

Schedule at a glance

11:00	REGISTRATION
11.15	ASA GENERAL MEETING
12:00	LUNCH
13:15	CONFERENCE
17:00	COCKTAIL

Conference topic

The conference will address and explore various aspects relating to quantum in the context of post-M&A disputes. A first panel will focus on selected procedural issues as they may arise when quantifying claims, either as a result of the applicable law or the parties' contractual arrangements. This includes issues and potential tensions at the interface between arbitration and expert determination. A second panel will deal with various aspects of calculation and presentation of damages as well as related issues of evidence in post-M&A disputes. The conference will conclude with considerations on the selection of arbitrators for this type of arbitration.

Programme

13:15 – 13:30	WELCOME ADDRESS AND INTRODUCTION TO THE CONFERENCE TOPIC	Harold Frey , Lenz & Staehelin, Zurich
13:30 – 15:00	<p>PROCEDURAL ISSUES RELATING TO QUANTIFYING CLAIMS</p> <p>Agreed minimum amounts, notice requirements and warranty periods – how it may impact timing of an arbitration or lead to parallel proceedings</p> <p>What to do when quantifying claims is not possible before expiry of a warranty term</p> <ul style="list-style-type: none"> - Quantifying at a later stage of proceedings? - Seeking declaratory relief on liability first? - Is bifurcation a solution to the problem? 	<p>PANEL 1:</p> <p>MODERATION: Wolfgang Peter, Peter & Partners, Geneva</p> <p>Torsten Lörcher, CMS Hasche Sigle, Cologne</p> <p>Stefan Leimgruber, Schellenberg Wittmer, Zurich</p>

	<p>Aspects of disclosure in post-M&A arbitration: access to target company, privilege and confidentiality restrictions, etc.</p> <p>Post-M&A disputes and expert determination: issues that may arise before, during and after expert determination</p>	<p>Laurent Killias, Pestalozzi Attorneys at Law Ltd., Zurich</p> <p>Balz Gross, Homburger AG, Zurich</p>
15:00 – 15:30	COFFEE BREAK	
15:30 – 16:50	<p>PRESENTATION AND CALCULATION OF DAMAGES IN POST-M&A DISPUTES</p> <p>Assessment of damages for breach of representations and warranties and under specific indemnities – the law, the contracts, and the problems</p> <p>Business valuation vs. damage calculation</p> <p>Presentation of evidence relevant to damages and valuation in post-M&A disputes</p> <p>Particular considerations regarding the selection of arbitrators</p>	<p>PANEL 2:</p> <p>MODERATION: Marc Veit, LALIVE, Zurich</p> <p>Matthias Wolf, Lenz & Staehelin, Zurich</p> <p>Louis Siegrist, Ernst & Young AG, Zurich</p> <p>Stefan Moesli, Sika AG, Baar</p> <p>Anke Sessler, Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates, Frankfurt</p>
16:50 – 17:00	CLOSING REMARKS	<p>Elliott Geisinger, ASA President, Schellenberg Wittmer Ltd., Geneva</p>
17:00	COCKTAIL	