

# International Arbitration Report

Published by LexisNexis™

Volume 19, Issue #10  
October 2004

## IRAN-U.S. CLAIMS TRIBUNAL

Challenge against Judge Broms 'inadmissible,' appointing authority rules ..... 3

## SERVICE OF PROCESS

Service by international mail doesn't violate Brazilian law, U.S. judge rules ..... 4

## ALTER EGO

Texas judge: Company not alter ego of Turkmenistan ..... 6

## ATTACHMENT IMMUNITY

ICC award can be attached, Ninth Circuit U.S. Court of Appeals rules ..... 8

## STAY

Parties waived their right to arbitrate, 3rd Circuit concludes ..... 12

Issues in arbitration not accounting issues, U.S. judge rules ..... 12

## MOTION TO AMEND

Estonian party to arbitration added to U.S. court action ..... 13

## CONFIRMATION

Polish arbitrators applied Illinois beer law to dispute ..... 15

## ARBITRATOR'S POWER

New York court: Award of costs up to arbitrator ..... 16

## NAFTA

Arbitrators won't issue supplementary decision in Loewen ..... 18

## COMMENTARIES

Spain: An emerging seat for international arbitration ..... 21

Rabbinical arbitration and secular courts Mond & Mond v. Berger & Anor ..... 29

### on the BULLETIN BOARD

- New Publication  
Antidepressant Drugs
- Upcoming Conferences  
California Section 17200  
Anti-SLAPP Statute  
Zyprexa Litigation  
Hormone Therapy Litigation

© Copyright 2004 LexisNexis, Division of Reed Elsevier Inc. All rights reserved. Reproduction strictly prohibited without written permission.

P.O. Box 62090 • King of Prussia, PA 19406-0230 • (610) 768-7800 • fax (610) 962-4991 • WWW.MEALEYS.COM

# International Arbitration Report

Published by LexisNexis®

## MEALEY'S INTERNATIONAL ARBITRATION REPORT

**Edie Scott**  
*editor*

**W. Thomas Hagy**  
*vice president & general manager*

**Scott M. Jacobs**  
*legal news market planning director*

**Maureen H. McGuire**  
*editorial director*

**Ann Marie Gilpin**  
*customer relations manager*

**Sharon L. Boothe**  
*conference director*

**Lex Daniele**  
*marketing manager*

**Dan Johnson**  
*information systems director*

**Barbara Mather**  
*senior production associate*

Advertising & sponsorship  
opportunities call 1-800-MEALEYS

**The Report**  
is produced monthly by

 **LexisNexis®**  
Mealey Publications &  
Conferences Group

217 W. Church Road  
P.O. Box 62090  
King of Prussia, Pa. 19406-0230

Telephone: (610) 768-7800  
1-800-MEALEYS (1-800-632-5397)  
Fax: (610) 962-4991  
Email: mealeyinfo@lexisnexis.com  
Web site: www.mealeys.com

**Print:** \$1695 for a full year

An online version of this report with  
email delivery is also available through  
LexisNexis on [www.lexis.com](http://www.lexis.com). Contact  
Mealey's Customer Relations Department or  
your LexisNexis representative for details.

U.S.A.: Please add appropriate state  
sales tax to your order. **Canada:** Add  
7% sales tax.

ISSN 1089-2397

© COPYRIGHT 2004 LEXISNEXIS,  
DIVISION OF REED ELSEVIER INC.  
ALL RIGHTS RESERVED.

## CASES IN THIS ISSUE

Doc. Page

Iran-U.S. Trib.	Appointing authority's decision Riahi challenge inadmissible .....	B	..... 3
S.D. Texas	<u>Bridas v. Turkmenistan</u> Renewed motion to vacate .....	*	..... 6
N.Y. Sup. App. Div.	<u>Chaindom v. Furgang &amp; Adwar</u> <u>In re Arbitration, etc.</u> Order vacating award .....	*	..... 16
3rd Cir.	<u>Expofrut S.A. v. M/V Aconcagua</u> Order denying stay .....	*	..... 12
NAFTA	<u>Loewen Group v. U.S.</u> Request for clarification .....	*	..... 18
9th Cir.	<u>MOD v. Cubic Defense v. Flatow and Elahi</u> Attachment of award .....	*	..... 8
Victoria Sup.	<u>Mond &amp; Mond v. Berger &amp; Anor</u> Subject of commentary .....	A	..... 29
	Ruling on costs .....	*	..... 29
S.D. N.Y.	<u>Vanomet Ag v. Companhia Siderurgica</u> Bench ruling on service of process .....	C	..... 4
N.D. Ill.	<u>Stawski v. Brewery Zywiec</u> Motion to confirm award .....	*	..... 15
D. Minn.	<u>Sybartic and Skandialife v. NeoQi</u> Motion to amend complaint .....	*	..... 13
S.D. N.Y.	<u>XL Capitol v. Kronenberg</u> Motion to stay .....	*	..... 12

\* Document available. Visit [www.mealeysonline.com](http://www.mealeysonline.com) or call 1-800-MEALEYS.

Cite as Mealey's: International Arbitration Report, Vol. 19, Iss. 10 (10/04) at  
p.\_\_\_\_, sec.\_\_\_\_.

Cite as Mealey's: International Arbitration Quarterly Law Review, Vol. 5,  
Iss. 4, winter at p.\_\_\_\_, sec.\_\_\_\_.

## commentaries

To submit commentary articles, please contact  
[edie.scott@lexisnexis.com](mailto:edie.scott@lexisnexis.com)