



# Kurt E. Lindquist II

## Member

Washington, D.C., Charlotte

klindquist@cozen.com | (202) 747-0776

### Practice Areas

- International Arbitration
- Commercial Litigation
- International

### Industry Sectors

- Real Estate & Construction

### Education

- Wake Forest University School of Law, J.D., 1983
- Duke University, A.B., *cum laude*, 1980

### Bar Admissions

- North Carolina
- District of Columbia

### Court Admissions

- U.S. Tax Court
- U.S. Supreme Court
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court -- Eastern District of North Carolina
- U.S. District Court -- Middle District of North Carolina
- U.S. District Court -- Western District of North Carolina

### Affiliations

Board of Directors, Charlotte International Arbitration Society (2015 - present)

International Law Section (NCBA): Chairman, Outgoing Exchange Committee (2015 - 2018); Councilor (2015 - present)

Board of Directors, Atlanta International Arbitration Society. (2016-present)

Chair, International Practice Section of the North Carolina Bar Association

Adjunct Professor, Wake Forest University School of Law (2018 to present)

Board of Trustees, Woodlawn School, Davidson, N.C. (2015 - present)

Board of Advisors, Wake Forest School of Business, Charlotte Campus (2012 - 2018)

Board of Visitors, Wake Forest University School of Law (2010 - 2012)

Kurt is a venerated trial lawyer with a depth of experience resolving commercial matters on a global basis. His international arbitration experience includes numerous commercial arbitrations before the International Chamber of Commerce in Germany, Switzerland, Hong Kong, the SCIA and the HKIAC and Investor/State disputes before the SIAC, and the PCA. In the United States, he helped negotiate the acquisition of the third-largest textile manufacturer in the United States by the largest European hosiery manufacturer and successfully defended the European firm in a \$600 million breach of contract action brought by the losing bidder. According to a recent Gallup Survey, Kurt was recently ranked within the top 1 percent of all litigators in terms of his substantive knowledge, experience, client service, and satisfaction.

Kurt represented the Lao People's Democratic Republic against a \$1 billion expropriation claim in the International Centre for Settlement of Investment Disputes (ICSID). The government settled the investment claims with the claimant without payment and successfully defeated two material breach applications from the claimant, with all claims having been dismissed and the settlement remaining in force. Under the auspices of the Singapore International Arbitration Center, he prosecuted a \$500 million breach of contract case between the same parties.

His international arbitration experience has afforded him the honor of speaking in Kyoto, Japan, on "Recent Developments in Investor /State Arbitrations," and as a co-author in "Expedited/Fast Track Procedures in International Arbitration" at the 10th Biennial Arbitration Symposium in Salzburg, Austria. Since 2018, Kurt has been a member of the adjunct law faculty at Wake Forest University School of Law where he teaches Domestic and International Arbitration. He has served on the board of directors for the Charlotte International Arbitration Society and the Atlanta International Arbitration Society since 2015 and 2014, respectively. Kurt currently chairs the International Law Section of the North Carolina Bar Association where he has been a council member since 2013.

Dedicated to his community, he has served on the board of trustees for the Woodlawn School, the board of advisors for the Wake Forest University School of Business, and the Board of Visitors for the Wake Forest University School of Law.

Kurt earned his J.D. at the Wake Forest University School of Law, where he was a member of the Moot Court Board, and his A.B. in economics from Duke University, where he graduated *cum laude*.

### Experience

Obtained an award in our client's favor in an international franchise arbitration matter centered on the termination by our client of a 26-year franchise relationship covering 100 franchise locations in Malaysia and Taiwan, along with related development and distribution agreements, for which the opposition sought \$34 million in damages. After more than two years of litigation and nine days of hearing, with witnesses coming in from China, Singapore, and various states in the United States, the tribunal found that the franchisee was entitled to no damages and our client was entitled to recover on

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Alumni Council, Wake Forest University School of Law (2007 - 2009)

Board of Directors, Children's Theatre of Charlotte (2009 - 2015)

Board of Advisors, Meredith College Paralegal Program (1990 - 1993)

American Bar Association

North Carolina Bar Association

Mecklenburg County Bar Association

Wake County Bar Association

#### Awards & Honors

- Super Lawyers 2011, 2017 - 2019
- Recognized in *Business North Carolina* magazine's Legal Elite
- Lexology Client Choice Award, Litigation (North Carolina), 2018
- Acritas Star, 2019

its counterclaims for lost profits and unpaid royalties. In addition, the tribunal entered a permanent injunction directing the claimants, *inter alia*, to transfer all product registrations using our client's trademarks and related tradenames at no charge to our client.

Secured separate Emergency Interim Awards in two international arbitrations in ICDR arbitrations one of which was used to successfully seek an emergency mandatory injunction from the High Court of Singapore.

Represented U.K.-based respondent in a high-stakes dispute with a U.S.-based company concerning financial software and antitrust issues. We were able to negotiate a favorable settlement which included an ongoing business relationship.

Represented four corporate affiliates in Chile, Columbia, Argentina, and Portugal in a CFR Ad Hoc International Arbitration. Shortly prior to the merits hearing, we were able to negotiate a favorable settlement for the client which included an opportunity for future business.

Successfully defended the Lao People's Democratic Republic against a \$1 billion expropriation claim before an ICSID tribunal.

Represented an Italian conglomerate in a corporate dispute in the United States on issues arising out of the CISG. We were able to negotiate a favorable settlement leveraging our motion to dismiss for improper venue which would have placed the case back in Italy before the commercial court in question.

Successfully defended against a \$300,000 claim and won a verdict of \$7 million on a counterclaim for our U.S. client in a commercial contract dispute.

Convinced the U.S. Court of Appeals for the Fourth Circuit to reverse the trial court's dismissal of an Unfair and Deceptive Trade Practices claim where the trial court ultimately trebled its original award.

Successfully defended against a \$500 million counterclaim by a U.S. investor in a breach of contract action in SIAC.

Successfully defended a U.S. company in a commercial dispute with a Swiss Company governed by Swiss law which made claims exceeding \$275 million in the Swiss Chambers Arbitration Centre in Zurich.

Successfully pursued a claim for \$25 million on behalf of a German company against a U.S. manufacturer in an ICC proceeding in Frankfurt. The Tribunal unanimously awarded €31 million in damages and costs.

Successfully defended against a \$100 million claim in a joint venture dispute between German and Japanese venture partners.

Successfully filed and managed confirmation of a foreign award in the U.S. District Court for the District of Massachusetts under the New York Convention.

Successfully defended a claim in excess of \$110 million, and then obtained a multimillion-dollar counterclaim, regarding defective electronic automotive components in the North Carolina Business Court.

Successfully defended the largest hosiery manufacturer Europe in a \$600 million contract dispute against a U.S. company regarding the purchase of the third largest hosiery manufacturer in the United States.

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Convinced the U.S. Court of Appeals for the Fourth Circuit to uphold the denial of a preliminary injunction in a case involving covenants not to compete.

Successfully defended a U.S.-based international company against a foreign judgment by a company in the Dominican Republic in a commercial cross-border dispute.