

DIS@NYAW 2023

**US-German
Post-M&A Disputes –
Cross-Atlantic Perspectives**

14 November 2023, 5.00 – 8.00 pm

King & Spalding LLP
1185 Avenue of the Americas
34th Floor
New York, NY 10036

DIS

German Arbitration Institute



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US-German Post-M&A Disputes – Cross-Atlantic Perspectives

Arbitration is a popular choice for dispute resolution in US-German cross-border corporate transactions. In Germany, it has become the common method of resolving post-M&A disputes. Typical scenarios include disputes about contractual representations and warranties, purchase price adjustments, MAC clauses, earn-outs, escrowed funds, and statutory tort claims. Often legal and accounting questions are intertwined.

In a US-German cross-border M&A deal, some common questions arise: Should I select arbitration? If so, what choices should I make in the arbitration clause? Is splitting the seat from the applicable substantive law a good compromise? What are the typical procedural challenges in such matters and how can they be addressed in contract drafting? What, if any, solutions to those challenges are offered by arbitral practice? Is there a difference between New York and German law when interpreting M&A contracts?

With our panel of experienced New York and German arbitration and M&A lawyers, we discuss some of these questions and learn about recent experiences.

Join us for 2.5 hours at King & Spalding on 14 November 2023 at 5.00 pm.

Registration

Please register via the link below. By registering you accept the [DIS General Terms and Conditions](#) for Conferences and Workshops.

[Registration →](#)

Participation in the event is free of charge. CLE credits are available. Please address any questions to: events@disarb.org

German Arbitration Institute (DIS)
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5.00 pm **Registration**

5.30 pm **Welcome address**

Jessica Beess und Chrostin

Partner, King & Spalding, New York, Organizing Committee of the NYAW 2023

5.45 pm **The German Arbitration Institute (DIS) and Post-M&A Arbitration Proceedings – A Short Introduction**

Ramona Schardt

Secretary-General, German Arbitration Institute (DIS), Berlin/Bonn

6.00 pm **Germany-related Post M&A Arbitration Proceedings in New York – A Bird's Eye View from the US**

Rekha Rangachari, Esq.

Executive Director of the New York International Arbitration Center, New York

6.15 pm **US-German Post-M&A Disputes – A Moderated Discussion on Cross-Atlantic Perspectives**

Dustin F. Guzior

Partner, Sullivan & Cromwell, New York

Edna Sussman

Independent Arbitrator, Sussman ADR, New York

Matthew J. Weldon

Partner, K&L Gates, New York

Johanna Wirth

Partner, Hengeler Mueller, Berlin

Moderator:

Jan K. Schäfer

Partner, King & Spalding, Frankfurt

7.15 pm **Drinks**