

HERBERT SMITH FREEHILLS WINS BIG AT LEGAL WEEK'S COMMERCIAL LITIGATION & ARBITRATION AWARDS 2019

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Firm news

Herbert Smith Freehills was presented with a number of top prizes at the inaugural Legal Week Commercial Litigation & Arbitration Awards 2019, being named overall winners in two categories and Highly Commended in two others.

Partner Alex Oddy and Senior Associate Fiona Treanor attended the event last night, The Waldorf Hilton, and collected the Insurance Team of the Year award for the firm's work acting for offshore oil industry contractor Single Buoy Moorings (SBM).

The matter, led by Alex, concerned SBM's claim under construction insurances of the Yme platform in the Norwegian North Sea, which was decommissioned having never produced a barrel of oil. It was the largest piece of insurance litigation in the UK courts for many years and featured a Who's Who of heavyweight insurance litigation solicitors and counsel.

Running for more than five years, this extraordinary case reached a full and final settlement in September 2018 with SBM recovering approximately USD390m. It also saw lead partner Alex Oddy and his team deploy successfully a new service within HSF to help clients analyse risk and take better strategic decisions using bespoke decision tree software.

Herbert Smith Freehills IP litigators Partner Sophie Rich and Senior Associates: Alex Freelove, Andrew Wells and Ashley Carlstein also attended the ceremony and were recognised together with Sebastian Moore, Victoria Horsey, George McCubbin, Emma Sherratt and Shula Parry as Legal Week's IP Litigation Team of the Year for the firm's work on the Avastin case.

Herbert Smith Freehills successfully advised F. Hoffmann La-Roche AG and Roche Products Limited (Roche) in a significant High Court victory against Pfizer, in an action concerning Avastin®, Roche's blockbuster treatment for various forms of cancer.

The action centred on whether a UK court should grant a form of negative declaratory relief known as an "Arrow declaration" in circumstances where our client had no relevant patent rights in the UK, and the claimant (Pfizer) intended to use the declarations and judgment solely for the purposes of influencing foreign courts. Ultimately, the court ruled in Roche's favour and refused to grant the declarations.

This case was particularly significant for clarifying the circumstances in which courts may award Arrow declarations. This case tested the limits of the court's discretion because it was the first in the UK where Arrow relief was sought in circumstances where the Claimant accepted that there were no existing or potential future relevant UK patent rights.

Meanwhile, the firm was also successful in the International Arbitration Team of the Year category for its high-profile work for Costa Rica.

The New York-based team representing Costa Rica was led by Christian Leathley, who is Head of the Latin America Group and US Head of International Arbitration for the firm, and included partner Amal Bouchenaki and associates, Florencia Villaggi, Daniela Páez and Lucila Marchini.

Herbert Smith Freehills was co-counsel with the Costa Rica's Ministry of Foreign Trade's ("COMEX") legal team led by Adriana González.

In September 2018, Herbert Smith Freehills, along with COMEX, secured a major victory for the Republic of Costa Rica in arbitration proceedings concerning an investment in a tourism project in Costa Rica's Central Pacific Coast – the "Las Olas Project." The project was shut down when wetlands and forest were discovered on the land, in compliance with local law on protection of the environment. The claimants claimed that Costa Rica breached its obligations under the DR-CAFTA and requested damages in the amount of close to US\$ 100 million. The arbitral tribunal issued unanimously an award dismissing all claimants' claims and ordered the claimants to bear all the costs of the arbitration.

Partner Harry Edwards was also named in the Rising Star category. Lauded by the directories as "a star in the making" and "extremely hard working and clever", Harry trained with Hebert Smith Freehills and became a partner in 2015.

He has carved out an extremely successful career to date. He specialises in heavyweight banking litigation, primarily for the largest investment and commercial banks and securities litigation. Over the last few years he has helped lead teams on two of the biggest such cases in the English courts: The Libyan Investment Authority v Goldman Sachs and The Lloyds/HBOS Shareholder Litigation.

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