



## O'MELVENY & MYERS LLP

### David Foster

**PARTNER**



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**David Foster** is a partner in O'Melveny's London office, a member of the International Practice, and one of the founders of the Firm's dispute resolution group in London and Europe. David is a Solicitor-Advocate with full rights of audience before the English courts. His practice focuses on complex and high value commercial arbitration and litigation cases, usually involving a significant international element. David has particular experience acting in disputes in the financial services industry and the offshore, power and energy sectors. He has conducted numerous ad hoc and institutional arbitrations in a variety of European seats, as well as representing clients in the English High Court. David is also an expert in investment treaty law and arbitration, and advises clients on the structuring of investments to obtain the benefit of investment treaty protection as well as the conduct of treaty arbitration claims. He is recognized as a leader in his field in the 2010 edition of *Chambers UK*.

#### Illustrative Professional Experience

- Defending the Government of India in the US\$1.6 billion investment treaty arbitration commenced by GE and Bechtel relating to the Dabhol power station project.
- Acting for Moscow Oil Refinery in a US\$300 million ICC arbitration in London and subsequent applications in the Commercial Court challenging the arbitral award.
- Representing Norwegian Cruise Lines in High Court proceedings arising from a 1.4 billion Euro shipbuilding project relating to two large cruise vessels.
- Acting for a major reinsurance group in connection with negligence claims against a number of professional advisers valued at more than US\$150 million.
- Representing a Greek shipping group in an ad hoc arbitration in London concerning the sale and purchase of a US\$100 million VLCC, and ancillary

proceedings in the Commercial Court seeking injunctive relief under s.44 of the Arbitration Act 1996.

- Acting for a Dutch shipping group to defend a US\$50 million claim in an LMAA London arbitration arising from the termination of a sale and purchase contract for a fleet of 12 vessels.
- Advising a Norwegian offshore energy group in relation to various claims and counterclaims arising from a £450 million engineering construction project.

#### Professional Activities

**Member**, Law Society of England & Wales; London Court of International Arbitration; British Institute of Comparative Law; Chartered Institute of Arbitrators; IBA

**Author**, "International Alternative," Legal Week (July 2006); "Umbrella Clauses — a Retreat from the Philippines?" International Arbitration Law Review (August 2006); "Necessity Knows No Law!": LG&E v Argentina, International Arbitration Law Review (December 2006); "Internationalisation" — Contractual Claims in BIT Arbitrations, European Arbitration Review (2007); Challenges to Arbitrators, European & Middle Eastern Arbitration Review (2008); C v D - The English Court of Appeal Upholds an Anti-Suit Injunction in Support of Arbitration Proceedings, International Arbitration Law Review (April 2008); The Effects of Insolvency on Arbitration Proceedings, European & Middle Eastern Arbitration Review (2009)

#### professional focus

International Arbitration  
Insurance and Reinsurance  
London High Court Litigation  
Europe  
United Kingdom  
Latin America

#### education

**Brasenose College, Oxford  
University, MA (Oxon)**

#### admitted

Solicitor, Supreme Court of England  
& Wales (1997)

#### publications

**New Bribery Act Creates Additional  
Liability Risk for Corporations  
Doing Business in the U.K.** (Foreign  
Corrupt Practices Act Alert)