

Partner, London

International Litigation and Arbitration



T: 44.20.7519.7288
F: 44.20.7072.7288
david.kavanagh@skadden.com

Education

College of Law, Guildford, 1989

B.A. (Hons), University of Durham,
1988

Bar Admissions

Queen's Counsel

Solicitor Advocate, England & Wales

Associations

London Court of International
Arbitration

International Bar Association

David Kavanagh QC is co-head of Skadden's Global International Litigation and Arbitration Group. Based in the London office, he focuses on international arbitration and cross-border litigation. Mr. Kavanagh has acted on some of the world's largest and most complex arbitration disputes as ranked by *The American Lawyer*, which also has named him Global Lawyer of the Year for 2011 for his representation of AAR (Alfa, Access & Renova) in its US\$16 billion arbitration dispute with BP. The AAR dispute also earned Skadden the *Legal Business* Disputes Team of the Year award for 2012. In addition, Mr. Kavanagh was a part of the Skadden team named International Arbitration Team of the Year at the 2017 *Legal Business* Awards and named among *Law360's* 2016 Practice Groups of the Year for international arbitration.

Mr. Kavanagh has acted on several major investment treaty disputes for both governments and investors. He also has extensive experience in international finance litigation, and his clients include major investment banks and hedge funds, which he regularly represents in High Court litigation. Mr. Kavanagh regularly acts as counsel in arbitrations, which are seated in Paris, Geneva, Zurich, Stockholm, the Hague, Vienna and London. He has extensive experience of managing multijurisdictional court actions in Europe, the Caribbean and the Middle East. Mr. Kavanagh also regularly advises companies on regulatory matters and civil/criminal investigations including advice under the U.K. Bribery Act and the U.S. Foreign Corrupt Practices Act.

Representative matters include, among others:

- acting for Vodafone International Holdings B.V. in its landmark victory against the Republic of India under the Netherlands-India bilateral investment treaty. In its September 2020 award, an UNCITRAL tribunal held that India's attempt to impose a \$5.5 billion liability onto Vodafone and its Indian subsidiary — through retroactive withholding taxes, interest and penalties — was in breach of international law;
- acting for Mr. Gennadiy Bogolyubov in the successful strike out of a US\$380 million civil fraud claim (with associated worldwide freezing orders) brought by oil giant Tatneft in the English High Court;
- acting for AAR (Alfa, Access & Renova) in its dispute with BP over the oil major's attempt to form a US\$16 billion strategic alliance with Rosneft, the state-owned Russian oil company, for the exploration of oil in the Arctic Circle. The dispute involved obtaining an emergency injunction blocking the deal in the High Court and subsequently obtaining an award from an arbitration tribunal seated in Stockholm that the deal was prohibited under the parties' shareholders agreement. Both *Global Arbitration Review* and the *Financial Times'* "Innovative Lawyers Report" recognised Skadden for our innovative role in this representation;
- successfully acting for NTT DOCOMO, Japan's largest telecommunications company, in an LCIA arbitration against Tata Sons, the holding company of Tata Group under an Indian law shareholders agreement. An LCIA tribunal recently awarded NTT DOCOMO US\$1.2 billion in damages;
- successfully acting for the owners of Devas Multimedia Private Limited in a US\$1.6 billion investment dispute with the Republic of India, under the Mauritius-India Bilateral Investment Treaty. The dispute concerns the cancellation of a contract regarding the provision by Devas of satellite and terrestrial audiovisual, broadband and mobile services in India;

- successfully acting for Vivendi against Deutsche Telecom in Europe's largest telecom arbitration; the case relates to a shareholder dispute involving Poland's largest mobile phone operator, which is worth in excess of €2.5 billion, and was brought under the rules of the Vienna International Arbitration Centre. The case also involved related LCIA arbitration proceedings and the successful defence of a challenge to the Tribunal under Sections 67 and 68 of the Arbitration Act;
- acting for United Capital Partners Group on parallel arbitration and multijurisdictional litigation proceedings relating to interests in VKontakte, Russia's largest social online networking service. The matter was settled in September 2014 following the US\$1.47 billion sale of a stake in VK.Com Limited to Mail.Ru Group Limited;
- successfully acting for Anheuser-Busch in High Court proceedings brought against a CVC fund vehicle arising from the acquisition of their Eastern European brewing business; and
- acting for the Slovak Republic in its successful defence of a bilateral investment treaty dispute involving claims in excess of €1 billion (lead advocate), a result named as one of *The American Lawyer's* Top Five Defence Wins in its global survey of international arbitration for 2011-2013.

Skadden's London arbitration practice is ranked in Tier 1 for international arbitration by *Chambers UK* as well as *The Legal 500 UK*. Mr. Kavanagh has repeatedly been included in *The Legal 500 UK's* Hall of Fame, being described as "terrific" and "brilliant."

Publications

- "The Risks Associated With Worldwide Freezing Orders," *Skadden, Arps, Slate, Meagher & Flom LLP*, April 24, 2017
- "UK Serves Notice of Withdrawal From the EU, Triggering Two-Year Negotiation Period," *Skadden, Arps, Slate, Meagher & Flom LLP*, March 29, 2017
- "UK Prime Minister Outlines Objectives for Exiting the EU," *Skadden, Arps, Slate, Meagher & Flom LLP*, January 20, 2017
- "Insights: Brexit," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 28, 2016
- "Cross-Border Investigations Update," *Skadden, Arps, Slate, Meagher & Flom LLP*, May 15, 2015
- "Cross-Border Investigations Update," *Skadden, Arps, Slate, Meagher & Flom LLP*, October 2014
- "The Increasing Appeal and Novel Use of Bilateral Investment Treaties," *Skadden, Arps, Slate, Meagher & Flom LLP*, April 29, 2013
- "UK's Department of Business, Innovation and Skills Proceeds with Private Competition Action Reforms," *Skadden, Arps, Slate, Meagher & Flom LLP*, March 27, 2013
- "Competition Authorities' Growing Support of Damages Actions: A Delicate Balance," *Skadden, Arps, Slate, Meagher & Flom LLP*, February 20, 2012
- "Disclosure Question Ripples Both Sides of the Pond," *Law360*, January 10, 2012
- "National Grid: Disclosure of EC Leniency Materials at Stake," *Skadden, Arps, Slate, Meagher & Flom LLP*, November 29, 2011
- "New ICSID Annulment Decision Exposes Possible Gap in United States Investment Treaty Protection," *Skadden, Arps, Slate, Meagher & Flom LLP*, July 19, 2010
- "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
- "New Arbitral Ruling in Yukos Case Exposes Possible Gaps in Bilateral Investment Treaty (BIT) Coverage for Managed Investment Funds; Important Lessons for Funds Investing in Emerging Markets or Volatile Countries," *Russia/Eurasia Executive Guide*, June 2009