Proskauer



Contact

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Peter Sherwin is a partner in the Litigation Department, head of the International Arbitration Group, and head of the Commercial Real Estate Litigation Group.

Peter counsels clients in complex cross-border disputes, often involving a joint venture, a licensing or distribution relationship, or an acquisition, most of which are resolved in international arbitration and the rest in federal and state courts in the United States. He has significant experience in the real estate, lodging, pharmaceutical and sports industries and, when necessary, regularly takes cases through evidentiary hearings.

Peter also regularly serves as an arbitrator in proceedings before the International Chamber of Commerce (ICC) and the International Centre for Dispute Resolution (ICDR). He is the U.S. member of the ICC International Court of Arbitration and the Chair of the ICC U.S.A. Arbitration Committee.

Chambers USA and *Chambers Global* rank Peter as one of the top International Arbitration lawyers nationwide, reporting that he "is an elegant and unflappable advocate in challenging situations—he is poised, composed and very articulate" and that he "is a strategist and has the ability to keep an eye on and control the ultimate outcome" and "is amazing at formulating cohesive and well-thought-out arguments."

Matters

Recent and notable matters include representation of:

- A private equity real estate investor in a dispute with the co-owner of a commercial building, involving litigation over redemption of its preferred interest and arbitration regarding removal of the co-owner as manager.
- Condé Nast in an ICC arbitration regarding the license for Vogue Arabia.
- An owner of significant development property in litigation regarding a failed sale, including enforcement of the guarantee and defense of fraud claims.
- Latin American bank in an ICC arbitration against a Western European bank for fraud and indemnification in connection with an acquisition.
- A benchmark data provider in an ICDR arbitration against an index provider and a stock exchange for breach of the exclusivity provisions in the parties' joint venture agreement.
- Accor in its litigation against Millennium & Copthorne Hotels, asserting claims for wrongful termination of the long-term management agreement for the Novotel Times Square.
- ASG Equities in its litigation against Ben Ashkenazy, asserting claims in connection with the parties' investments in real estate across the country and in Canada, including for misappropriating, shifting, and commingling funds.
- Bed Bath & Beyond in its claims for specific performance of 1-800-Flowers' obligation to purchase a business line for $252 million notwithstanding the impact of Covid-19, successfully obtaining a closing at $245 million.
- DXC Technology, the global information technology provider, in a proceeding to vacate the impermissible award of over $80 million in consequential damages to its former client, Kemper.
- Nieuwburgh UK Limited, part of a multi-national manufacturing company, in an HKIAC arbitration in Hong Kong against the purchaser of three subsidiaries, for a declaration of damages regarding the treatment of intercompany

obligations.

- The controlling member of Gansevoort Hotels in a AAA arbitration with the minority member regarding management and financial issues, obtaining a final award after evidentiary hearings accepting controlling member's position in full and granting all requested relief.
- Fairmont Hotels, part of the world’s leading hotel operator AccorHotels, in an ICDR arbitration concerning an owner’s ouster of Fairmont from the operation of two hotels in Acapulco, Mexico, obtaining a full victory finding the termination wrongful and unjustified and awarding all compensatory damages and costs sought.
- Salini Costruttori, the Italian infrastructure construction company, in long-running proceedings to enforce an ICC final award against the Kingdom of Morocco, with the D.C. district court granting Salini’s petition in full and rejecting Morocco’s argument that its own courts’ refusal to enforce part of the award precluded enforcement in the U.S. under the New York Convention, 233 F. Supp. 3d 190.
- TTF Panama, an investment company, in an ICDR arbitration with its joint venture partner, Digicel, concerning the management and conduct of their mobile telecommunications business in Panama.
- ABI Bank Ltd, a Caribbean bank, in an ICC arbitration in Miami brought by Andrade Gutierrez, one of the largest Brazilian construction companies, seeking over $35 million in connection with an airport rehabilitation and long-term bond financing, taking the case through evidentiary hearings and obtaining a complete victory.
- Zilip Pharma, a European biotech company, in an ICDR arbitration against Bayer HealthCare concerning its development of Zilip's technology for a longer-acting hemophilia treatment, taking the case through extensive evidentiary hearings.
- Colgate-Palmolive in a series of ICC arbitrations in Geneva with its Tunisian distributor and local manufacturer arising out of the termination of their business relationship, taking the cases through evidentiary hearings and obtaining complete victories in all proceedings.

- sanofi-aventis in a Swiss Rules arbitration in Zurich under Swiss law with U.S. pharmaceutical company Watson concerning the expiration of distribution and supply rights to a major drug that generates hundreds of millions of dollars in revenue annually, taking the case through evidentiary hearings and prevailing on nine out of ten claims.
- Alexander Ovechkin, the hockey superstar, in the attempt of his prior team, Moscow Dynamo, to bar him from playing for the Washington Capitals, obtaining a complete victory, 412 F.Supp.2d 24.
- Norex Petroleum, a Cypriot-Canadian company, in its RICO suit against TNK-BP and others concerning the ownership of Yugraneft, obtaining reversal of the dismissal for *forum non conveniens*, 416 F.2d 146.
- Jeffrey Loria, the principal owner of the Montreal Expos, in an ICDR arbitration and companion RICO suit brought by his Canadian limited partners, concerning his management of the partnership, the lack of a new stadium in Montreal, and his sale of the Expos and purchase of the Florida Marlins, obtaining a complete victory after lengthy evidentiary hearings.
- J.P. Morgan, as institutional trustee, in litigation brought by Brazilian beneficiaries of a trust, favorably developing applicable New York law, 199 F.Supp.2d 189.

Recent and representative matters as arbitrator include the following:

- Chair of the tribunal in a AAA arbitration regarding the provision of contract services for a Phase 3 clinical study.
- Co-arbitrator in an ICDR arbitration in New York under New York law regarding the provision of contract packing services in Central Europe for product sold in the United States.
- Co-arbitrator in an ICC arbitration in New York under New York law regarding restructuring the governance of a group of companies in Morocco.
- Sole arbitrator in an ICC arbitration in New York under New York law regarding the provision of aircraft for freight shipments from Vietnam to the

United States.

- Chair of the tribunal in an ICDR arbitration in New York under New York law between an Irish software company and a Florida brand development firm concerning the termination of the parties' services and license agreement.
- Co-arbitrator in an UNCITRAL arbitration regarding the provision of transportation services in Africa.
- Co-arbitrator in an ICC arbitration in New York under New York law regarding the termination of a hotel management agreement for a luxury hotel in Central America.
- Co-arbitrator in an international arbitration in New York under Connecticut law regarding the termination of a partner in an international investment bank
- Sole arbitrator in an international arbitration in Washington D.C. between a U.S. distributor and U.S. and Hong Kong importers. and manufacturers regarding claims for wrongful termination of an exclusive distribution agreement and counterclaims for breach of contract.
- Chair of the arbitral tribunal in an international arbitration in London under English law between an English mining company and a Greek mine owner regarding claims for failure to deliver metal concentrates.
- Sole arbitrator in an international arbitration in Toronto under British Columbia law between a Canadian attorney and his Italian and Egyptian former clients regarding claims for failure to pay a contingency fee.
- Sole arbitrator in an international arbitration in Brussels under Zambian law between a Zambian mine services provider and a Zambian mine operator and owner regarding claims for wrongful repudiation of contract, failure to pay, and tortious conduct.
- Chair of the arbitral tribunal in an international arbitration in New York under New York law between an Irish parts manufacturer and a Taiwanese contractor regarding claims for failure to pay and misappropriation of intellectual property.
- Sole arbitrator in an international arbitration in Paris under Portuguese law between an English publisher and a Portuguese business regarding claims for failure to pay for advertising.

Practices

International Arbitration, Real Estate Litigation, Trials, Latin America, Ownership and Operational Issues

Industries

Hospitality, Gaming & Leisure, Asset Management, Private Equity, Real Estate, Real Assets

Education

Columbia Law School, J.D.
Articles Editor, *Journal of Transnational Law*
Washington & Lee University, B.S. and B.A.
magna cum laude
Phi Beta Kappa

Admissions & Qualifications

New York

Clerkships

U.S. District Court, Ohio, Northern District - Hon. Ann Aldrich

Court Admissions

Supreme Court of the United States
U.S. Court of Appeals, Second Circuit
U.S. Court of Appeals, Third Circuit
U.S. Court of Appeals, Fifth Circuit
U.S. Court of Appeals, Ninth Circuit
U.S. Court of Appeals, Tenth Circuit
U.S. District Court, New York, Southern District
U.S. District Court, New York, Eastern District

Memberships

International Chamber of Commerce (Court Member; Chair, ICC U.S.A. Arbitration Committee; member, Commission on Arbitration and ADR)

United States Council for International Business (Board of Directors; Chair, Arbitration Committee)

New York International Arbitration Center (former Vice-Chair)

International Arbitration Club of New York (founding member)

Citizens Union in the City of New York (former Chair, Board of Directors)

New York City Bar (former Vice-President; former member, Executive Committee)

New York State Bar (former member, Executive Committee)

Awards & Recognition

Chambers USA: New York: Real Estate Litigation 2024-2026

Benchmark Litigation: Litigation Star 2022-2026

Chambers Global: USA: International Arbitration 2012-2026

Chambers USA: Nationwide: International Arbitration: Counsel 2009-2026

New York Super Lawyers 2007-2024

Best Lawyers in America 2019-2027

Best Lawyers in France 2020-2026

Government Service

Mayor Bloomberg’s Advisory Committee on the Judiciary

Languages

English, French