

DO KHOI NGUYEN
Partner
YKVN SINGAPORE

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PROFILE SUMMARY

Nguyen is a member of YKVN's International Arbitration and Dispute Resolution practice. He specializes in commercial dispute resolution, with the focus on construction, international trade, and oil & gas. He also provides advisory work in contract drafting and negotiation.

Member of both the Washington State Bar Association and the Hanoi Bar Association, Nguyen is among a handful of international lawyers who are also qualified in Vietnam. In his practice, Nguyen has represented state-owned group and entities, multi-national enterprises, and private companies in various forum including US Courts, Vietnamese Courts, as well as VIAC, SIAC, ICC, UNCITRAL and GAFTA arbitrations.

Profile



Education

Clerk, Justice Kenneth H. Kato,
Washington State Court of
Appeals, 2007-2008

Gonzaga University, School of
Law, J.D., *cum laude*, 2007

Gonzaga University, School of
Business, M.B.A., *cum laude*,
2003

Gonzaga University, School of
Business, B.A., *cum laude*, 2002

Areas of Practice

Dispute Resolution

International Arbitration

International Trade

Bar Membership

Washington State Bar
Association

Hanoi Bar Association

NOTABLE MATTERS

Profile

Construction – Contractor side

- Acted for Bachy Soletanche Vietnam, a French-based construction company specializing in foundation works, against a Vietnamese real estate developer in a dispute over piling work of a condominium project in Hanoi. Bachy Soletanche Vietnam hired us after they lost at the trial level (3 million USD judgment against them). On appeal, we successfully defended Bachy Soletanche Vietnam's position which resulted in the Supreme People's Court overruling the trial court's judgment.
- Acted for MT Hojgaard A/S, a leading Danish construction and civil engineering company, in a dispute against a Vietnamese subcontractor and the Hai Phong Bridge Projects Management Department (the employer) involving the construction of Cau Rao II Bridge in Hai Phong City. We successfully defended MT Hojgaard A/S and secured the outstanding payment of over 4 million EUR from the employer.
- Acting for a major Korean construction company in an ICC arbitration suit against a Vietnamese state-owned employer. The dispute arose out of the variation works performed on a highway project in Northern Vietnam.

Construction – Employer side

- Acted, together with Drew & Napier LLC team led by Jimmy Yim SC, for a Vietnamese listed company (the employer) in a VIAC construction arbitration brought by a Chinese consortium (the contractor). The dispute arose out of a construction contract to build a large hydropower plant in Vietnam. The value of dispute is more than 250 million USD.
- Acted for Vietnam Machinery Installation Corporation (LILAMA) in a dispute involving the Uong Bi Extension Power Plant Project against a Russian contractor. We successfully assisted LILAMA in enforcing a multi-million dollar first demand guarantee against the contractor's bank before the Arbitration Court of Moscow, Russia.
- Acting for a Taiwanese investor against the People's Committee of Quang Ninh Province in a VIAC arbitration arising out of a Build-Transfer project in which the people committee unilaterally terminated the contract, claiming force majeure event caused by a governmental resolution.
- Acted for a Vietnamese mining company (the employer) against an electrical engineering company (the contractor) in an ore mine construction project in Northern Vietnam. The contractor claimed wrongful set-off while the employer claimed delay damages. The case was referred to VIAC arbitration but the parties settled with favorable terms to the employer.
- Acted for a Vietnamese real estate developer (the employer) in a VIAC arbitration matter that a German construction company (the contractor) initiated based on a foundation work contract. The contractor wrongfully suspended the work but sued the employer to seek compensation for part of the contract value. Successfully defended the employer with the case being dismissed.

International Trade

- Acted for a Vietnamese steel company (buyer) in settling disputes over a scrap metal

purchase contract, SIAC arbitration. The case was settled.

- Acted for an Arabic trading company (seller) in settling disputes over two scrap metal trading contracts, VIAC arbitration. Successfully defended the seller.
- Acted for and defended a Vietnamese grain trading company (seller) in a GAFTA arbitration case. Successfully defended the seller with all claims against the seller being dismissed.
- Acting for a Vietnamese steel company in settling disputes under ICC arbitration procedures.

Oil & Gas

- Acted, together with Shearman & Sterling LLP team led by Emmanuel Gaillard and Yas Banifatemi, for Vietnam Oil and Gas Group (PVN) in a Singapore seated ICC arbitration involving a 100 million USD tax indemnity dispute arising out of a production sharing contract. PVN was sued by two independent oil companies. We successfully defended PVN with all claims against PVN being dismissed.
- Acted, together with Herbert Smith Freehills LLP, for Petrovietnam Exploration and Production Corporation (PVEP) in a multi-million dollar SIAC arbitration involving a defaulting a foreign oil exploration contractor.
- Advised, together with DLA Piper, for PVEP on a potential arbitration claim under an Iranian oil exploration contract.

RECENT PUBLICATIONS / SPEAKING ENGAGEMENTS

- Author, GAR Know how - Commercial Arbitration – Vietnam, 2017 & 2018.
- Author, Morgan Lewis & Bockius LLP’s “An Introductory Guide to Arbitration in Asia”, Vietnam Chapter, 2018.
- Speaker, Seminar on Claim Management in Construction Sector, Vietnam, 2017 & 2018.
- Speaker, Dispute Settlement in APEC Economies – Towards Efficiency and Fairness, IPBA Regional Conference, November 2017.
- Speaker, Conference on Arbitration in Vietnam, organized by Young ICCA, September 2016.
- Speaker, Legal Talk on “Common Legal Issues Startups Face”, organized by VietCham Singapore, May 2016.