

White and Williams Team Prevails in Enforcement of Foreign Arbitration Award

6.4.19

On June 4, 2019, the Second Circuit affirmed a judgment entered in favor of White and Williams client Tianjin Port Free Trade Zone International Trade Service Co., Ltd. (Tianjin Port Free) that confirmed a foreign arbitration award entered by the China International Economic Trade Arbitration Commission (CIETAC). Our client is a Chinese company that sold goods to a U.S. company. Despite receiving the goods, the U.S. company failed to pay Tianjin Port Free. As was required by the parties' contract, Tianjin Port Free commenced an arbitration before CIETAC in China, but the U.S. company refused to participate in that proceeding. When our team filed a Petition to Confirm Foreign Arbitration Award in the Eastern District of New York, the U.S. company denied receiving notice of the arbitration and claimed that its signature was forged on the contract. Applying the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the district court held that the U.S. company failed to carry its heavy burden to prove the notice and forgery issues. The Second Circuit affirmed the district court's decision only one week after oral argument. This result was particularly noteworthy because our client did not anticipate any U.S. court would confirm a Chinese arbitration award as a judgment.

Tom Fiddler and Eric Porter represented Tianjin Port Free in this case. Eric argued the appeal before the Second Circuit. The underlying arbitration was handled by the Winners Law Firm, the Tianjin-based law firm with which White and Williams has a strategic alliance.