

Disputes and Arbitration

At The Lantau Group we combine industry expertise, rigorous economic analysis, local knowledge, and advanced modelling capabilities to provide our clients with a range of support when things go wrong. Our experts provide evidence and testimony in complex and sensitive matters, robust and objective analysis for evaluating exposure, and well-grounded advice when considering possible arguments and strategy. We also work at the front-end of complicated challenges, preparing testimony or submitting evidence before regulatory or other bodies in matters requiring approval or more detailed consideration in relation to economic and other objectives.

Our teams are supported by in-house language capabilities in English, Mandarin, Japanese, Korean and Cantonese

Impact of increased market concentration on prices
Mitigation of market power (how/why/whether)
Assessment of likelihood of approvals related to acquisition
Business strategy
Third party access issues

Operation and application of contract adjustment clauses
Validity and application of liquidated damages
Common industry practice
Lost profits
Review or design of complex volume and price provisions

Competition Matters

Commercial Disputes and Damages

Calculation of lost profits
Economic theory of damages (liability)
Impact of mitigation (or lack thereof)

Cause of Business Failure or Lost Profits

Resource Consents/ Damages

Testimony and reports for regulatory hearings
Hedonic estimation of loss due to contamination
Cost-benefit analysis
Value impairment

Regulatory Matters

Valuation Disputes

Approval related disputes, hearings, submissions
Expert evidence for appeals, tribunal hearings
Interpretation / application of regulatory or market objectives
Quantification of damages arising from extreme events
Development of settlement proposals or transition plans

Appropriate methodologies for valuing opportunities / risks
Resolution of differences in views on jointly owned assets
Independent review of proposed settlement value
Strategic assessment of value-to-proceed with dispute
Mark-to-market valuation (such as offshore resources)
Business strategy

We work with a wide range of clients, providing a balanced and objective perspective for all our Disputes and Arbitration work:

- Regulated utilities
- IPPs & developers
- Networks
- Fuel & technology suppliers
- Regulatory bodies
- Large energy users and financiers



Our Disputes and Arbitration Experts

1 Are engaged to provide:

- Expert evidence (including testimony, cross-examination, and hot-tubbing)
- Litigation support (including objective review, exploratory analysis, strategic advisory, formation of economic arguments, and vetting)
- Negotiations support

2 Engage in multiple types of disputes:

Contract Disputes

Value of premature termination
Appropriateness of liquidated damages
Economic theory of damages
Mitigation

Purchase Agreements/ Development Projects

Disputed indexation methodology and application
Disputed cause of business failure
Disputed failure to deliver / meet terms of contract
Disputed damage estimate methodology
Disputes related to critical connection infrastructure delays

Regulatory Approval Disputes

Transmission project valuation
Hydro project development valuation
Strategic advisor on merits of appealing decisions
Assessment of merger impact on market prices
Evaluation of market participant fee structures

3 Can also act as jointly appointed experts:

- Valuation of JV opportunity, working with both 'sides'
- Independent verification of complex, tens-of-millions-of-transactions settlement

In disputes and arbitration work, rigorous analysis, sound reasoning and clear communication underpin success. Our ability to turn complex models into concise insights is key. We mesh accepted economic theory, real world pragmatism and local cultural sensitivities to build honest actionable recommendations.

We have worked with companies and regulatory agencies in energy sector matters, including PPA disputes in Malaysia; electricity contracting disputes in Singapore; transmission investment disputes in Australia; transmission cost recovery disputes in New Zealand; rents and rates disputes in Hong Kong; offshore gas resource valuation in several countries; contract renegotiation strategies; and IPP business failure disputes. We have also applied economic analysis and concepts to essential-facility monopolisation matters; assessments of financial sector bankruptcies and securities fraud; litigation support on FMCG patent disputes; and franchise infringements.



For further information please contact us on projects@lantaugroup.com

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