

## DIANE PENG

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### PRACTICE AREAS

MS. DIANE PENG SPECIALIZES IN DISPUTE RESOLUTION, PARTICULARLY INTERNATIONAL AND FOREIGN-RELATED COMMERCIAL ARBITRATION, COMMERCIAL LITIGATION MATTERS AND FAMILY LAW.

## REPRESENTATIVE MATTERS AND CASES

### INTERNATIONAL AND FOREIGN-RELATED COMMERCIAL ARBITRATION

- Currently representing a BVI investor in an arbitration proceeding before the Hong Kong International Arbitration Center (“HKIAC”) concerning a share redemption arrangement;
- Currently representing a Hong Kong company against an affiliate of a leading PRC real estate group in two arbitration proceedings before the Hong Kong International Arbitration Center (“HKIAC”) concerning a guarantee. We successfully secured attachment of the Respondent’s domestic assets in the Chinese courts;
- Represented a Chinese game producer in a dispute against a major worldwide electronic games publisher in arbitration proceedings before HKIAC. The dispute was resolved by settlement in a manner favorable to our client;
- Represented a Chinese mobile advertising company and its majority shareholders in two arbitration proceedings before the HKIAC against the company’s minority shareholder in respect of a share transfer dispute. The dispute involves complicated VIE structuring and Chinese governmental approval issues;
- Represented a Chinese carbon manufacturer in arbitration proceedings at the HKIAC against its foreign joint venture partner concerning disputes arising out of the performance of the JV contract between the parties;

- Represented an energy development company listed on the TSX Venture stock exchange in an ad hoc arbitration proceeding under the UNCITRAL rules against its Chinese partner in relation to a gas development project. The size of the claims was over RMB 2 billion;
- Represented a Chinese textiles company in two arbitration proceedings at the Singapore International Arbitration Centre (“SIAC”) against two affiliates of an American textiles company. The combined value in dispute of the two cases was over USD 26 million;
- Currently representing a Chinese state-owned company in a foreign-related arbitration before China International Economic and Trade Arbitration Commission (“CIETAC”) regarding an overseas construction project among three electrical power engineering enterprises;
- Successfully represented Nokia in CIETAC arbitration proceedings under the ICC rules against a state-owned Chinese company concerning share transfer disputes; the value in dispute was over RMB 300 million;
- Successfully represented an energy company listed on the TSX Venture Exchange in a series of arbitration proceedings before CIETAC against its Chinese partner, gas sales agent, and down-stream customer; the value of the dispute was over RMB 1 billion and the case was resolved through a favorable settlement;
- Successfully represented two HK companies in arbitration proceedings before CIETAC against their Chinese partner (a state-owned company) in relation to disputes regarding the transfer of highway operation rights, with the value in dispute over RMB 300 million. Obtained a favorable award;
- Successfully represented a UK Steel trader in arbitration proceedings before CIETAC involving a product quality dispute with its US seller. Obtained a favorable award;
- Successfully represented a major global real estate group in arbitration proceedings before CIETAC against its Chinese partner. Obtained a favorable award;
- Successfully represented a major global retailer in CIETAC arbitration proceedings against its Chinese lessor. Obtained a favorable award;
- Successfully represented a Singapore Steel trader in arbitration proceedings before CIETAC against a Hong Kong seller. Obtained a favorable award;
- Represented a subsidiary of a major Indian wind turbine manufacturer in arbitration proceedings before CIETAC involving a product quality dispute with a Chinese wind farm owner. The value of the dispute was more than RMB 60 million;

- Represented a car manufacturer in a CIETAC arbitration proceeding against its Canadian supplier, with a disputed amount of almost RMB 35 million;
- Represented a major global leader in water, fluid and thermal equipment in arbitration proceedings before CIETAC against its Chinese JV partner. The value in dispute was over RMB 20 million. Reached a favorable settlement;
- Successfully represented a Swiss Company in a CIETAC arbitration proceeding against its Chinese sales agent, with the amount in dispute almost RMB 3 million. Obtained a favorable award;
- Represented a Chinese individual in an arbitration proceeding before Beijing Arbitration Commission (“BAC”) against his BVI partners concerning an investment dispute, with a value in dispute of over USD 60 million. Reached a favorable settlement;
- Represented a major Chinese wind turbine manufacturer in arbitration proceedings before the BAC involving a product quality dispute with its American supplier, with the value in dispute RMB 1.2 billion. Reached a favorable settlement;
- Successfully defended a Chinese policy-oriented insurance company specializing in export credit insurance in several export credit insurance cases before BAC, obtaining awards in the client’s favor;
- Represented a HK manufacturer in arbitration proceedings before the Shanghai International Economic and Trade Arbitration Commission (“SHAIAC”) against its Chinese partner. The dispute was settled in a manner favorable to the client;
- Representing a subsidiary of a Chinese state-owned company in arbitration proceedings relating to a share redemption dispute before SHAIAC.

#### LITIGATION AND FAMILY LAW ADVICE

- Representing/represented several companies in contractual litigation proceedings before the Chinese courts, including: one major Chinese state-owned company in litigation proceedings before a Beijing court relating to a share transfer dispute valued at over RMB 1.2 billion; four Hong Kong companies in litigation proceedings against their state-owned Chinese partner before the courts in Shandong and Hong Kong; a Chinese-French JV in litigation proceedings before the Beijing courts against its Chinese equipment vendor; certain subsidiaries of a global leader in high-productivity mining solutions in litigation proceedings before the Chinese courts; an energy-development enterprise listed on the TSX Venture stock exchange in litigation proceedings against its down-stream customer before the Zhejiang courts; a consulting company in litigation proceedings before the Inner

Mongolian courts; a Shandong company in litigation proceedings before the Shandong courts involving disputes related to a share transfer agreement;

- Representing/represented several banks in litigation proceedings before the Chinese courts involving disputes regarding financial loan agreements and related guarantee agreements;
- Representing/represented several companies in tort-related litigation proceedings before the Chinese courts, including: a world-leading manufacturer of aviation products before the Beijing courts in claims brought by multiple Chinese individuals in relation to air transportation damages, the co-defendants of which include the carrier, aircraft manufacturer and insurer from different jurisdictions; a well-known manufacturer before the Liaoning courts in relation to product liability disputes; a French fund before the Sichuan courts in creditor's subrogation disputes;
- Represented several companies in Chinese court proceedings relating to arbitration cases, including but not limited to proceedings concerning jurisdictional challenges; the validity of the arbitration clause; asset attachment; setting aside of arbitration awards; and the recognition and enforcement of international arbitral awards;
- Represented individuals in family law disputes before the Chinese courts, including divorce and inheritance disputes. Providing legal advice in relation to wealth management and inheritance.

## **OTHER INFORMATION**

### **Education**

- Peking University, German Linguistics and Literature, B.A., 2004.9-2008.7
- Peking University, International Politics, B.A., 2004.9-2008.7
- Peking University, Commercial Law, LL.M., 2008.9-2011.7
- Berlin Free University, Commercial Law, Exchange Student, 2009.9-2010.7

### **Professional Qualification**

- Admitted to practice in the PRC

### **Work Language**

- Mandarin
- English
- German

### **Professional Affiliations**

- Ms. Peng is currently serving as the Representative of North Asia for the ICC YAF (Young Arbitrators Forum) (2021-2023) and is also an Arbitral Institution Liaison Officer for the Asia-Pacific Forum for International Arbitration (2019-). Ms. Peng also serves as a committee member of the Arbitration Committee of the China Chamber of International Commerce.
- Ms. Peng is listed on the panel of arbitrators of the Shenyang Arbitration Commission, and is also a committee member of the 12th Committee of the Beijing Youth Federation.

### **Professional Background**

Ms. Peng joined the Beijing office of Fangda Partners in 2014. Prior to that, Ms. Peng worked in another top PRC law firm from July 2011 to October 2014.