

# John J. Hay

## Partner



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## Overview

John Hay is a partner in Dentons' New York Office and a member of the International Dispute Resolution group. John has more than 35 years' experience representing domestic and international clients in complex commercial and investment treaty disputes. His practice involves matters in federal and state courts throughout the United States and before arbitration tribunals throughout the world, including the International Centre for Settlement of Investment Disputes (ICSID), the London Court of International Arbitration (LCIA), the International Centre for Dispute Resolution (ICDR) of the American Arbitration Association (AAA), and the International Chamber of Commerce (ICC).

John has arbitrated disputes in a wide variety of areas, including construction, energy, joint ventures, financial services, real estate, and investments in foreign countries. He has represented clients in disputes involving parties from the US, Mexico, Canada, Venezuela, Brazil, England, France, Russia, Lebanon, the UAE, Azerbaijan, Afghanistan, Hong Kong, China, Korea, Egypt, Albania, Switzerland and Panama. He has also served as a party-appointed arbitrator.

In addition, John has extensive experience representing clients in mediations. For more than 10 years, he served as a member of the Panel of Mediators of the US District Court for the Southern District of New York.

## Experience

- Obtained a US\$34 million award in favor of a foreign client in an AAA arbitration of a claim alleging breach of a joint venture agreement under Venezuelan law.
- In two separate cases, represented US clients in LCIA arbitrations against foreign banks to recover clients' investments related to projects in Russia, obtaining awards for the full amounts sought and successfully enforcing the awards in proceedings in the US and abroad.
- Represented two Canadian companies in an ICSID arbitration against the US government based upon violations of the investment chapter of the North American Free Trade Agreement (NAFTA).
- Represents a number of US investors against Egypt under the US-Egypt Bilateral Investment Treaty regarding the government's expropriation of their investments in array of industries, including cotton, including cotton, food processing, investment banking and real estate.

- Represents a Canadian gold mining company in an ICSID arbitration against the Government of Colombia.
- Represented foreign clients in related ICC arbitrations involving disputes concerning funding for two industrial projects in the UAE, obtaining two arbitral awards totaling over US\$62 million.
- Successfully represented a general contractor in a lawsuit in New York seeking more than US\$30 million in damages for extra work and delay costs associated with a contract to construct a 35-mile pipeline in the Long Island Sound, and defended against counterclaims by the owner and claims by numerous subcontractors in excess of US\$40 million.
- Representing an international aviation company in two arbitrations, one before the LCIA and the other before the ICC, against foreign airlines concerning claims of breaches of leasing and maintenance agreements. In one case, obtained a US\$24 million award in client's favor, and in the other, obtained an award in client's favor in excess of US\$14 million.
- Represented a UAE company in an LCIA arbitration against a joint venture partner in a dispute over control of a project to construct operate a steel plant in the UAE, resulting in the partner's removal from the joint venture.
- Represented a foreign investment group against claims brought in an ICC arbitration involving the control and management of an Argentine company.
- Represented a Chinese company in arbitration before ICDR against US company concerning claims in excess of US\$50 million arising from breaches of contract.
- Acted as a party-appointed arbitrator for a major financial institution in a matter involving claims related to the construction/build-out of retail space in a commercial office building.
- Represented minority shareholders of a Delaware limited liability company in an arbitration against the LLC and majority shareholders claiming breach of contract and breach of fiduciary duties. Obtained a settlement in which the claimants received substantially all of the relief sought.
- Represented a foreign client in litigation against the shareholders of a California company involving claims of breach of representations and fraud arising from the client's acquisition of the shares of the company.
- Represented the interest of two Afghan families in Delaware Chancery Court in a dispute concerning the ownership of certain of certain Delaware companies that provided goods and services in Afghanistan, achieving a favorable settlement on the eve of trial.
- Represented a Hong Kong company as defendant in a breach-of-contract case in US federal court in which the plaintiff sought more than US\$50 million.
- Represented an Albanian oil refinery in a consolidated ICC arbitration concerning the disappearance of oil valued at more than US\$26 million, and enforcement of loans totaling over US\$40 million.

## Recognition

### Honors and Awards

- Recognized by *The Legal 500 US* as a "Recommended Lawyer" in International Arbitration, 2019
- Named "Acritas Star – independently rated lawyer" in 2019 and was praised by clients as "a practical litigator, very confident, and a very good risk manager."

## Activities and Affiliations

### Memberships

- International Bar Association
- The Law Society, London, England
- US Supreme Court Bar Association
- American Bar Association
- Federal Bar Council
- New York City Bar Association, International Commercial Disputes Committee

## Areas of focus

### Practices

- International Commercial Arbitration
- Investment Treaty Arbitration
- Litigation and Dispute Resolution
- Alternative Dispute Resolution (ADR)
- Commercial Litigation
- Construction and Engineering Disputes
- Energy Litigation
- Appellate Advocacy
- Fraud, Corruption and Asset Recovery

### Industry sectors

- Construction
- Energy
- Financial Institutions
- Infrastructure and PPP
- Luxury, Fashion and Beauty
- Retail

## Education

- George Washington University, JD, with Honors, *George Washington Law Review*, Member
- State University of New York at Buffalo, BA, honors (*magna cum laude*, Phi Beta Kappa)

## Admissions and qualifications

- Connecticut
- New York

- US Court of Appeals for the District of Columbia Circuit
- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Seventh Circuit
- US District Court for the District of Colorado
- US District Court for the District of Connecticut
- US District Court for the Eastern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of Michigan
- US Supreme Court

## Languages

- English