

DO KHOI NGUYEN
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PROFILE SUMMARY

Nguyen is a litigator whose practice has a dual focus on international arbitration and Vietnamese litigation. Nguyen's international arbitration experience includes groundbreaking Vietnamese arbitrations including, most recently:

- a complex SIAC arbitration between a group of Vietnamese shareholders and a foreign shareholder (multinational conglomerate) in a pharmaceutical company;
- a US\$250 million plus VIAC arbitration of a FIDIC construction dispute related to the construction of a hydropower plant in the Vietnamese central highlands; and
- the successful defense of Vietnam Oil and Gas Group in a US\$100 million plus ICC arbitration in Singapore of tax claims made on an indemnity basis by two independent oil companies.

In addition to senior roles on the YKVN team in these arbitrations (YKVN teamed up with Drew & Napier LLC in the VIAC arbitration and Shearman & Sterling LLP in the ICC arbitration), Nguyen also had a senior role in the Vietnamese court proceedings related to these arbitrations (corporate governance and mismanagement claims, claims related to interim relief, etc.). Nguyen also handles purely domestic litigation. Representative cases include:

- Acting for an international construction and civil engineering company, in a dispute against a Vietnamese subcontractor and the Hai Phong Bridge Projects Management Department (employer) relating to the construction of Cau Rao II Bridge in Hai Phong City; and
- Acting for a French construction company specializing in foundation works, against a Vietnamese real estate developer in a dispute over piling work in a condominium project in Hanoi.

Member of both the Washington State Bar Association and the Hanoi Bar Association, Nguyen is among a handful of international lawyers who are also qualified in Vietnam. Prior to joining YKVN in 2010, Nguyen was a litigation lawyer in two major firms in Seattle, Washington.

Profile



Education

Clerk, Justice Kenneth H. Kato, Washington State Court of Appeals, 2007-2008

Gonzaga University, School of Law, J.D., *cum laude*, 2007

Gonzaga University, School of Business, M.B.A., *cum laude*, 2003

Gonzaga University, School of Business, B.A., *cum laude*, 2002

Areas of Practice

Dispute Resolution
Arbitration

International Trade

Bar Membership

Washington State Bar Association

Hanoi Bar Association

NOTABLE MATTERS

Profile

Dispute Resolution and Litigation

- Acted, together with Shearman & Sterling LLP team led by Emmanuel Gaillard and Yas Banifatemi, for Vietnam Oil and Gas Group (PVN) in a Singapore seated ICC arbitration involving a 100 million USD plus tax indemnity dispute arising out of a production sharing contract. PVN was sued by two independent oil companies. After a year and a half arbitration proceedings, we successfully defended PVN. All claims against PVN were dismissed.
- Acted, together with Drew & Napier LLC team led by Jimmy Yim SC, for a Vietnamese listed company (employer) in a VIAC construction arbitration brought by a Chinese consortium (contractor). The dispute arose out of a construction contract to build a large hydropower plant in Vietnam. The value of dispute is more than 250 million USD.
- Acting for a Taiwanese investor against the People's Committee of Quang Ninh Province in a VIAC arbitration arising out of a Build-Transfer project in which the people committee unilaterally terminated the contract, claiming force majeure event caused by a governmental resolution.
- Acted for Vietnam Machinery Installation Corporation (LILAMA) in a dispute involving the Uong Bi Extension Power Plant Project against a Russian contractor. Successfully assisted LILAMA in enforcing a multi-million dollar first demand guarantee against the contractor's bank before the Arbitration Court of Moscow, Russia.
- Acted for MT Hojgaard A/S, a leading construction and civil engineering company, in a dispute against a Vietnamese subcontractor and the Hai Phong Bridge Projects Management Department (employer) involving the construction of Cau Rao II Bridge in Hai Phong City. The subcontractor breached the FIDIC back-to-back construction contract in causing substantial delay, yet turned around and brought suit against MT Hojgaard A/S. Successfully defended MT Hojgaard A/S and secured the outstanding payment of over EUR 4 million from the employer without having to initiate an ICC arbitration suit in Singapore.
- Acted for Bachy Soletanche Vietnam, a French based construction company specializing in foundation works, against a Vietnamese real estate developer in a dispute over piling work in a condominium project in Hanoi. The developer has won a judgment of over USD 3 million in a lower court before Bachy Soletanche Vietnam hired us on appeal before the Supreme People's Court of Vietnam. Successfully won the appeal and is representing Bachy Soletanche Vietnam in the re-trial proceedings.
- Acted for a Vietnamese mining company (employer) against an electrical engineering company (contractor) in the construction project of an ore mine in the Northern Vietnam. The contractor was claiming wrongful set-off while the employer was claiming delay damages. With the assistance of YKVN, although the case was brought before VIAC, the employer was able to settle with favorable terms.
- Acted for a Vietnamese real estate developer (employer) in a VIAC arbitration matter that a German construction company (contractor) initiated based on a foundation work contract. The contractor wrongfully suspended the work but sued the employer to seek compensation for part of the contract value. Successfully defended the employer with the case being dismissed.

Profile

- Advised a Korean asset management fund (employer) in a dispute against a Korean construction company (contractor) over a condominium construction project. The parties are disputing over taking over and delay damages.
- Acted for and successfully assisted Ben Kien Shipbuilding Industry Company in a negotiation and settlement of disputes over a €13 million shipbuilding contract following London arbitration procedures.
- Acted for a Vietnamese steel company in settling disputes in a foreign trade contract on purchase of scrap metal under Singapore arbitration procedure.
- Acted for an Arabic trading company in the resolution of the two scrap metal trading contracts under VIAC arbitration procedure.

PUBLICATIONS / SPEAKING ENGAGEMENTS

- Co-author, Vietnam chapter of “GAR Know how – Commercial Arbitration 2017”.
- Speaker, Conference on Arbitration in Vietnam, organized by Young ICCA, September 2016.
- Speaker, Legal Talk on “Common Legal Issues Startups Face” organized by VietCham Singapore, May 2016.
- Lecturer, “Skills of lawyers in M&A transactions” course organized by Vietnam Bar Federation, Committee of Legal Education and Training, June 2012.