

Polaris Law

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ALEXANDER B. BLUMROSEN

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Educational background

1978-82: Dartmouth College, A.B. 1982, *cum laude*

1982-83: New York University, Institute of French Studies, M.A.

1983-86: Georgetown University Law Center, J.D. 1986. Editor, American Criminal Law Review

1990-91: University of Paris I - Panthéon-Sorbonne, Diplôme d'Etudes Approfondies (D.E.A.)
in International Economic Law, *mention bien* (with honors), 1991

Professional Experience

After beginning his career in New York (Shearman & Sterling) and Paris (Paul Weiss), and then as the partner in charge of the international arbitration practice group in an established Paris law firm, Mr. Blumrosen's practice focuses on the following areas:

Arbitration and litigation of business disputes. International commercial arbitration, generally appearing as counsel to parties in institutional and ad hoc arbitrations, or as arbitrator, in matters involving commercial contracts, joint ventures, franchise and distribution, trademark and patent disputes, and e-commerce/technology disputes. He appears on the arbitrator lists of many international arbitration institutions, including the "TechList" of the Silicon Valley Arbitration and Mediation Center (SVAMC). Mr. Blumrosen also litigates disputes before French courts in all areas of commercial law, including enforcement of foreign judgments and awards, provisional measures, and more generally, asset recovery. Mr. Blumrosen acts as counsel to litigants in U.S. proceedings (service and discovery in France under the Hague Conventions) or by appointment by US Courts as Commissioner and *Privacy Monitor* for Hague Convention discovery; as expert witness on French commercial or procedural law issues; advising US companies on investigations and compliance under Sarbanes-Oxley and the FCPA.

Technology/Data Privacy. Representing computer software and hardware companies regarding licensing, distribution, joint ventures and the regulation of encryption technology; advising on data privacy and security compliance (creating, training, auditing and defending programs under the GDPR), and acting as US Court-appointed Privacy Monitor in connection with discovery in France; acting for ISPs in connection with intellectual property, antitrust, web-hosting and licensing; advising Telecommunications providers and ISPs with respect to e-commerce and French regulatory issues. Litigation and arbitration of all types of IT disputes. Mr. Blumrosen was appointed in 2018 as an arbitrator on the Privacy Shield arbitration panel, by the EU Commission and the US Department of Commerce.

Representative Arbitration Matters:

Counsel in ICC arbitration for US licensee of well-known French food brand upon alleged wrongful termination by licensor (claim > \$2.5 billion) (French law applicable)

Counsel to US franchisor in ICC arbitrations against franchisees in Spain, France and Chile (breach of contract) (US law applicable)

Counsel to insurer in ICC construction arbitration after catastrophic failure of wood chip (OSB) hydraulic press in Canada (Canadian law applicable)

Counsel to US biotech company in failed joint venture giving rise to reciprocal IP and patent claims asserted by the JV parties in ICC Paris arbitration (US and French law applicable)

Chair of CEPANI (Belgian arbitration institution) Brussels panel in multi-jurisdictional claim between financial institutions arising from 2008 financial crisis (Belgian and Dutch law applicable)

Co-arbitrator in London ICC construction claim arising from construction of electrical generation plant in India (English law applicable).

Co-arbitrator in Vienna ICC arbitration arising from allegedly defective turn-key paper & pulp mill in Turkmenistan (Swiss law applicable).

Co-arbitrator (direct appointment by the ICC) in an e-commerce dispute where the arbitration agreement required five years of e-commerce law experience.

Representative Litigation matters:

Counsel for the United States of America in several civil litigation matters in France, at the request of the Office of Foreign Litigation of the US Department of Justice

Counsel for the Insurance Commissioner of California in the Executive Life litigation (\$3bn claim)

Counsel for US hedge fund in multi-billion dollar asset recovery action against Argentina based on sovereign debt.

Counsel, expert or court-appointed Commissioner in Hague Convention discovery in the following selected U.S. proceedings:

- Lataillade v. LVMH (S.D.N.Y), 16 Civ. 6637 (PAE)(2017) (commissioner)
- Sullivan v. Barclays plc, (S.D.N.Y) 13-cv-2811 (2017) (commissioner)
- Foreign Exchange Benchmark Rates Antitrust litigation (S.D.N.Y.) (2017) (commissioner)
- Connex RR LLC v. AXA Corporate Solutions, (C.D.Cal.) 2:16-cv-02368 ODW (2017)(commissioner)
- In re Commodity Exchange, Gold Trading Litigation (S.D.N.Y. 2016) (commissioner)
- In Re LIBOR Antitrust Litigation (S.D.N.Y. 2016) (commissioner)
- Laydon v. Mizuho Bank Ltd. et al, case No. 1:12-cv-03419-GBD (S.D.N.Y 2016) (commissioner)
- SEC v. Javier Martin-Artajo, et al (London Whale) (S.D.N.Y. 2015) (counsel)
- Cathode Ray Tube antitrust litigation (N.D. Cal.) (2014) (counsel)
- In re Nortel Networks, Inc., et al (Delaware Bankruptcy Ct., 2014) (commissioner)
- Trueposition v. Ericsson (E.D. Pa.) (2014)(commissioner)
- Probate proceeding of Huguette M. Clark (NY County Surrogate's court, 2013) (commissioner)
- TCW v. Gundlach, Case BC450413 (Cal. Superior Ct., filed 2010) (commissioner)
- Trueposition v. Ericsson (E.D. Pa.) (2014)(commissioner)
- Axa Mediterranean Holdings SA v ING Insurance International BV, New York State Sup. Ct., Manhattan, filed 2010 (652110/2010) (commissioner)
- Zurich Insurance v. Universal Pictures, Case No. 09MC345 (C. Dist. Cal., filed 2009) (counsel)

- In re Vivendi Universal, S.A. Secs. Litig, No. 02 Civ. 5571(RJH) (HBP), 2006 WL 3378115 (S.D.N.Y. Nov. 16, 2006) (counsel)
- Sports Management Plus, et al. v. Herbert Rudoy, No. CV2003-010486 (Arizona 2005) (counsel)
- Abbott Laboratories v. Impax Laboratories, Inc., 2004 WL 1622223 (D. Del. 2004) (counsel)
- Abbott Laboratories v. Teva Pharmaceuticals USA, Inc., 2004 WL 1622427 (D. Del. July 15, 2004) (counsel)
- Thales Avionics v. Matsushita Avionics, No. SACV 041-454-JVS (C.D. Cal. 2004) (commissioner)
- Resonant Medical v. Varian Medical, no. 337-TA-555 (U.S. Int'l Trade Comm'n 2004) (counsel)
- Reliant Pharmaceuticals v. Abbott Laboratories, et al. (Dist. Del., filed 2004) (counsel)
- Abbott Laboratories v. Par Pharmaceuticals, N°. 03-120 (JAP) (Dist. NJ, filed 2004) (counsel)
- Pierre Chaggier, et al. v. Taitbout Prévoyance, No. BC 173700 (Sup. Ct. of California, LA County) (counsel)
- Unimed-Besins v. Paddock Laboratories, N° 03-CV-2503-TWT (Dist. Ga. 2003) (counsel)
- Ortho-McNeil Pharmaceuticals v. Barr Laboratories, No. 99-CV-00235 (GEB) (Dist. NJ, filed 2001) (counsel)
- In re Vitamins Antitrust Litigation, 120 F. Supp.2d 45 (D. D.C) (2001) (expert)
- California Commissioner of Insurance (Executive Life Insurance Company) v. Altus Finance, et al., No. 99-02829 AHM (C.Dist. Cal., filed 1999) (counsel)
- AIG Retirement Services v. Altus Finance, et al., No. CV 05-1035-JFW (C. Dist. Cal., filed 1999) (counsel)
- Scanlan International v. Delacroix-Chevalier (Dist. Minn., filed 1997) (commissioner)

Teaching/Media

- Frequent appearances on French radio and TV in connection with US and transatlantic litigation matters, including the Alien Tort Claims Act, the death of Lady Diana, Dominique Strauss-Kahn, or significant US Supreme Court decisions such as in *Morrison v. National Australia Bank (2010)*.
- Ecole des Mines, Lecturer on international data privacy
- Ecole Nationale de la Magistrature (ENM), Lecturer on comparative civil/common law procedure
- Visiting Professor, Hamline University School of Law - Dispute Resolution Institute, Summer programs on international arbitration in Paris and Minneapolis
- Member, French Supreme Court Working Party on the use of court-appointed experts in civil litigation (2007) (appointed by Chief Judge of the French *Cour de Cassation*)
- Faculty, International Chamber of Commerce (ICC), Institute of International Business Law and Practice, PIDA Mock International Commercial Arbitration

Selected Publications

- *International comity and Chapter II of the Hague Evidence Convention*, International Dispute Resolution News (American Bar Association), Spring 2019
- *NML Capital Ltd. v. Republic of Argentina: French Court of Cassation judgment on Argentina's immunity from provisional attachment of funds*, Alexander Blumrosen and Fleur Malet-Deraedt, American Journal of International Law (2013) at p. 638
- *The Globalization of American Class Actions: International Enforcement of Class Action Arbitral Awards*, in "Multiple Party Actions in International Arbitration", Oxford University Press, 2009 (pp. 355-372)
- *L'expertise judiciaire civile en droit américain*, (Fact investigation in U.S. civil proceedings), Report to the French Supreme Court *Concensus Conference* on Court-appointed expert investigations, 2007
- *Use of Foreign Counsel in International Discovery*, ABA International Section conference materials, December, 2006

Selected Speaking

- *Parallel proceedings in International Arbitration*, ICC Dubai MENA conference, April 2017
- *The regulation of drones and drone technology*, ITechLaw Paris, October 2014
- *Data Security: Strategies to Follow in the Wake of "United States v. Nosal"*, ITechLaw, Phoenix, May 2013
- *EU Money Laundering Disclosure Obligations: What Non-EU Lawyers Need to Know in Joint Representations*, American Bar Association, International Section, Washington DC, April 2013
- *EU privacy regulations; Conducting due diligence, internal inquiries and discovery from the US and Cross-Border Implications of Cloud Computing*, American Bar Association, International Section, Paris, November 2010
- *Open Secrets: The receptivity of U.S. courts, prosecutors and regulators to claims of secrecy and privacy under non-U.S. law*, American Bar Association, International Section, New York, April 2010
- *Clash of Laws And Cultures: Cross Border E-Discovery and International Data Management*, Georgetown E-Discovery Institute, Washington, November 2009

Associations/honors

French Legion of honor (Chevalier)

Council on Foreign Relations (Life Member)

American Bar Association, Section of International Law

- *International Arbitration Committee Co-Chair (2013-2015); International Litigation Committee Chair (2008-2010); European Law Committee Chair (1999-2002)*
- *Section Council Member (2005-07; 2010-13)*

International Technology Law Association

Member of the Advisory Board; President (2011-12); Vice-President (2010-11); Treasurer (2009-10); Secretary (2008-09); Assistant Secretary (2007-08);

Swiss Arbitration Association (*Association Suisse de l'Arbitrage*)

CEPANI (Belgian national arbitration association)

US Council on International Business (USCIB, the US national committee of the International Chamber of Commerce)

Biographical Information

Date of birth: August 7, 1960
Place of birth: New Jersey, U.S.A.
Nationality: American
Languages: Bilingual English/French

Bar Admissions

- New York State, 1st dep't (1987); Paris, France 1992)
- Southern and Eastern New York Districts of the Federal Court (1987)
- Federal Court of International Trade (1991)
- Supreme Court of the United States (2014)