



## PETER MOSS

Partner

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### EXPERTISE

David Lindsey has practiced law for 22 years and is a founding partner of Chaffetz Lindsey LLP. David represents plaintiff and defendant multinational companies in cross border disputes most often decided by international arbitration tribunals under the rules of the ICDR, the ICC, the LCIA, and other top international arbitral institutions. David also has an active U.S. litigation practice in New York federal and state courts, and he has tried cases in the Florida courts. He is licensed to practice in New York, Florida, and the District of Columbia. His clients are leaders in the power, oil and gas, engineering, manufacturing, automotive sales, franchising, licensing, and pharmaceutical industries, and David has represented them in arbitrations or court proceedings in North and South America, Europe, and Asia.

David also acts both for and against foreign sovereigns concerning, among other things, expropriation of a foreign party's investments, fair and equitable treatment under public international law, breach of a sovereign's obligations under treaty instruments, breach of contract, determination of applicable law, U.S. racketeering laws, and the U.S. Foreign Sovereign Immunities Act. He represents private companies suing sovereigns, but also represents foreign sovereigns, their political subdivisions, agencies, and instrumentalities in U.S. courts in matters arising from enforcement of U.S. trade sanctions.

David's representative matters include:

- representing a foreign sovereign's central bank in U.S. federal district court with respect to a dispute over seized funds;
- representing the People's Republic of China in a RICO action brought against it by the religious group Falun Gong. The court granted the PRC's motion to dismiss for lack of subject matter jurisdiction and based on the FSIA;

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- representing one of the Middle East region’s largest car dealers in a dispute with manufacturers;
- representing a European-based multinational in bringing breach of warranty and fraud claims in an ICC arbitration under New York law arising out of a corporate acquisition;
- representing a US power company against an instrumentality of an Indian state government in an ad hoc arbitration seated in India;
- advising a power company in resolving various arbitrations and litigation proceedings against the Brazilian electricity regulator and other Brazilian government entities as part of restructuring the power company’s Brazil operations;
- representing an Italian energy company in Section 1782 proceedings arising from an ICC arbitration in Paris against a Central American state-owned company;
- representing a US company in ICC and AAA arbitrations against Indian and US entities regarding alleged breaches of pharmaceutical marketing agreements; and
- representing a Swiss pharmaceutical company in a Netherlands arbitration institute proceeding against a US pharmaceutical company regarding alleged breaches of a licensing and development agreement.

David was voted by readers of *Global Arbitration Review* as one of the world’s top 45 arbitrators under 45 and is listed as a leader in his field by the global, U.S.A. and Latin American editions of *Chambers*, *The Best Lawyers in America*, *Super Lawyers*, *The International Who’s Who of Business Lawyers*, *The International Who’s Who of Commercial Arbitration*, *Benchmark*, *The Definitive Guide to America’s Leading Litigation Firms and Attorneys*, and *Practical Law Company’s “Which Lawyer?”*. He was co-editor *International Arbitration in Latin America* (Kluwer) (2d edition due 2011). He recently co-authored the applicable law chapter in the forthcoming book, *International Arbitration in New York*, Carter, Fellas, eds. David is co-chair of the Dispute Resolution Interest Group of the American Society of International Law and is a member of the International Dispute Resolution Committee of the New York City Bar and the International Arbitration Task Force of the New York State Bar Association.

Before Chaffetz Lindsey, David was partner and head of the Clifford Chance international arbitration practice group for the Americas from 1999 to 2009. He started his legal career at the leading Miami law firm Steel Hector & Davis in 1987, made partner there in 1995, and left for Clifford Chance in New York in 1999. In the late 1990s, David opened Steel Hector’s London office and he lived in England at various times from 1994 to 1999. David obtained his JD with honors from Florida State University College of Law in 1988 and obtained his BA with honors from The University of Texas at Austin in 1985. He is a native of Tallahassee, Florida. He has no children, but is devoted to his beloved adopted daughter Ella, a Hungarian Vizsla.