

# Morgan Lewis



## **DMITRY IVANOV**

### **PARTNER**

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Dmitry Ivanov specialises in resolution of complex business disputes and controversies, focusing on cross-border and domestic litigation and international arbitration proceedings. Dmitry is included in the arbitration panel of one of the leading arbitration institutes in Russia. A skillful negotiator, Dmitry advises and represents international companies and prominent individuals on a variety of matters and has an ongoing track assisting corporations and private clients.

Dmitry's industry expertise includes dispute resolution in finance, energy, real estate, automotive, general contractual and corporate matters, as well as on bankruptcy and insolvency.

Dmitry also has extensive experience with international compliance matters, including investigations in connection with US FCPA and UK Bribery Act issues. In addition, he also advises on possible criminal sanctions risks and investigations by State bodies related to the businesses of our clients and assists clients in training personnel on related matters.

Another part of Dmitry's practice is contractual and general commercial advice, which fits well in the context of settlement of complex controversies and restructurings.

A native Russian speaker, he is also fluent in English and French.

## **SELECTED REPRESENTATIONS**

### **Arbitration and Cross-Border Enforcement**

- › Representing a major Russian construction company in LCIA arbitration in a multimillion dispute with its former European counterparty over termination of a contract in relation to construction of a high-valued complex in the northwestern region of Russia
- › Acting for a major Russian private bank in London Court of International Arbitration (LCIA) arbitration proceedings and related enforcement proceedings in Eastern Europe to locate and arrest the respondent's assets. As part of the representation we also identified suspicious transactions by the debtor and challenged them in a local court
- › Representing a prominent Russian national, a shareholder in the real estate developer group, in his dispute with majority shareholder. We initiated proceedings in Cyprus to block the ongoing corporate restructuring and enforce the debt repayment claim, leading the case to a settlement

- › Representing a world-leading chemicals producer in arbitration proceedings in 4 parallel cases against its former local distributors and dealers on a number of complex issues arising out of and in connection with the supply agreements and historical business transactions. In the course of these proceedings we also identified possible supplement claims to be pursued in three European jurisdictions in support of the arbitration proceedings
  - › Representing a prominent Russian individual in LCIA arbitration and coordinating parallel litigation proceedings in Cyprus in a multimillion dispute with its former partner under a shares sale-purchase option agreement
  - › Representing the client in two parallel arbitration proceedings in the LCIA for the recovery of the debt from the guarantors for the borrower's obligations, with a parallel enforcement proceedings in the EU and in the Russian state court.
  - › Representing a transportation operator company in a cross-border litigation in Russian and Cyprus over the unfair competitive actions of its former business partner
  - › Acting for a major Russian infrastructure company in an international arbitration under the Rules of the International Court of Arbitration in the International Chamber of Commerce (ICC) and advising on the potential for parallel LCIA proceedings and other offshore jurisdiction issues in relation to a number of related contracts
  - › Stockholm Chamber of Commerce (SCC) arbitration proceedings between one of the largest Russian construction companies and its contracting designing company; the claims centered around the alleged unlawful termination of contract, recovery of monetary funds, lost profit, IP rights violation, and obligation to halt the construction of the building
  - › Acting for a major Russian construction company in LCIA arbitration proceedings in a high-value dispute with its contractor arising out of the construction contract for the gas pipeline in southern Russia. The \$60 million dispute relates to the costs of works, the standby time for the sea vessels, and the defects in the works performed
- Representing a European businessman in a dispute out of an unsuccessful joint venture with its former partner, a prominent Russian businessman and former high-ranking official, in an LCIA arbitration
- › Advising (in LCIA, International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation (ICAC), and Russian state court proceedings) a BVI company affiliated with a large Russian bank on issues related to the breach of trust, which resulted in breach of loan agreements
  - › Advising the Moscow city's entities in a settlement of a dispute with an Austrian-German utilities and infrastructure company related to a public-private partnership (PPP) contracts for the construction of a water purification plant in southern Moscow and a waste-management facility. Our work ranged from litigating the contract terms to novation and ultimate M&A transaction for the sale of the company

### **Russian Litigation and Insolvency**

- › Representing the client in large-scale bankruptcy dispute against the claims brought by a Russian bankruptcy receiver. The claims arose from the client's prior relations with a Russian debtor, who owned a large subsoil development business. The Russian bankruptcy receiver brought several lawsuits against our client, seeking invalidation of transactions and subsidiary liability as of an alleged controlling entity
- › Representing the largest oil servicing company in Russia in a bankruptcy of its counterparty, combined with the internal investigation of the business activity of the latter for the past three years, and the unwinding of existing financial schemes that led to the company's insolvency
- › Representing a branch of an international oil servicing company in Russia in a bankruptcy of its counterparty and its parent company. This bankruptcy was mentioned among the top 5 largest bankruptcy cases in Russia at the time

- › Representing a Russian subsidiary of an international media & entertainment corporation in relation to the contractual claim brought by its former counterparty which tried to invalidate contract termination
- › Representing foreign investors and bondholders in a complex dispute with a Russian real estate developer over the non-payment of a multimillion loan. The complex proceedings included representing clients in two bankruptcy proceedings (including securing the clients' interest with the creditors' register, challenging the debtor-friendly creditors and the receiver's actions, and investigating corporate relations)
- › Representing a US nonprofit that owns the first-level Cyrillic web domain in a dispute with a regional Russian company over the alleged breach of intellectual property (IP) rights and trademark violation
- › Advising a major international oil company in relation to a carrier's collision-related litigation in Russian courts
- › Representing a large European cement producer in a complex high-profile bankruptcy of its former Russian subsidiary and in a number of related disputes involving claims for liability against its former directors and shareholders
- › Representing a Russian chemical producer in a dispute with its former shareholder over the restoration of the ownership of shares and violation of its rights
- › Representing a joint venture mining company in the Federal Antimonopoly Service of Russia in a dispute with a regional Russian Subsoil Use Department to challenge decisions of the latter and be admitted to the auction over a golden ore field license

### **Corporate and Restructuring**

- › Representing a Russian major pharma company in a dispute with a partner in a joint venture in the Middle East. The controversy arose several years after the launch of a JV causing a chain of events, upon which our client obtained a disclosure order against its partner and escalated the deadlock resolution option, which resulted in a buy-out of its JV partner. We have been instrumental in negotiations with the other side to finding and securing a commercial solution
- › Advising the client in a controversy with a UAE-based pharma company in relation to supply of Covid-19 tests and studies. The contract provided for an LCIA arbitration in London. The claim was based on the allegations of quality issues and timing for supplies.
- › Representing and advising a prominent Russian businessman, in his dispute with majority shareholder. As a result of a settlement achieved we managed to re-negotiate the terms of the payment and the transfer of certain assets in exchange for the novation of our client's claims – which led to a successful settlement of the case.

### **Compliance**

- › Advising a major Russian energy company in internal investigation of possible FCPA/UK Bribery Act/Russian anti-corruption violations and public inquiries related to allegations of abuse of state procurement tenders, smuggling, fraud, and corruption, which involved close cooperation with Cyprus, the British Virgin Islands, and Panama counsels and the resolution of related complex matters of data privacy and state secret laws, customs, and export control regulations
- › Advising an international car manufacturer on an internal investigation related to the business of its Russian subsidiary and its regional dealers. Work included investigation of the dealer's business, its compliance observance, interviews with the top managers, and obtaining conforming information from other dealers in Russia
- › Advising a major Russian energy company during an internal investigation of possible FCPA/UK Bribery Act/Russian anti-corruption violations and public inquiries based on allegations of abuse of state procurement tenders, smuggling, fraud, and corruption. Work included multiple interviews in Russia, collection and review of over one million documents by a cross-offices team. Our work included close cooperation with Cyprus, BVI and Panama counsels.

- › Advising an international entertainment corporation over the internal protocol and procedures to follow in case inspections and interactions with State authorities.
- › Conducting a compliance investigation of a large, US-listed Russian company addressing US Foreign Corrupt Practices Act (FCPA) and Russian criminal law issues, including extensive review of financial and commercial transactions and interviews with employees to discover possible irregularities
- › Acting for a key shareholder of a major Russian infrastructure and energy company in a dispute with a former financial director of its home office. The resolution of the dispute included international arbitration under the Rules of the International Court of Arbitration in the International Chamber of Commerce (ICC) seated in Zurich, Switzerland and advising on the potential related proceedings in relation to a number of related contracts. We also successfully arranged for a discovery proceedings in Cyprus to obtain documents and evidence withheld from our client
- › Advising an international company in an FCPA investigation related to the business of its Russian chain of resellers, including checks of the compliance observance by the resellers, interviews with top managers, and document reviews

## **AWARDS AND AFFILIATIONS**

Recognized, Best Law Firms for Dispute Resolution: International Arbitration: Commercial Litigation (Recommended), *Leaders League and Décideurs* (2021)

Russia's Investigations Bar, *Global Investigations Review* (2020)

Recognized, International Arbitration, Moscow, *The Best Lawyers in Russia* (2021)

Next Generation Partner, Dispute Resolution, Russia, *The Legal 500 EMEA* (2020)

Recommended, Dispute Resolution: Litigation, Russia, *The Legal 500 EMEA* (2019, 2020)

Recommended, International Arbitration, *Pravo.ru-300* (2020)

Recommended, Dispute Resolution: Arbitration and Mediation, Russia, *The Legal 500 EMEA* (2019)

Panel arbitrator at the Arbitration Center at the Russian Union of Industrialists and Entrepreneurs

## **ADMISSIONS**

- › Eligible in the Russian Federation

## **EDUCATION**

- › Moscow State Institute of International Relations, 2004, LL.B., Jurisprudence
- › Moscow State Institute of International Relations, 2005, LL.M., International Law
- › École Nationale d'Administration, France, 2007, M.P.A.

## **SECTORS**

- › Energy
- › Retail & eCommerce
- › Financial Services
- › Real Estate

## **SERVICES**

- › Capital Markets & Public Companies
- › Bankruptcy & Restructuring
- › Intellectual Property Litigation
- › White Collar Litigation & Government Investigations
- › Commercial Litigation
- › International Arbitration
- › Litigation, Regulation & Investigations
- › Corporate, Finance & Investment Management

## **REGIONS**

- › Europe