

Transportation Litigation and Dispute Resolution

The international movement of goods by sea, road, rail or air transport can result in conflict and dispute. Goods may be delayed, damaged or lost. Ship owners may not be paid for their freight or may experience demurrage. Or where a long-standing contract of carriage becomes uncompetitive, re-negotiation can be an attractive option. Disputes relating to passenger transportation can arise, too. An operator may be in dispute with a government or procuring authority over a concessionaire's performance of services or with a supplier over the quality of a product or support services. Or a serious accident may have occurred.

You may be that ship owner, operator, government authority or supplier. You may have reached a point where formal dispute is inevitable or creative engagement might avert it. Your reputation may be at stake and you want to protect it.

You want expert legal support that knows the industry and has a track record of finding solutions—putting your interests first. Support that knows its way around complex transport arbitrations, such as those in London, Paris and New York. Support that can handle economic and technical regulatory disputes or PPP/P3 disputes. Support that gives you answers. Dentons' team has the skills and experience to meet all your requirements.

Don't just take our word for it. As a client said of us in Chambers 2012: "...the work is absolutely excellent, and makes our life much easier—they anticipate what we need."

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Representative Experience

- **World-leading aerospace company:** Acting for a world-leading aerospace company in connection with various Canadian matters.
- **Honolulu Rail:** Representing a coalition of government, business, environmental and historic preservation groups (including the former governor of Hawaii) in litigation over a \$5.5 billion heavy rail line in Honolulu. The case involves several issues arising for the first time under new federal regulations implementing Section 4(f) of the Department of Transportation Act, including requirements for properly evaluating the prudence of alternatives and the role of

Traditional Cultural Properties under the act.

- **Italian motorcycle manufacturer:** Handling investigations by the US National Highway Traffic Safety Administration (NHTSA). The NHTSA probes were triggered by allegations that some motorcycles sold by the manufacturer had defective components. There were claims a faulty fuel injection system could cause "tip-out" stalling, and also claims that fuel tank deformation could lead to fuel leaks. NHTSA investigations determine whether a recall should be issued. In this case, the client strongly denied the allegations and defended the safety of its products. Throughout the investigation process, our team represented the client before the NHTSA successfully, as all open investigations were closed without further action, saving our client significant costs.
- **London Overground:** Advising MTR Corporation and Deutsche Bahn/Arriva on their joint, winning bid to operate the new London Overground Rail Concession awarded by Transport for London. London Overground is effectively a new urban and orbital railway for London, serving 20 London districts, that supported delivery of the London Olympics and Paralympics in 2012, and has significantly enhanced public transport in the UK capital. It has seen £1 billion of investment in new infrastructure and £220 million of new rolling stock. Our work extended to all aspects of the successful bid, including rail commercial and regulatory advice on the entire suite of contractual documentation, and expert advice on rolling stock issues, pensions, real estate, technology, intellectual property and employment. It is an example of advice we have given on bids, mobilizations and operations relating to more than 30 rail franchises/concessions around the world, and helping clients gain market entry and expand their businesses.

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