who of Commercial Arbitration* and *Chambers USA: America's Leading Lawyers for Business*.

Mr. Gardiner's extensive litigation, arbitration and mediation experience covers a wide range of disputes in the energy, insurance/reinsurance, telecommunications, construction, auditing and accounting, and finance sectors. He also has acted as arbitrator in complex international corporate disputes and as mediator in intricate corporate and partnership separation situations. He has participated as counsel in many successful mediations and expert proceedings both internationally and domestically.

Mr. Gardiner's experience includes representing claimants and respondents in numerous international arbitral proceedings. Select experience representing claimants in arbitral proceedings includes:

- three claimants in an UNCITRAL arbitration against the Republic of India under the Mauritius-India BIT concerning an investment by investors in India's satellite/space telecommunications sector;
- an Indian satellite and telecommunications company in an ICC arbitration seated in New Delhi against an Indian space agency regarding an investment valued in excess of \$1.4 billion;
- a Japanese company in a LCIA arbitration seated in London arising out of respondent's failure to comply with its contractual obligations valued in excess of \$2.5 billion;
- Starr Investments Cayman, II, Inc. in two parallel HKIAC-administered arbitrations arising from Starr's investment in China MediaExpress Holdings, Inc., formerly a publicly traded company created through a reverse merger with a Delaware company;
- a major U.S. energy company in an ICC arbitration involving a power plant in Brazil;
- a major U.S. energy company in an ICC arbitration concerning certain options rights in joint ventures in Brazil and Suriname;
- the Argentine subsidiary of a major U.S. energy company in a shareholders' dispute before the ICC involving a gas transportation system and processing facility in Argentina;
- a group of U.S.-based insurance agencies in a series of arbitrations before ARIAS, AAA and ad hoc tribunals;
- a Hong Kong-based shipping company in an ICDR arbitration including obtaining a preliminary injunction in aid of arbitration from the state courts in New York;
- a worldwide natural gas company in an ICC arbitration arising out of the construction of a gas pipeline in Colombia;

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- a client in an ad hoc arbitration arising out of a joint venture for the construction and operation of a power project in Brazil;
 - the owner of a large power plant in Indonesia in an arbitration before the Singapore International Arbitration Centre (SIAC) against its principal coal supplier for breach of an exclusive fuel supply contract for one of the first independent power projects in Indonesia;
 - a major insurance underwriting agency in an ad hoc arbitration venued in London involving an agency dispute with an aviation and aerospace insurance business in the United Kingdom;
 - a European developer and producer of automobile safety equipment in an ICC arbitration in Switzerland involving the misappropriation of confidential and proprietary knowledge in the automotive industry; and
 - a U.S.-based technology company in a \$350 million ICDR/AAA arbitration involving an intellectual property dispute over the failure to properly protect proprietary information.

Select experience representing respondents in various international arbitral proceedings includes:

- a large Polish conglomerate in an ICC dispute brought by a U.S.-based venture capital firm;
- a leading international vehicle rental business in a post-acquisition dispute with a French bank before the ICC;
- an Indian financial institution in an ICDR arbitration venued in New York;
- an Irish bank in arbitration proceedings under ICDR rules relating to failed hotel investments in New York City;
- a Brazilian investor in a \$200 million-plus ICDR/AAA arbitration dispute with a U.S. company concerning a sugarcane product; and
- an LCIA insurance arbitration claim in connection with litigation in the U.S. over alleged art fraud.

Select experience representing clients in federal and state courts includes:

- Starr International Company, Inc. in a takings case against the United States government in the U.S. Court of Federal Claims seeking recovery of in excess of \$40 billion;
- a major U.S. medical device company in federal court litigation to compel its counterparty to close a multibillion-dollar merger;

- a leading U.S. bank in litigation in federal and state court to recover for fraudulent inducement to contract and breach of warranty in connection with its purchase of a business from a leading Japanese conglomerate;
- a former director and officer of a major international insurance company in shareholder derivative litigation before the Delaware Court of Chancery;
- a leading U.S. accounting firm in securities class actions and accounting malpractice actions in state and federal court throughout the United States; and
- Crown Limited and a leading Australian casino company in a lawsuit arising out of a failed hotel and casino project in Las Vegas.

Mr. Gardiner's recent representations have included, among others, Maurice R. Greenberg; Starr International Company, Inc.; C.V. Starr; Devas Multimedia Private Limited; and CC/Devas (Mauritius) Ltd.

Publications

"United States," *PLC Cross-border Arbitration Handbook* (2011/12)

"Arbitration Panel Holds That the 1994 Energy Charter Treaty Protects Foreign Energy Sector Investments in Former Soviet Union," *Skadden, Arps, Slate, Meagher & Flom LLP* (February 5, 2010)

"Recovery of Attorneys' Fees in International Arbitration: The Duelling 'English' and 'American' Rules," *Global Arbitration Review* (November 2009)

"United States Supreme Court to Review Availability of 'Class Action Arbitration' Where the Arbitration Clause is Silent"?, *Skadden, Arps, Slate, Meagher & Flom LLP* (June 18, 2009)

"Enforcing Arbitration Agreements Amid Multi-Jurisdictional Litigation," *Global Arbitration Review: The Arbitration Review of the Americas 2009*, co-authored with Timothy G. Nelson

Lectures and Presentations

"Witness Preparation in International Arbitration," ICCA 2010 Conference, Rio De Janeiro, Brazil (May 2010)

"Multi-Party Disputes and Joinder in International Arbitration," ICCA 2008 Conference, Dublin, Ireland (June 2008)