

TEMPLARS REPRESENTS TOTAL IN THE HIGH-PROFILE EGINA DISPUTE AGAINST SAMSUNG HEAVY INDUSTRIES NIGERIA LIMITED.



Templars is delighted to have successfully represented Total Upstream Nigeria in a high-profile dispute against Samsung Heavy Industries before the Federal High Court in Lagos.

The dispute was centred around the Floating Production Storage and Offloading (**FPSO**) vessel for the Total-operated ultra-deepwater Egina Oil Field located 130 - 200 kilometres off the coast of Nigeria.

Samsung, the Engineering, Procurement, Supply, Construction and Commissioning (**EPCC**) Contractor for the Egina FPSO vessel, had approached the Federal High Court for orders of injunction pending the commencement of arbitration and/or constitution of an arbitral tribunal in respect of its alleged dispute with Total. Before hearing the substantive application, the court had granted Samsung an *ex parte* order for the maintenance of *status quo*, effectively restraining the sail away of the Egina FPSO vessel which had been scheduled for between 19 and 24 August. If sustained, the injunction would have, as a result of blocking the scheduled sail-away of the FPSO vessel, delayed the December 2018 target date for commencement of production in the Egina field.

In a significant judgment which outlined the conditions for the grant of injunctions in aid of arbitration, the Federal High Court rejected the arguments put forward on behalf of Samsung. Agreeing with the arguments advanced by Templars on behalf of Total, the court emphasized that it was inappropriate for Samsung to be granted interim injunctions in aid of arbitration when Samsung had taken no steps whatsoever to institute any arbitration proceedings, despite serving notices of disputes on Total several months before its application for injunction.

The court then went on to dismiss the reliefs sought by Samsung, thus paving way for the sail-away of the FPSO vessel which took place on 25 August 2018.

Although the parties had agreed to settle their differences before the date set for judgment, the court insisted on delivering the judgment, essentially because the judgment had been ready before Samsung sought to discontinue the suit.

According to Godwin Omoaka who led the Templars team:

“We are very pleased to have made this contribution to the journey of the spectacular FPSO vessel and the Egina Project itself, which is poised to increase Nigeria’s daily oil production by 200,000 barrels or 10 percent by the end of 2018. It is also great to have achieved a very important judicial clarification of the law on injunctions in aid of arbitration in the process.”

Total was represented by Templars team, led by Disputes Partner, **Godwin Omoaka**, Senior Associate **Victor Igwe** and Associates **Chidiebere Ejiofor**, **Izuchukwu Ohajinwa** and **Jacob Obi**.



Samsung was represented in the action by the Lagos firm of Olaniwun Ajayi LP.

ABOUT TEMPLARS

TEMPLARS is one of Nigeria's foremost and largest full-service business law firms. With offices in Lagos and Abuja, the firm is strategically placed to offer top quality legal services to our clients in the major economic hubs Nigeria.

Templars lawyers are widely acclaimed for being client-centric, pragmatic, commercially-savvy and astute.

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