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Day Pitney Preserves Favorable Ruling For Client As Supreme Court Denies Writ of Certiorari

Day Pitney's Complex Commercial Litigation team is representing several Brazilian iron companies in their revised bid to enforce a more than \$48 million arbitral award against the alleged alter egos and successors of Steel Base Trade AG (SBT).

The companies represented by Day Pitney won an important decision this week, when the U.S. Supreme Court turned down a petition to review a Second Circuit decision, which revived the bid by Day Pitney's clients to enforce the arbitral award. The Second Circuit had ruled earlier this year that a federal judge in New York had erred in dismissing their lawsuit seeking to enforce the award.

The dispute can be traced to 2008, when CBF Indústria de Gusa S/A, Da Terra Siderúrgica LTDA and other Brazilian companies and SBT entered into several contracts providing for the sale of 103,500 metric tons of pig iron to SBT for more than \$76 million. By October 2008, SBT had stopped purchasing the pig iron as required by the contracts, leading to a breach of contract claim by CBF.

CBF initiated arbitration at the ICC in November 2009. While in arbitration, and after most of SBT's assets were fraudulently transferred to other entities, SBT filed for Bankruptcy in Switzerland in 2010. In 2011, the ICC tribunal issued a \$48 million award, plus interest and \$360,000 in costs and fees, to CBF and the other plaintiffs.

CBF and the other Brazilian companies subsequently filed the lawsuit in New York seeking to enforce the award against AMCI Holdings, American Metals & Coal International and several other interrelated companies as alter egos of SBT.

Day Pitney's team for CBF is led by Adam K. Grant, Elizabeth J. Sher and Jonathan S. Zelig. The matter was covered in the articles, "[HighCourt Turns Away Iron Cos.' \\$48M Arbitral Award Row](#)" and "[Iron Cos.' \\$48MAward Row Paused Pending Justices' Review](#)," in *Law360*.

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