



Advising on complex construction disputes

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BGP Litigation — a law firm specialising in resolving complex construction disputes

BGP Litigation specialises in supporting clients in cross-border proceedings and complex disputes in Russia. Our experience in commercial litigation allows us to identify unique legal solutions in various jurisdictions: to simultaneously conduct several complex proceedings and secure our clients' proprietary interests, including at the early stages of proceedings by obtaining provisional measures.

Construction litigation generally represents one of the most common types of disputes. Disputes of that kind have their own set of unique features: they are usually voluminous and complex and that is why their successful resolution often necessitates expert involvement.

Our lawyers have years of litigation experience and all the necessary skills to successfully run litigation projects in the construction industry.

ADVISING ON CONCLUSION AND PERFORMANCE OF CONSTRUCTION CONTRACTS

- Drafting construction contracts
- Negotiating contractual terms
- Managing project teams
- Providing comprehensive support with respect to the execution of a contract at various stages of project implementation
- Developing and implementing contract termination mechanisms (unilateral rescission, termination by mutual consent, etc.)



RESOLVING CONSTRUCTION DISPUTES

- Taking steps to comply with pre-trial dispute resolution procedure
- Litigating disputes arising out of construction contracts
- Challenging actions of state and other bodies exercising public authority in the construction industry (fines, challenges against actions of registrars, failure to comply with a public duty to provide land plots in a timely fashion, issuance of building and commissioning permits, etc.)
- Acting in disputes over title to land plots and other real estate
- Resolving disputes related to unauthorised construction
- Effective and efficient enforcement of court judgments on pecuniary and non-pecuniary claims, changing the method enforcement
- Settling disputes out of court

Key People



Alexander Vaneev
Partner, Attorney —
Dispute Resolution,
International Arbitra-
tion, Bankruptcy



Sergey Lisin
Partner, Attorney —
Dispute Resolution,
Bankruptcy

Relevant Experience

INTERNATIONAL MANUFACTURER OF ELECTRICAL EQUIPMENT

Representing a leading international manufacturer of electrical equipment in a number of litigations against a large company building unique infrastructural electrical power facilities.

Case description:

- A dispute arose regarding the fulfilment by the parties of their obligations under four contracts for the installation of individually designed electrical equipment due to the opposing party's failure to observe payment deadlines in relation to the works undertaken by the client.
- Under three contracts, counterclaims were brought against the client for the recovery of penalties for missing the deadlines for transfer of equipment and its installation.
- The aggregate amount of claims and counterclaims exceeded **4 billion rubles** out of which **1.2 billion rubles** was the amount of counterclaim for the recovery of penalties from the client.

Result:

- Under all four contracts the principal amount for the works undertaken and the penalties for the failure to observe payment deadlines were recovered.
- The courts dismissed the counterclaim for the recovery of penalties in the amount of more than **1.2 billion rubles** from the client.
- The client's negotiating position with respect to other reciprocal obligations to the opposing party has been strengthened.

RUSSIAN TELECOMMUNICATIONS CORPORATION

The firm represented the corporation in a dispute over the delay in the completion of construction works under a government contract. The litigation lasted over 21 months, and the aggregate amount of claims and counterclaims exceeded **650 million rubles**. As a result, the opposing party abandoned its claims and paid the client more than **245 million rubles**.

INTERNATIONAL GROUP OF COMPANIES

Our lawyers of the company defended an international developer in a dispute about the demolition of an unauthorised building located in the centre of Moscow. The building to be demolished was valued at **250 million rubles**. As a result of the work on the project, the claim of a state body for the demolition of the unauthorised building was dismissed.

COMMERCIAL CONSTRUCTION COMPANY

Our team represented a large construction company in a dispute over the recovery of penalties from it for missing work performance deadlines in the amount of **750 million rubles**. Our lawyers successfully proved that the deadlines were missed because of the customer's failure to fulfil part of its obligations under the contract. As a result, the customer's claim was denied in its entirety.

LEADING RUSSIAN DESIGN AND CONSTRUCTION CENTRE

The firm acted for a design and construction centre in a dispute with a subcontractor which had suspended construction works on a military infrastructure facility. As a result of the proposed measures and the filing of a claim for the recovery of the advance payment a settlement agreement was concluded and over **300 million rubles** were recovered from the subcontractor.

Comprehensive Business Protection

The firm BGP Litigation was founded in 2006. The firm is currently employing over 70 lawyers, litigation and criminal attorneys, as well as tax and investment experts. Experience of the Team enables the firm to work efficiently on global projects that require simultaneous support of a significant number of parallel proceedings at various levels and in multiple jurisdictions.

BGP Litigation team has a full range of competencies necessary to protect the interests of the clients, including the coordination of negotiations, support in Russian and cross-border courts, bankruptcy cases and arbitration proceedings, restructuring of the business, international tax advice, support of tax disputes and criminal law defense of business and beneficiaries.

A significant part of the implemented projects has a substantial cross-border element, which includes support during international arbitration disputes and courts, coordination of assets recovery and obtaining of interim measures in various jurisdictions. Global focus, together with Russian presence, allows the firm to find the most effective and cost-efficient solutions for the protection of clients.

Our Practices



Dispute Resolution

Support for complex disputes in Russia and cross-border proceedings



Bankruptcy

Clients' representation in bankruptcy cases, including major cross-border disputes, as well as levying execution upon assets in the Russian Federation and abroad



M&A and Corporate Restructuring

Comprehensive support of M&A transactions, corporate restructuring, and special situations projects resolution



International Arbitration

Client's representation in international commercial arbitration proceedings mainly focusing on complex cross-border disputes



Family Law

Support of family, inheritance and housing disputes, as well as in their settlement by way of mediation



Life Sciences & Technology

Comprehensive support of businesses on all issues of legal regulation of the healthcare industry. Regulatory and transaction support of life science companies



Tax Disputes

Identification and reduction of tax risks, support for field and desk tax audits



International Tax Planning

Analysis of the existing asset holding structures concerning the tax efficiency and potential risks



Antitrust/Competition

Representing clients during antitrust disputes, public procurement, within the frames of the advertising law and the investment in strategic enterprises law



White Collar Criminal Defense

Represents clients in criminal proceedings, with a particular focus on white collar matters and in criminal proceedings against public interests



Attorney investigations

Detection of violations and abuses on the part of the employees, partners, contactors, analysis of the company's risks (projects and transaction)



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