

**Dr. Mladen Stojiljković, LL.M., Partner**

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Mladen Stojiljkovic focuses his practice on commercial and investment treaty arbitration, domestic and international litigation, and judgment and award enforcement. He regularly serves as arbitrator.

**Recognitions**

- Recognized by **Who's Who Legal** as "Thought Leader Global Elite – Commercial Litigation – under 45 2023"
- Recognized by **Who's Who Legal** (2021 and 2022) as one of the most highly regarded in the category "Future Leaders – Europe, Middle East, and Africa – Non-Partners – Commercial Litigation" (Europe, Middle East and Africa)
- **Who's Who Legal** Future Leader (Arbitration, since 2019; Litigation, since 2018)
- Ranked in **Leader's League** (International Arbitration: "Highly Recommended"; Dispute Resolution: "Excellent")
- Recognized in **Legal 500** for Litigation and Arbitration
- Recognized by Euromoney/Legal Media Group's **Expert Guides** as "Rising Star" in "Commercial Arbitration"

**Bar Admissions**

- Switzerland (2010)
- California (2022)

**Professional Experience**

- Partner at Nater Dallafor (since 2023)
- Counsel at Vischer (2019-2023)
- Associate at Homburger (2011-2013, 2015-2019)
- International Counsel at Williams & Connolly, LLP (2014-2015)
- Research Assistant for Professor George Bermann, Columbia Law School (2013-2014)
- Assistant for Professor Helmut Heiss, University of Zurich (2007, 2009-2011)
- Assistant for Professor Heinrich Honsell, University of Zurich (2007)

## **Education**

- Columbia Law School, LL.M. (2014)
- University of Zurich, PhD in law (2014)
- University of Zurich, lic. iur. (2007)

## **Other Professional Activities**

- Arbitrator at the International Chamber of Commerce (Swiss Arbitrators List)
- Author at Weblaws' digital case notes ('digitaler Rechtsprechungskommentar) for Private International Law/International Civil Procedure and Arbitration and Civil Procedure

## **Recent Cases: Litigation**

- Representing holders of Contingent Capital Awards cancelled in connection with the merger of Credit Suisse and UBS
- Representing Credit Suisse employees in appeals against the Federal Department of Finance in connection with cancelled outstanding variable deferred compensation
- Representation of holders of Credit Suisse's Additional Tier1 capital instruments in appeals against FINMA
- Representing a Swiss insurance company in disputes with former independent insurance agents
- Representing a cybersecurity company in a dispute with a customer over the early termination of a firewall contract
- Representing the purchaser in a post-M&A dispute over the breach of reps and warranties in Swiss courts
- Representing a major European telecommunications company in Swiss litigation against a competitor
- Representing a Serbian national in pre-judgment attachment proceedings in Switzerland, while main proceeding was pending in the State of New York
- Representing an Eastern European software developer in a contract dispute with a Swiss counterparty in Swiss courts
- Representation of US plaintiff in service of process in Switzerland under the Hague Convention of 1965
- Representing a Swiss company in multiple award and judgment enforcement actions brought by a foreign company
- Representing creditors in proceedings for the recognition and enforcement of judgments in Switzerland
- Representing victims of investment fraud and embezzlement in Swiss criminal proceedings and related civil claims and asset recovery actions

- Acting as expert witness on Swiss contract law in a proceeding in the State of Florida
- Acting as expert witness on Swiss law of civil procedure in a proceeding in Tel Aviv, Israel

### **Recent Cases: Arbitration (Counsel)**

- Representing a US investor in an investment treaty dispute with a European State
- Representing a European Investor in an investment treaty dispute with a European State
- Representing a Croatian company in a Vienna-seated ICC arbitration with an Austrian company
- Representing a Czech national in Swiss Rules arbitration regarding a disputed loan-repayment claim under lex mercatoria rules
- Representing in ICC arbitration a pharmaceutical company in a patent licensing arbitration with a licensee
- Representing in ICC arbitration a pharmaceutical company in a contract termination dispute with a distributor
- Emergency Arbitration and subsequent Swiss Rules proceedings representing a Turkish distributor of consumer electronics in a dispute about unlawful termination
- Representing a defendant in an arbitral award enforcement action brought by the award creditor (over CHF 240 million)
- Representing the creditor in award enforcement action in Switzerland relating to an arbitral award issued in Belgrade, Serbia

### **Recent Cases: Arbitration (Arbitrator)**

- Acting as Sole Arbitrator in an Istanbul-seated ICC arbitration between a Turkish and an Uzbekistani company
- Acting as Sole Arbitrator in Zurich-based Swiss Rules arbitration between a German and a Russian company relating to a construction project
- Acting as Co-Arbitrator in a Belgrade-seated arbitration between a Serbian and a Swiss company under the CISG and Serbian law
- Acting as Co-arbitrator in a Zurich-based ad hoc arbitration between a US and a European company

### **Publications**

- The Parties' Obligations of Diligence When Challenging Arbitrators – Two Recent Cases From Switzerland and England, in: b-Arbitra (forthcoming)
- Der Vorausverzicht auf die Revision von Schiedsurteilen, Case Note on Decision 4A\_69/2022, dRSK, Weblaw, 3. März 2023 (with A. Winter)
- Strenge Präklusionsvorschrift bei unbezifferten Forderungsklagen, Case Note on Decision 4A\_581/2021, dRSK, Weblaw, 23. Februar 2023 (with A. Müller)

- Art. 18-21 LugÜ (jurisdiction in employment matters), in: Basler Kommentar, Lugano Übereinkommen, 3. Aufl., 2023
- Wer entscheidet über die Rechtzeitigkeit der Aberkennungsklage – Betreibungsamt oder ausländisches Schiedsgericht?, Case Note on Decision 5A\_496/2021, dRSK, Weblaw, 9. September 2022
- Art. 30a, 261-264, 266-267, 268-270, in: Basler Kommentar, Schuldbetreibungs- und Konkursgesetz, 3. Aufl. 2022 (with M. Staehelin)
- Zur Substanziierungslast der nicht beweiselasteten Partei, Schweizerische Zeitschrift für Zivilprozess- und Zwangsvollstreckungsrecht (ZZZ), 57/2022, 3-6
- Swiss Federal Court addresses waiver clause under Article 192 PILA, Case Note on Decision 4A\_382/2021, in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 16. Dezember 2021
- Contract Interpretation under the CISG from the perspective of Swiss law: selected issues, in: Unifikacija prava i pravna sigurnost, Zbornik radova 33. Susreta Kopaoničke škole prirodnog prava – Slobodan Perović, Tom III, Beograd, 2020, 53-63
- Subjective Interpretation of Arbitration Agreements and Judicial Review, Case Note on Decision 4A\_418/2019, dRSK, Weblaw, 24. September 2020
- Burden and Standard of Proof in Investment Arbitration, in Investment Treaty Arbitration Law Review, 5th Ed., 2020 (with D. Favalli)
- Arrestprosequierung mittels Schiedsklage, Schweizerische Zeitschrift für Zivilprozess- und Zwangsvollstreckungsrecht (ZZZ), 2020, 21-29
- Zur Auslegung von Schiedsvereinbarungen, Case Note on Decision 4A\_342/2019, dRSK, Weblaw, 31. März 2020 (with S. Pfenninger)
- Swiss Federal Court Addresses Jurisdiction and Admissibility in CAS Arbitration, Case Note on Decision 4A\_413/2019, dRSK, Weblaw, 17. Dezember 2019
- State Immunity from Enforcement and the New York Convention, Case Note on Decision 5A\_942/2017 (BGE 144 III 441), dRSK, Weblaw, 30. September 2019
- Non-Signatories and Article II of the New York Convention, Case Note on Decision 4A\_646/2018 (BGE 145 III 199), dRSK, Weblaw, 22. Juli 2019
- Zur Schiedsfähigkeit arbeitsrechtlicher Streitigkeiten, Case Note on Decision 4A\_7/2018 (BGE 144 III 235), dRSK, Weblaw, 31. Mai 2018
- Arbitration clauses in corporate bylaws, Case Note on Decision 4A\_344/2017, dRSK, Weblaw, 21. März 2018
- The arbitration agreement: an unreviewable finding of fact?, Case Note on Decision 4A\_150/2017, dRSK, Weblaw, 21. Februar 2018
- Waiving any recourse against the arbitral award – do parties waive also the right to request revision?, Case Note on Decision 4A\_53/2017 (BGE 143 III 589), dRSK, Weblaw, 19. Dezember 2017
- Swiss Supreme Court Addresses Judicial Reviewability of Interim Awards on Jurisdiction, Case Note on Decision 4A\_98/2017 (BGE 143 III 462), dRSK, Weblaw, 18. August 2017

- Challenging Interim Awards on Jurisdiction in Swiss-seated Arbitrations, Euromoney Commercial Arbitration Expert Guide 2017 (with G. Naegeli)
- Arbitral Jurisdiction and Court Review: Three Swiss Federal Supreme Court Decisions to Reconsider, ASA Bulletin 4/2016, 897-913
- The Challenge of an Arbitral Award on the Basis of Pararegulatory Texts, in: D. Favalli (Hrsg.), Sense and Nonsense of Guidelines, Rules and Other Pararegulatory Texts, ASA Special Series No. 37, 2015 (with B. Gross)
- Art. 18-21 LugÜ (jurisdiction in employment matters), in: Basler Kommentar, Lugano Übereinkommen, 1st ed. 2011 und 2nd ed. 2015 (both with B. Meyer)
- Die Kontrolle der schiedsgerichtlichen Zuständigkeit, Zürich/St. Gallen 2014 (Diss. Zürich 2014)
- Perjury in Arbitral Proceedings, Global Arbitration Review, 29. Juli 2011 (with T. Müller)
- Untaugliches Widerspruchsverfahren im Kartellrecht – Wenn Firmen auf offene Fragen nach dem Erlaubten keine Antwort erhalten, in: Neue Zürcher Zeitung, Nr. 163, 17. Juli 2009 (with K. Neff)

### **Speaking Engagements**

- Technology and Latest Developments in Arbitration, Crypto Arbitration, Moldova Arbitration Days, Chisinau, Moldova, 7 May 2024
- Striving for "Perfect" Arbitration Legislation, Cambridge Arbitration Day, Cambridge, UK, 20 April 2024
- Disputes in Uncertain Times, DIS40 Zurich, Genf, 30 November 2022
- Diversity in Arbitration, Belgrade Arbitration Conference 2022, Belgrade, 1 April 2022
- Is Joinder in Arbitration Up to the Challenge, ICC YAF & YAAP, Vienna/online, 27 March 2021
- Utjecaj pandemije Covid-19 na arbitražni postupak – izazovi, iskustva i (tehnološka) rješenja – Influence of the COVID-19 pandemic on the arbitral procedure – challenges, experience, and (technological) solutions, Young Croatian Arbitration Practitioners (YCAP)/Under 40 Section of the Serbian Arbitration Association, online, 8 May 2020
- Dos and Dont's of Cross-Examination, Cross-Examination Workshop, ASA Below 40/Swiss Chambers' Arbitration Institution/Geneva Chamber of Commerce, Genf, 28 February 2019
- Structuring Dispute Resolution Clauses in Investment Projects: Dos and Don'ts, Sarajevo Arbitration Days, Sarajevo, 24 October 2018
- The Brush-up of Chapter 12 of the Swiss Private International Law Act, Belgrade Arbitration Conference 2018, Belgrade, March 2018
- The Arbitrator's Duty to Disclose Potential Conflicts, ICC Young Arbitrators' Forum, Zurich, 8 December 2017
- Determining the Arbitral Procedure, ASA Below 40, Genf, June 2016

- The Arbitrator as Settlement Facilitator, Guest Lecture in Course "Advocacy in International Arbitration", Yale Law School, New Haven (CT), April 2016
- Jurisdiction and Choice of Law, Guest Lecture in Course "Advocacy in International Arbitration", Yale Law School, New Haven (CT), February 2015

### **Client / Market Feedback**

- **Chambers Europe & Chambers Global:** I am super impressed by the team at Nater Dallafior and Mladen Stojiljkovic in particular. [...] He is super responsive. I can reach him at any time of day, and he is a great counsel.
- **Who's Who Legal:** Mladen Stojiljkovic achieves recognition as a top litigator who is appreciated by clients as a 'practitioner with great academic background and a pleasure to work with.
- **Who's Who Legal:** Mladen is [a] brilliant arbitration practitioner.
- **Who's Who Legal:** Highly regarded for his top-tier counsel work.

### **Expertise**

- International Arbitration
- Commercial & Corporate Litigation
- Insolvency Disputes & Asset Recovery