

SIJIA LI

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PRACTICE AREA

MS. LI SPECIALIZES IN DISPUTE RESOLUTION INCLUDING INTERNATIONAL ARBITRATION, CORPORATE CONTROL BATTLE AND OTHER COMPLEX DISPUTES, AS WELL AS REGULATORY CONTENTIONS MATTERS AND COMPLIANCE INVESTIGATION.

Education

- Columbia University, LL.M. (James Kent Scholar)
- China University of Political Science and Law, LL.B

Professional Qualification

- Admitted to practice in the PRC
- Admitted to practice in New York

Work Language

- Mandarin
- English

Professional Background

- Ms. Li joined the Beijing office of Fangda Partners in 2013.

REPRESENTATIVE MATTERS AND CASES

International arbitration and cross border litigation

- Representing a NASDAQ listed high tech company in a HKIAC arbitration seated in Hong Kong arising out of a merger and acquisition of an offshore company. The disputed amount is over USD 30 million, and the governing law is Hong Kong law.
- Representing a leading USD fund in an ICC arbitration seated in Hong Kong against its portfolio and its controlling shareholders in a redemption dispute and the associated asset preservation before competent PRC court. The disputed amount exceeds USD 40 million, and the governing law is Hong Kong law.
- Representing an investment fund in a HKIAC arbitration seated in Hong Kong arising out of a fund share transfer agreement and personal guarantee, with a disputed amount of HKD 700 million and Hong Kong law as the governing law.
- Representing an investment fund in a HKIAC arbitration seated in Hong Kong arising out of its redemption dispute against the controlling shareholders of its portfolio and the associated asset preservation before competent PRC court. The disputed amount exceeds RMB 200 million, and the governing law is New York law.
- Represented a leading player in mobile advertising industry in China in its VIE dispute concerning a cross-border transaction of RMB 1.3 billion before HKIAC and advised client on its strategy in a series of correlated arbitration and litigation proceedings. The disputes gave rise to complex procedural issues, including emergency arbitration proceedings administered by HKIAC, modification of emergency arbitrator's decision upon the formation of tribunal and arbitration proceedings administered by HKIAC pursuant to the UNCITRAL Arbitration Rules.
- Successfully represented a Korean oil and gas company in a SIAC arbitration concerning a long-term gas supply contract. The dispute arose from the US counter-party's failure to perform its take-or-pay obligations and gave rise to complicated procedural and substantive disputes, including the validity of arbitration agreement providing for "SIAC arbitration in Shanghai", as well as the proper construction of MTOP clauses under the PRC law. All of the client's claims including costs were supported by the tribunal.
- Successfully represented a European company in a dispute arising from the investment agreement between the client and a Hong Kong company. The dispute concerns the ultimate control over a joint venture established by

the client and the counter-party, with a disputed amount exceeding Euro 20 million. The dispute was submitted to ICC for arbitration governed by PRC law. Eventually the client was awarded of all of its arbitral claims.

- Represented a leading investment fund in its redemption dispute against a VIE structure portfolio company, including advising the client in its contemplated Cayman litigation and winding-up petition.
- Represented a leading investment fund in its dispute against its portfolio company and the founder arising out of the company's refusal to convert the investor's ordinary shares into ADS.

Complex domestic litigation and arbitration

- Representing a leading USD fund in its corporate control battle with a minority shareholder with respect to a private hospital located in Shanghai. The parties' disputes gave rise to a series of legal proceedings spanning from administrative proceeding against relevant AIC authorities, recognition and enforcement of an HKIAC arbitral award, PRC litigations concerning validity of corporate resolutions, loan agreements and derivative action against former directors and officers of the company and relevant criminal proceeding.
- Represented a worldwide leading high tech company in a series of disputes concerning control battle between two of its founding partners. The legal proceedings involved administrative review, administrative litigations and civil litigations concerning validity of company resolutions, confirmation of shareholder's standing, etc. as well as Cayman litigation concerning the validity of corporate resolutions of the Cayman company.
- Representing a worldwide agricultural giant headquartered in Spain and its Chinese subsidiary in a litigation before Yunnan Court involving infringement upon the client's plant variety rights as well as alleged quality defects in the client's PVRs. This is a pioneering case before PRC courts concerning quality disputes surrounding protected varieties involving complex procedural and substantive legal issues.
- Representing a fund manager against its creditor in a CIETAC arbitration case and coordinating concurrent legal proceedings in Cayman, BVI, Hong Kong and PRC with an aggregate disputed amount of over RMB 5 billion. The disputes involve the control of a US listed company of which a fund managed by the client holds majority stake, the fiduciary duty owed by fund manager under PRC law and validity of contracts under PRC law.
- Advising a provincial government regarding a series of disputes against a world leading player in telecommunications based in U.S. arising out of joint venture contracts, technology license agreements and service agreements. The total disputed amount exceeds RMB 4 billion.
- Advised a well-known worldwide energy drink supplier against its JV partner on the dispute regarding the control of the JV, distribution of dividends, breach of fiduciary duties by the board members, etc., including but not limited to provide the litigation and arbitration strategy, as well as the settlement plans.
- Representing a NASDAQ listed apartment rental operator in CIETAC arbitration proceedings related to a share purchase agreement, where the client purchased the shares and assets of ten target companies at the price of over RMB 700 million.
- Successfully represented an international hotel manager in its dispute arising from a series of hotel management agreements against a real estate developer, the hotel owner: attended hearings representing the client and provided the client with PRC legal advice in concurrent arbitral proceedings before CIETAC and HKIAC; represented the client in the global settlement negotiation after two years of arbitration and eventually achieved a considerable amount of settlement compensation for the client.

Contentious regulatory matters

- Represented a Big Four accounting firm in an administrative investigation initiated by the Ministry of Finance.
- Represented a renowned MNC in its internal investigation centering suspected collusive bidding activities and other misconduct by its employees.
- Assisted a US quartered pharmaceutical MNC in its internal investigation concerning employee misconduct which gave rise to potential criminal risks and unair competition violations.
- Represented a renowned MNC headquartered in France in an administrative investigation initiated by the Market

Regulation Authorities concerning pricing related misconduct and substantially lowered the penalty amount for the client.

- Assisted a leading investment fund in the criminal investigation targeted at its portfolio company and advised the directors nominated by the investor on the board in relevant legal risks.
- Advised a Big Four accounting firm regarding PRC law compliance issues arising from provision of documents to the US Securities and Exchange Commission.
- Successfully conducted compliance review under PRC law for a Fortune Global 500 international telecommunications corporation regarding provision of documents to overseas entities as part of an FCPA investigation.