



To illustrate the breadth of my commercial disputes experience, I have listed below (in random order) a selection of cases I have been or currently still am involved in:

- Representing holders of Credit Suisse AT1 capital instruments in proceedings against the Swiss financial market supervisory authority FINMA as well as UBS Group AG.
- Party-appointed co-arbitrator in an international construction arbitration under the auspices of the International Chamber of Commerce (ICC) in Paris.
- Representing shareholders in a proxy fight before the courts in the canton of Zug, Switzerland.
- Representing the claimant in an ICC arbitration related to the claimant's investments in cryptocurrencies.
- Representing an investor in a Credit Suisse Supply Chain Finance Fund against Credit Suisse AG and other involved parties.
- Chairman of a tribunal in arbitration proceedings in accordance with the Rules of Arbitration of the Arbitration Court of SIX Group Ltd.
- Co-representation of a foreign company in proceedings before the Swiss Federal Tribunal (SFT) regarding the appeal against an ICC arbitral award.
- Co-representation of a Swiss bank in proceedings before the SFT concerning an appeal against a Zurich Commercial Court decision.
- Co-representation as counsel of an internationally operating company in a Swiss domestic arbitration with a value in dispute exceeding USD 1bn relating to post-closing purchase price adjustment claims.
- Co-representation as counsel of an Asian company in an international commercial arbitration relating to multi-million USD delay and cost overrun claims deriving from an important oil refinery infrastructure project.
- Co-representation as counsel of a Middle Eastern company in an international commercial arbitration relating to multi-million USD claims for damages deriving from an important telecommunication infrastructure project.
- Part of the Curtis engagement team representing Arthur Andersen LLP in connection with matters arising out of the collapse of Enron Corporation.

- Advising and representing a Swiss bank vis-à-vis its local counsel regarding court proceedings initiated against the bank in a Middle Eastern country in relation to multi-million USD claims.
- Advising and representing various Swiss and foreign companies and individuals in out-of-court settlement negotiations. For illustration purposes, this included, *inter alia*:
  - (i) Advising and representing a Swiss bank in successful settlement negotiations regarding a multi-million USD claim brought against the bank by former Eastern European customers;
  - (ii) Advising and representing a Swiss HNI in successful settlement negotiations in an attorney liability case;
  - (iii) Co-advising and -representing a Swiss client in relation to losses from currency transactions affected by the 15 January 2015 decision of the Swiss National Bank to discontinue its minimum exchange rate of CHF 1.20 to the euro;
  - (iv) Advising and representing a Swiss SME in successful settlement negotiations relating to a franchising relationship.
- Co-representation as counsel of a foreign company in proceedings before the Zurich Commercial Court relating to a multi-million CHF rent dispute.
- Advising and representing an Asian family with regard to the recovery of assets lost to the embezzlement of significant funds by a criminal financial adviser.
- Part of the engagement team dealing with matters arising out of the Madoff fraud case, namely relating to claw back proceedings initiated by the Madoff Trustee.
- Co-representation as counsel of a Swiss company before the Aarau Commercial Court in proceedings relating to a product liability case.
- Representation as counsel of a Swiss company before the Zurich Commercial Court in proceedings relating to claims for damages based on allegedly defective food deliveries to an Eastern European country.
- Representations as counsel of Swiss and foreign companies before the Zurich Commercial Court in different proceedings relating to bank guarantees and performance bonds.
- Part of the engagement team dealing with matters arising out of the collapse of Lehman Brothers, namely concerning issues deriving from the distribution of structured products guaranteed by subsidiaries of Lehman Brothers Holdings Inc.
- Co-representation as counsel of a Swiss bank before the Zurich Commercial Court in relation to a dispute deriving from a fraud case.
- Co-representation of a German investor before the courts in the canton of Schwyz against the fiduciary board of his Swiss corporation regarding claims for damages.
- Advising various Swiss and foreign companies and individuals in relation to the development of litigation strategies, including the drafting of early case assessments and legal opinions. For illustration purposes, relevant clients and situations in this regard included, *inter alia*:

- (v) An Asian conglomerate involved in a multi-million USD international commercial arbitration relating to a major infrastructure project;
  - (vi) South-American clients assessing the chances of success of filing a civil action with the competent Swiss court(s) against a Swiss bank, the relevant dispute relating to a tailor-made structured product;
  - (vii) A litigation funder wishing to obtain an independent second opinion regarding the assessment of a potential investment;
  - (viii) A major insurance company wishing to obtain a legal opinion in relation to a dispute with a factoring client's debtor.
- Co-representation as counsel of a foreign bank employee in FINMA enforcement proceedings directed against him.
  - Co-representation of a Swiss bank vis-à-vis FINMA in enforcement proceedings.
  - Representation of a Swiss advertising company in proceedings before the Zurich Labour Court against the client's former CEO in relation to bonus claims and the violation of a non-competition undertaking.
  - Representation of my son in disciplinary proceedings before the arbitration court of the Swiss Ice Hockey Federation.
  - Co-representation of a foreign transportation company in a multi-party dispute relating to damage to cargo during an international transport.
  - Representation of a Swiss company before the Zurich Commercial Court against a competitor in interim relief proceedings relating to alleged acts of unfair competition.
  - Representation of a foreign bank in civil and criminal debt collection efforts directed against a foreign debtor.

Zurich, Switzerland, as per August 2023

Philipp H. Haberbeck  
Dr. iur. / Attorney at Law  
Karl-Stauffer-Strasse 16  
PO Box 219  
CH-8032 Zurich  
+41 79 209 96 96  
+41 43 540 84 37  
philipp@haberbeck.ch  
www.haberbeck.ch

*The information contained in this document, created by Dr. iur. Philipp H. Haberbeck (PHH), a Swiss attorney-at-law, who is registered in the Attorneys' Register of the Canton of Zurich, Switzerland, is for general informational purposes only. The law firm PHH operates in the form of an individual company (Einzelunternehmen) under Swiss law, registered in the Commercial Register of the Canton of Zurich, Switzerland, with the company identification number CHE-407.615.179. Each and any mandate is exclusively concluded in writing, based on the mutual signing of a mandate agreement.*