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# Hughes Hubbard & Reed

## HHR Wins Big for Casino Operator With \$296M Award Upheld

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**June 10, 2020** — The firm led Global Gaming Asset Management to a decisive victory when the Singapore High Court upheld a \$296 million arbitration award issued in 2019 to the Las Vegas-based casino operator in a years-long dispute with a premier gaming resort owner in the Philippines.

On May 29, High Court Judge Belinda Ang Saw Ean dismissed Bloomberry Resorts' application to set aside and resist enforcement of the arbitral award, ruling that "the tribunal's factual findings, even if mistaken, are not to be revisited now, for the court is not to intervene to set aside an award on the basis of mere errors of law or fact."

Bloomberry has until June 29 to appeal the decision, which drew headlines in Global Arbitration Review, Law360 and other news sources.

In September 2016, a Singapore-based arbitration tribunal issued a partial award on liability, declaring wrongful Bloomberry's termination of a 10-year management services contract it entered into five years earlier with Global Gaming. Under that contract, Global Gaming agreed to develop, construct and operate Bloomberry's new Solaire Resort & Casino -- a five-star casino and hotel then under construction in Entertainment City, Manila. The tribunal also affirmed Global Gaming's ownership of and right to sell over 921 million shares it held in Bloomberry.

In September 2019, the tribunal issued a final award ordering Bloomberry to pay Global Gaming monetary damages in the amount of \$296 million. As compensation for Bloomberry's wrongful termination, the tribunal awarded Global Gaming \$85.2 million for lost management fees, plus \$391,000 in pre-termination fees and expenses.

In relation to Global Gaming's damages for Bloomberry's wrongful interference with Global Gaming's 921 million shares in Bloomberry, the tribunal ordered Bloomberry to pay Global Gaming \$195 million for those shares. The tribunal also ordered Bloomberry to pay Global Gaming \$15 million in attorneys' fees and court costs and post-award interest at an annual rate of 6 percent, which began 30 days after the award.

In January, Judge Ang rejected Bloomberry's motion to set aside and oppose the enforcement of 2016's partial award, concluding that Bloomberry 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.

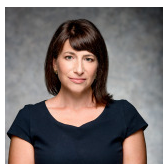
Judge Ang did not waver from her original position in the high court's latest ruling. "The Final Award cannot be set aside or, in the alternative, refused enforcement on the grounds that there was a breach of natural justice, that Bloomberry was unable to present its case or that the arbitral procedure was not in accordance with the agreement of the parties," she wrote in her decision.

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

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**Daniel H. Weiner**



**Hagit Muriel Elul**



**Meaghan Gragg**

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