

# 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](mailto:projects@lantaugroup.com)

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