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THINKTANK

International Conference For Promoting Arbitration

# Dispute Resolution in M&A Transactions

## Tactics, Challenges, Defences

**Warsaw, Poland  
Le Meridien Bristol Hotel  
13-14 May 2010**

**TOPICS FOR THE CONFERENCE INCLUDE:**

- Dispute settlement in M&A transactions
- Pre-closing and post-closing disputes
- Disputes concerning representations and warranties
- The ICC model M&A contracts
- Business and public interests in M&A disputes

**WHEN:**

- Thursday, 13 May 2010, 8:00 - 19:00
- Friday, 14 May 2010, 8:00 - 14:00

**WHERE:**

Le Meridien Bristol Hotel  
Krakowskie Przedmiescie 42/44  
00-325 Warsaw, Poland

**WHO SHOULD ATTEND:**

- Arbitrators, law firm attorneys
- In-house counsel
- Venture capital/private equity funds
- M&A legal and business advisors

Project co-financed by the European Union within the European Social Fund



**HUMAN CAPITAL**  
NATIONAL COHESION STRATEGY



**EUROPEAN UNION**  
EUROPEAN  
SOCIAL FUND



# THURSDAY, 13 MAY

8:00 - 9:00

## REGISTRATION AND CONTINENTAL BREAKFAST BUFFET

9:00 - 9:10

## WELCOME FROM THE CONFERENCE CO-CHAIRS

Dr. Beata Gessel-Kalinowska vel Kalisz, Gessel Attorneys at Law,  
Vice President of the Lewiatan Court of Arbitration, Poland  
Yulia Andreeva, Debevoise & Plimpton LLP, USA

9:10 - 9:40

## OPENING REMARKS

Dr. Andrzej Kremer, Deputy Minister of Foreign Affairs of the Republic  
of Poland

Dr. Henryka Bochniarz, President of the Polish Confederation of Private  
Employers Lewiatan

Prof. Andrzej Szumański, Jagiellonian University,  
President of the Lewiatan Court of Arbitration

9:40 - 11:00

## MEANS OF DISPUTE SETTLEMENT IN M&A TRANSACTIONS: DOES ARBITRATION HAVE COMPETITORS?

### Moderator:

Prof. Dr. Gerhard Wegen, Gleiss Lutz, University of Tübingen  
Law School, Germany

### Speakers:

Frederick R. Fucci, Arnold & Porter LLP, USA

Sarah François-Poncet, Chanel, France

Simon Greenberg, Deputy Secretary General of the ICC International  
Court of Arbitration, France

Murray Rosen QC, Herbert Smith LLP, UK

Prof. Stanisław Sołtysiński, SK&S, Poland

11:00 - 11:20

## BREAK

11:20 - 12:40

## TRAVELLING IN THE FAST LANE: RESOLUTION OF PRE-CLOSING DISPUTES

### Moderator:

Wendy J. Miles, WilmerHale, UK

### Speakers:

Hans G. Bagner, Vinge Kb, Sweden

Dr. Alice Broichmann, P+P Pöllath + Partners, Germany

Bartosz Krużewski, Clifford Chance, Poland

Prof. Dr. Henry Peter, Peterlegal S.A., Switzerland

12:40 - 14:00

## LUNCH

### Welcome speech:

Piotr Nowaczyk, Salans LLP, Member of the ICC International Court  
of Arbitration, Poland



# THURSDAY, 13 MAY

**14:00 - 15:20**

## **SETTLEMENT OF POST-CLOSING DISPUTES: A DIFFERENT PACE?**

### **Moderator:**

Dr. Karl J.T. Wach, Wach + Meckes LLP, Germany

### **Speakers:**

Prof. Jesús Almoguera, Partner, Ashurst LLP,  
Comillas University Madrid, Spain

Cyrus Benson, Gibson Dunn & Crutcher LLP, USA

Justin Michaelson, SJ Berwin LLP, UK

Tomasz Wardyński, Wardyński & Partners, Poland

Prof. Dr. Irene Welser, CHSH, Austria

**15:20 - 15:40**

## **BREAK**

**15:40 - 17:00**

## **CASE STUDY: DISPUTES CONCERNING REPRESENTATIONS AND WARRANTIES**

### **Moderator:**

Dr. Beata Gessel-Kalinowska vel Kalisz, Gessel Attorneys at Law,  
Vice President of the Lewiatan Court of Arbitration, Poland

### **Speakers:**

Charles Adams, Hogan & Hartson, Switzerland

Prof. Dr. Siegfried H. Elsing, Orrick, Germany

Alexis Mourre, Castaldi Mourre & Partners, Vice President of the ICC  
International Court of Arbitration, France

Dr. Rudolf Tschäni, Lenz & Staehelin, Switzerland

Vilija Vaitkutė Pavan, LAWIN, Lithuania

**19:00**

## **RECEPTION AND CHOPIN RECITAL**

Royal Łazienki Park, Warsaw



## Dispute Resolution in M&A Transactions

Tactics, Challenges, Defences

# FRIDAY, 14 MAY

8:00 - 9:00

### CONTINENTAL BREAKFAST BUFFET

9:00 - 9:20

### MODEL M&A CONTRACTS DRAFTED BY THE INTERNATIONAL CHAMBER OF COMMERCE (ICC): HISTORY, OBJECTIVES, ACHIEVEMENTS

#### Speaker:

Dr. Cristina Martinetti, Buffa, Bortolotti & Mathis, Italy

9:20 - 10:40

### PROTECTING BUSINESS INTERESTS IN M&A DISPUTES: CONVERSATION WITH IN-HOUSE COUNSEL

#### Moderator:

Dr. Philipp Habegger, Walder Wyss & Partners, Switzerland

#### Speakers:

Barbara Porayska-Pomsta, Carrefour Polska, Poland

Pedro Serret Salvat, Adecco Group, Switzerland

Marvelle Sullivan, Novartis, Switzerland

10:40 - 11:00

### BREAK

11:00 - 12:20

### PROTECTING PUBLIC INTEREST IN M&A TRANSACTIONS: DISPUTES INVOLVING STATES OR STATE ENTITIES

#### Moderator:

Yulia Andreeva, Debevoise & Plimpton LLP, USA

#### Speakers:

Juliet Blanch, McDermott Will & Emery LLP, UK

Elżbieta Buczkowska-Krzyśków, Prokuratoria Generalna  
(State Treasury Solicitors' Office), Poland

Barton Legum, Salans LLP, France

Sophie Nappert, 3 Verulam Buildings, UK

Prof. Jerzy Rajski, Warsaw University, Poland

12:20 - 12:40

### CLOSING REMARKS

12:40 - 14:00

### LUNCH



# INFORMATION

## **VENUE:**

**Le Meridien Bristol Hotel  
Krakowskie Przedmiescie 42/44  
00-325 Warsaw, Poland**

## **ACCOMMODATION:**

A limited number of rooms has been reserved at discounted rates until 31 March 2010.

To book your accommodation please contact Le Meridien Bristol Hotel  
tel.: +48 22 551 1000 or e-mail: [bristol@lemeridien.com](mailto:bristol@lemeridien.com)  
(booking code: LEWIATAN)

## **FEE:**

The conference is financed by the European Union. There is no fee for attending the conference.

Travel, accommodation and other expenses are paid by the participants.

## **FOR MORE INFORMATION PLEASE CONTACT:**

Ms. Agnieszka Różalska,  
Tel. +48 22 565 18 24  
e-mail: [conference@arbitrationcourt.org.pl](mailto:conference@arbitrationcourt.org.pl)  
[www.arbitrationcourt.org.pl](http://www.arbitrationcourt.org.pl)

# REGISTRATION FORM

Registration must be submitted to the Lewiatan Court of Arbitration by 30 April 2010.

**On-line registration:**

[www.arbitrationcourt.org.pl](http://www.arbitrationcourt.org.pl)

**Or:**

Please complete the below registration form and send by  
e-mail: [conference@arbitrationcourt.org.pl](mailto:conference@arbitrationcourt.org.pl)  
or fax: +48 22 565 20 95

**FEE:**

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## Registration Form

☐ Yes, I am registering for the conference "Dispute Resolution in M&A Transactions (Tactics, Challenges, Defences)" Warsaw, Poland, Le Meridien Bristol Hotel, 13-14 May 2010.

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Family Name, First Name, Title

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Company/Institution

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Street

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Postcode / City / Country

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Tel.

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Fax

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E-mail

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Professional Title/Position

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Signature

☐ I agree that my name and address may be registered electronically by the Lewiatan Court of Arbitration and that the Lewiatan Court of Arbitration may inform me about future programs by mail, fax or e-mail. Please note that the number of participants is limited. Your registration will be subject to further confirmation.