

November 29, 2016

## **Gornitzky represents an acquisition group in a motion to disqualify an arbitrator**

### **News**

**Gornitzky successfully represented an acquisition group in rejecting a motion to disqualify an arbitrator, before the honorable Judge A. Vago at the District Court, in addition to a request for permission to appeal before the Supreme Court, held before the honorable Judge Danziger at the Supreme Court.**

Within the framework of the motion to disqualify the arbitrator and the permission to appeal, it was claimed, among others, that the arbitrator should be disqualified based on the fact that the representative of the acquisition group, Adv. Eli Cohen, was appointed as the IBA's deputy Chairman of the litigation committee, one in which the arbitrator resides as Chairman. Furthermore, said arbitrator represents a client in a separate proceeding, in which Mr. Cohen represents the opposing party.

In his court ruling issued in September 2016, the honorable Judge Vago ordered to dismiss the motion, whilst accepting the claim made by the acquisition group, according to which there is lack of real likelihood of bias, on the arbitrator's part, in his decision. Expenses for the procedure were imposed on the petitioner.

The request for permission to appeal filed by the petitioner was also rejected, while the claims made by the acquisition group were accepted and expenses for the procedure were imposed on the petitioner. In his court ruling, the honorable Judge Danziger, determined, among others, that the so-called "connection" between advocate Cohen and the arbitrator, allegedly originates from their professional acquaintance. Furthermore, any claim according to which there is real likelihood of bias, on the arbitrator's part, is far-fetched. It was also determined that the fact that the arbitrator and advocate Cohen represent clients on opposite sides in a separate proceeding, does not necessarily raise concern about a conflict of interest.

The acquisition group was represented by Eli Cohen (partner) and Natalie Dragot

### **Key Contacts**



**Eli Cohen**  
Partner