Christopher S. Herlihy

Skadden

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Litigation



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Education

J.D., University of Virginia School of Law, 2018

B.A., University of Notre Dame, 2013 (*cum laude*)

Bar Admissions

District of Columbia

Virginia

U.S. District Courts for the District of Columbia and the Eastern District of Virginia

U.S. Courts of Appeals for the District of Columbia and Second Circuits

Christopher Herlihy represents companies and individuals in a wide range of complex civil litigation in federal and state courts nationwide. He also has experience counseling clients in connection with investigations conducted by the Securities and Exchange Commission (SEC) and Department of Justice (DOJ).

Mr. Herlihy's practice includes representing both plaintiffs and defendants in high-stakes litigation, as well as in complex matters that involve parallel criminal, civil and government proceedings. He has advised clients in a variety of industries, including financial services, energy, manufacturing, media and health care. He has experience across all phases of litigation, including discovery, brief writing, oral argument and appellate proceedings.

Mr. Herlihy has broad experience representing international litigants in U.S. civil proceedings, helping to craft defense strategies tailored to the unique challenges facing companies headquartered outside the U.S. He has advised a wide range of clients in cases involving various issues, claims and legal theories, including claims brought under (or otherwise involving) the Antiterrorism Act of 1990 (ATA), the Racketeer Influenced and Corrupt Organizations Act (RICO), the False Claims Act (FCA), the Foreign Sovereign Immunities Act of 1976 (FSIA) and state common laws.

Mr. Herlihy has particular experience representing petitioners in actions brought in U.S. courts to recognize and enforce foreign arbitration awards and/or judgments in U.S. courts, including in proceedings brought pursuant to the Convention on the Settlement of Investment Disputes Act of 1966 (ICSID Act), the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention), as statutorily enacted by the Federal Arbitration Act (FAA), and state analogues of the Uniform Foreign-Country Money Judgments Act.

In addition to his experience as a litigator, Mr. Herlihy has experience counseling clients in connection with U.S. government investigations — including those that implicate complex cross-border issues — and corporate internal investigations. In particular, Mr. Herlihy has represented clients at the factfinding, advocacy and settlement phases of investigations conducted by the Securities Exchange Commission (SEC) and Department of Justice (DOJ).

Representative civil litigation matters include:

- Toshiba Corporation in connection with the successful voluntary dismissal, with prejudice, of federal litigation relating to putative class action claims arising from the abandonment of two nuclear power units in South Carolina
- a global industrial company in defending a series of federal lawsuits asserting claims under the Antiterrorism Act of 1990 (ATA)
- a U.S. trust and other related individuals and entities in multiple actions associated with a long-standing dispute regarding the terms of the trust and billions in asset transfers thereto
- a non-U.S. corporation and its subsidiaries in a novel federal lawsuit that sought to enjoin internal enforcement proceedings initiated by an international organization
- a foreign financial institution in affirmative litigation arising from cybersecurity-related issues
- advising third parties associated with high-net-worth individuals with regard to a high-profile defamation action

Representative foreign award / judgment enforcement matters include:

- Enka Renewables LLC in successful proceedings before the U.S. District Court for the District of Columbia to recognize and enforce a foreign arbitration award obtained against Georgia currently valued at nearly $450 million
- Dutch affiliates of NextEra Energy, in successful proceedings before the U.S. District Court for the District of Columbia to recognize and enforce an approximately €290 million ICSID award obtained against the Kingdom of Spain arising from violations of the Energy Charter Treaty
- a Luxembourg-based company in successful proceedings before the U.S. District Court for the District of Columbia to recognize and enforce an ICSID award obtained against the Kingdom of Spain arising from violations of the Energy Charter Treaty and currently valued at over $62 million
- ICS Inspection and Control Services Ltd. in an action before the U.S. District Court for the District of Columbia to recognize and enforce a foreign arbitration award obtained against the Republic of Argentina currently valued at over $220 million
- Alcazar Capital Partners Co. in an action before the U.S. District Court for the Southern District of New York to enforce a $490 million judgment obtained in the Courts of Kuwait, as well as in related appellate proceedings before the U.S. Court of Appeals for the Second Circuit

Representative government enforcement and internal investigation matters include:

- Clear Channel Outdoor Holdings, Inc. in an investigation by the DOJ and SEC into FCPA issues involving a former Chinese subsidiary that resulted in a favorable SEC settlement while the DOJ declined to pursue charges
- a large real estate investment trust in an SEC investigation involving certain commercial real estate sales transactions, in which the SEC closed the investigation without action