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Hughes Hubbard Hits It Big for Casino Operator in Singapore Court

News & Events

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October 18, 2021 – In a conclusive triumph, HHR brought good fortune to Global Gaming Asset Management when Singapore’s highest court upheld a final arbitration award of \$296 million issued in 2019 to the Las Vegas-based casino operator in its decade-long dispute with a premier gaming resort owner in the Philippines.

On Oct. 6, a three-judge panel of the Court of Appeal of Singapore rejected Bloomberry Resorts’ attempt to vacate the arbitral award. The court held that the award was entirely within the scope of the parties’ arbitration agreement, no breach of natural justice had occurred, and its enforcement would not be contrary to the public policy of Singapore.

The ruling affirms a May 2020 decision by the Singapore High Court confirming the arbitrators’ award.

“We find no merit in the appellants’ submissions and dismiss the appeal,” the panel, led by Chief Justice Sundaresh Menon, wrote in its decision.

The court also awarded Global Gaming and its affiliates \$60,000 for the appeal, including disbursements, payable by Bloomberry.

The dispute dates back to September 2011, when Global Gaming entered into a 10-year management services agreement to develop, construct and operate Bloomberry’s new Solaire Resort & Casino, a five-star casino and hotel then under construction in Entertainment City, Manila, Philippines.

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compensation for the wrongful termination, including \$85.2 million for lost management fees and \$15 million in attorneys' fees and court costs.

In January 2020, Judge Belinda Ang Saw Ean of the High Court upheld the partial award on liability and denied Bloomberry's motion to oppose its enforcement, concluding that it had failed to provide "strong and cogent" proof that Global Gaming CEO William Weidner or Paul Hastings – HHR's predecessor counsel in the arbitration – had misled the arbitral tribunal by concealing evidence.

Just four months later in May, Judge Ean also upheld the final award, ruling that a "Constructive Remedy" by which Bloomberry either pay Global Gaming to reacquire the shares or assist it in selling the shares was "not outside the scope of the parties' arbitration agreement," and that the awarding of damages is not contrary to Singapore public policy.

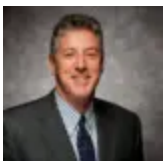
In February this year, the Court of Appeal dismissed Bloomberry's petition to vacate the partial award, ahead of its decisive ruling on the case last week.

"Simply put, nothing in the Remedies Award prevents the appellants from performing their alleged duties as withholding agents and paying any taxes due on the award sums," the court concluded. "Enforcement of the Remedies Award can hardly be said to require the appellants to violate Philippine tax laws. Nor have the appellants provided even a modicum of evidence to demonstrate that the respondents' interpretation of the Remedies Award would violate Philippine tax laws."

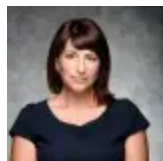
Global Gaming is now engaged in a pitched battle against Bloomberry in the Southern District of New York, where Global Gaming is attempting to enforce its arbitral award.

Dan Weiner, Hagit Elul and Meaghan Gragg represented Global Gaming in the arbitration. Paralegal Nicole Garton also provided assistance.

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Daniel H. Weiner



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