Deal Litigation: Trends and Tactics
(CBIC Series B: The Future of M&A)

Date: May 8, 2015, Friday
Time: 15:30 to 17:00
Duration: 90 minutes
Venue: Theater 2
Committee: Cross Border Investment Committee with the ABA’s M&A Committee’s “Deal Litigation Task Force” (Joint session)

Synopsis: From indemnification claims to purchase price disputes, buyers, sellers and other parties to negotiated acquisitions are increasingly resorting to disputes to resolve often-thorny issues. What is clear and concise to a transactional lawyer can be hopelessly confusing and ambiguous in the hands of a litigator, judge or arbitrator. Words matter... until they don’t. With the added dimensions of different laws, practice, and cultures, a cross-border deal often presents even more challenges. This panel will explore some of the most common and challenging issues in private company litigation, including:

- Letters of intent that unintentionally morph into binding agreements
- Purchase price adjustments that virtually guarantee a post-closing dispute
- Representations and warranties that win the “Most Likely to be Litigated” popularity contest
- Fraud claims based on statements outside the four-corners in the definitive agreement

Moderator:
- Wilson Chu
  U.S.A.
  Vice-Chair, Mergers & Acquisition Committee, American Bar Association
  Partner, K & L Gates LLP
  http://www.klgates.com/wilson-chu/
  e-mail: wilson.chu@klgates.com

Panelists:
- Mark Johnson
  Hong Kong
  Partner, Debevoise & Plimpton
  http://www.debevoise.com/markjohnson
  e-mail: mdjohnson@debevoise.com

- Ying Liu
  Hong Kong
  Executive Director, APAC Escrow Services, J.P. Morgan, J.P. Morgan
  E-Mail: ying.yl.liu@jpmorgan.com
• Eliot Simpson  
  Hong Kong  
  Partner, Appleby 
  E-Mail: esimpson@applebyglobal.com

• Ian Mann  
  UK/Hong Kong  
  Partner, HARNEYS 
  http://www.harneys.com/people/profile/ian-mann  
  e-mail: Ian.Mann@harneys.com

• Yutaro Kawabata  
  Japan  
  Counsel, Nishimura & Asahi 
  https://www.jurists.co.jp/en/attorney/0188.html  
  e-mail: ykawabata@jurists.co.jp

• Suresh Nair  
  Singapore  
  Director, Head of Litigation, Straits Law Practice LLC 
  e-mail: sureshnair@straitslaw.com.sg