

Real Estate Attorney Sarah Cox publishes Second Part of Law Instruction Series, Seminar 2 Business & Real Estate Law

Florida Lawyer Sarah E. Cox is publishing series of instructional articles, all of which will be available on her Blog; second part now available.

FORT MYERS, FLORIDA, UNITED STATES, September 15, 2018 / EINPresswire.com/ -- The second part in [Sarah Cox's](#) series of instructional articles is now available on her [Blog](#). The second article on Business & Real Estate addresses the case of Belize Social Development Ltd. v. Government of Belize, No. 14-7002 (D.C. Cir.).

Ms. Cox summarizes the case. In action to enforce arbitral award against Belize, District of Columbia Circuit rejects Belize's claims of immunity because transactions at issue were essentially the sale of real estate and thus commercial in nature; New York Convention's definition of "commercial" is not the same as the FSIA's definition.



Real Estate Attorney Sarah E. Cox, Florida

To go into more detail, in 2005, Belize Telemedia Limited ("Telemedia"), Belize's largest private telecommunications company, and the Government of Belize ("Belize"), acting under the direction of then-Prime Minister Said Musa, entered into an agreement styled "The Accommodation Agreement" to purchase properties from Belize which the country desired to sell in order to better accommodate the Government's communication needs. According to this agreement, Telemedia was to obtain relief from tax and regulatory burdens otherwise applicable to the company, and receive other significant benefits. The parties also agreed on the following arbitration clause: "Any dispute arising out of or in connection with this Agreement including any question regarding its existence, validity or termination, which cannot be resolved amicably between the parties shall be referred to and finally resolved by arbitration under the London Court of International Arbitration (LCIA) Rules which Rules are deemed to be incorporated by reference under this Section."

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Here, the DC Circuit rejects Belize's claims of immunity because transactions at issue were about real estate. Note that the New York Convention's definition of "commercial" is different from the FSIA"

Sarah E. Cox, attorney in Florida

In November 2009, pursuant to section 207 of the Federal Arbitration Act ("FAA"), BSDL brought suit in the District Court for the District of Columbia to confirm the arbitral award. Belize moved to stay confirmation of the award pending resolution of related litigation in Belize, which the district court granted. BSDL then appealed.

The United States Court of Appeals for the District of Columbia Circuit reversed, noting that under the FAA, the stay order was not in conformity with federal law and international commitments. The Court remanded and instructed the district court to review and grant BSDL's petition to confirm the Final Award absent a finding that an enumerated exception to enforcement applied. On remand, Belize argued that the Prime Minister at the time of the entry of the agreement lacked authority to enter either the contract or the arbitration agreement, and that the district court lacked subject matter jurisdiction over the dispute claiming its sovereign immunity under the Foreign Sovereign Immunities Act ("FSIA"). Because Belize had not provided support for its claim with respect to the arbitration agreement, the district court held that jurisdiction was proper under the arbitration exception to the FSIA, and granted BSDL's petition to confirm the award. Belize appealed.

The United States Court of Appeals for the District of Columbia Circuit affirms the judgment of the District Court. The key issue here is whether and under what circumstances the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. § 1605(a)(6), arbitration exception applies to a case in which the action was brought to confirm an award made pursuant to an agreement to arbitrate.

Sarah Cox notes that the court comes to the conclusion that: "(1) the Convention's purpose was to 'encourage the recognition and enforcement of commercial arbitration agreements in international contracts,' *TermoRio S.A. E.S.P. v. Electranta S.P.*, 487 F.3d 928, 933 (D.C. Cir. 2007); (2) the word 'commercial' is a 'term of art'; and (3) in implementing the Convention, Congress intended that word to have the meaning generally attached to that term in the international commercial arbitration context. As we discussed above, 'commercial' in the context of international arbitration refers to matters which have a connection to commerce. Belize's

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Wednesday, August 1, 2018

Sarah E Cox: Plaintiff, Nova Scotia resident injured in Wyoming auto accident where limitations law requires filing suit within four years of accident sued U.S. residents in own provincial court where Plaintiffs (unlike in Wyoming) may commence civil actions merely by filing complaint; Nova Scotia Court of Appeal rules that suit was timely since Plaintiff had filed his pleadings in compliance with Nova Scotia procedural rules within four years of collision in obedience to Wyoming substantive law

Plaintiff, Nova Scotia resident injured in Wyoming auto accident where limitations law requires

About Me

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Sarah E. Cox is a Personal Injury attorney in Fort Myers, Florida. Contact Law Office of Sarah Cox & Associates, LLC 5055 Greenbriar Drive Fort Myers, FL 33919-1910 United States Office: (305) 563-0475 News about Sarah E. Cox are at: <https://attorneygazette.com/sarah-ellen-cox/#> Professional Career Ms. Cox received her Juris Doctor from Whittier School of Law in 2005, and was admitted to the Florida Bar in 2008. References Attorney Profile at: <https://solomonlawguild.com/sarah-ellen-cox> Blog at: <http://SarahECoxBlog.blogspot.com>

Blog of Sarah E Cox at SarahECoxBlog.blogspot



Sarah Ellen Cox, Personal Injury Lawyer

Logo of Sarah Ellen Cox, Attorney in Florida

argument to the contrary will not sell.”

The Court thus affirms the District Court’s decision.

The Case Citation is Belize Social Development Ltd. v. Government of Belize, No. 14-7002 (D.C. Cir.). The article will be published in full on the Blog of Sarah Cox at <https://SarahECoxBlog.blogspot.com>

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Before law school, Ms. Cox attended Edison Community College (now Florida Southwestern State College), and University of South Florida, and received her Bachelor’s Degree in Psychology in 1997 (Magna Cum Laude, Phi Beta Kappa Honors).

Ms. Cox interned at the Ruth Cooper Center Drug Abuse Treatment and Education in Fort Myers, where she worked with mentally handicapped individuals and lead group meetings.

References

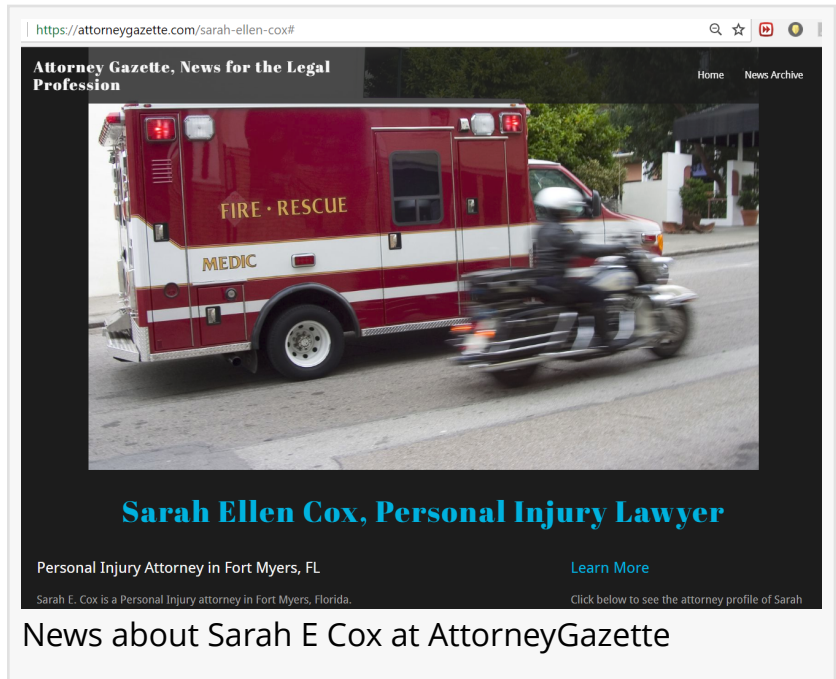
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