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Another Win for Casino Operator in Singapore

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February 22, 2021 – In the latest win for HHR client Global Gaming Asset Management in a nearly eight-year-long legal battle with a Philippine gaming resort owner, Singapore’s highest court upheld a US \$296 million arbitral award on liability in favor of the Las Vegas-based casino operator.

On Feb. 16, the Singapore Court of Appeal upheld the Singapore High Court’s decision dismissing Bloomberry Resorts’ application to set aside and resist enforcement of the award on liability. Issued in September 2016 by a Singapore-based arbitration tribunal, the liability award declared wrongful Bloomberry’s termination of a contract with Global Gaming to build and operate a five-star casino and hotel in Manila.

Global Gaming first entered into a contract with Bloomberry in September 2011, and was instrumental in launching Bloomberry’s Solaire Resort & Casino in March 2013. But Bloomberry terminated the 10-year management services agreement in September 2013, claiming Global Gaming failed to perform various services. Global Gaming commenced an arbitration in Singapore that same day, arguing that Bloomberry had no contractual right to terminate the deal.

Following the September 2016 liability award, the arbitral tribunal issued a final award in September 2019, ordering Bloomberry to pay Global Gaming US \$296 million in damages.

Bloomberry applied to the Singapore High Court to set aside and resist enforcement of both awards, falsely alleging that Global Gaming and its prior counsel (replaced by HHR) fraudulently misled the tribunal. The Singapore High Court rejected those allegations and upheld the liability award in January 2020 and the final award in May 2020.

In a 51-page opinion, the Singapore Court of Appeal upheld the High Court’s dismissal of Bloomberry’s application to set aside the liability award, rejecting Bloomberry’s fraud allegations.

Bloomberry “produced no authority for the proposition that an award can be ‘tainted’ by fraud when fraud was neither an issue in the arbitration nor involved in an external manner in the procurement of the award,” the appeals court said. “Nor did they give any example of a situation in which an arbitration award was set aside for fraud even though there was no causative link between the fraud and the ultimate award.”

Bloomberry is still seeking to challenge the final US \$296 million damages award as it appealed the High Court’s ruling. A hearing is scheduled for April.

The Singapore Court of Appeal’s decision made headlines in [Global Arbitration Review](#), [Law360](#) and other news sources.

Dan Weiner, Hagit Elul and Meaghan Gragg represented Global Gaming in the arbitration. Assisted by HHR, Drew & Napier and Allen & Gledhill co-represented Global Gaming before the Singapore High Court and Singapore Court of Appeal.

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