



## Sean Yates

**Year of Call:** 1996

**Direct Access:** No

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Based in Dubai, UAE, Sean specialises in international arbitration and civil and commercial litigation with a focus on construction and infrastructure, real estate, energy and natural resource disputes. More widely, Sean has experience in employment, fraud and regulatory, as well as substantial experience in the tourism, leisure and entertainment sectors.

Sean is a member of Inner Temple and practised before the courts of England and Wales for ten years before relocating to Dubai. He acted as General Counsel for several years before returning to practise in Chambers.

He has experience in both common law and civil law disciplines and can advise on both international and local law matters in the UAE.

Sean is a Fellow of the Certified Institute of Arbitrators (CI Arb) and was appointed to the UAE CI Arb Branch Committee in 2022. Sean is registered as an arbitrator with Dubai International Arbitration Centre (DIAC) and the Tashkent International Arbitration Centre (TIAC) and has recently received an arbitral appointment under an arbitration administered by the DIAC.

## Areas of Expertise

### International Arbitration

#### Notable International Arbitration cases

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Claim brought by a fireproofing subcontractor against a steel package subcontractor in a large airport project. Claims for time and prolongation costs tied to a notional final account. Further claims for disruption, lost opportunity and head office overheads. Expert evidence on quantum and the interpretation of UAE law. (DIFC-LCIA, UAE Law)

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Claim defending the main contractor against a claim brought by an MEP subcontractor on the final account for uncertified

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work. The project was a villa community. Expert evidence relating to quantum, including time and prolongation costs entitlement. (DIFC-LCIA, UAE Law)

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Acting for the main contractor in a claim brought by MEP subcontractor for the final account relating to a multi-story business and medical lab facilities tower. Claims made for time, time-related costs and varied works. Expert evidence on quantum, program and delay analysis to help determine time entitlement and liquidated damages. (DIAC, UAE Law)

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Counsel for an employer in a claim brought by an architect for alleged unpaid design fees relating to mixed-use high-rise towers. Challenges to jurisdiction and admissibility and arguments as to premature claim successfully raised. (DIAC, UAE Law)

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Counsel for owner-employer in multiple claims brought by off-plan purchasers of residential and office units in mixed-use high-rise towers whose completion was delayed. (DIAC, UAE Law)

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Acting for the main contractor in a claim against the developer for certified and uncertified work amounting to AED 114m. Claims for time, counterclaims for delay and liquidated damages. (DIAC, UAE Law)

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Counsel for owner employer in multiple claims brought by prospective tenants of a retail mall which was delayed in completion. (DIAC, UAE Law)

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Counsel for a JV contractor in an ad hoc DAB dispute on a railway project involving major descoping of work and the correct means of contractual assessment.

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Counsel for the main contractor in a FIDIC DAB dispute with the employer concerning fascia lighting on a multi-story tower where the alleged lumens deficit arose from delivered components.

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Acting for Respondent to a claim brought by a marketing company where the dispute involved interpretation of work scope and proof of delivery of in and out-of-scope elements. (DIAC, UAE Law)

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## Litigation

### Notable Litigation cases

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Managing local advocates regarding a claim for work constructing a local Claim value over AED 100 million. Handling disputes with the main contractor and subcontractors arising from an onshore oil and gas project with a government employer.

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Managing a claim involving settlement on behalf of 80 investors in a failed real estate project in Dubai, working closely with the Dubai Land Department and a local major Islamic finance provider to achieve a successful outcome. Drafting and reviewing sponsorship agreements relating to Theme Park.

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Leading and participating in internal fraud investigations against former and current heads of department.

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Advising hotel owner concerning a potential dispute with the operator.

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## Non-Contentious Construction and Real Estate

### Notable Non-Contentious Construction and Real Estate cases

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Overseeing the construction phase of the world's then-largest indoor theme park. Managing all agreements and legal relations with the main contractor and specialist sub-contractors for all aspects of the project.

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Negotiating service provider agreements on master and building owner levels with service providers for electricity, water and district cooling. Dealing with a Dubai RTA infrastructure and cost-sharing agreement.

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Drafting and negotiating an agreement with a sub-developer regarding AED 500 million mixed-use development project involving a complex offshore corporate structure for purchase and land acquisition.

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Drafting sale and purchase agreements relating to land, apartment units, office space and luxury villa units. Providing master community development agreement and owners' association documentation.

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Drafting mall retail lease agreements and agreements to lease.

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Construction and fit-out agreements relating to Motor Driving School Centre.

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Reviewing and drafting of FIDIC forms of contract, particularly Red, Yellow and Silver Book, along with Particular Terms negotiation.

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Providing local developer with a suite of agreements relating to mixed-use development, including end-user sale and purchase agreement, bulk purchase agreement, and agreement for the sale of a complete tower block valued at AED 162m. This transaction led to an award at the Corporate Counsel Middle East 2014 for Property and Construction team of the year.

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Part of a successful consortium advising Dubai RTA concerning proposed metro line extension and feasibility around financing an additional station.

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## **Tourism, Leisure and Entertainment**

### **Notable Tourism, Leisure and Entertainment cases**

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Reviewing and negotiating license and sub-licence agreements concerning the company's own IP and with third-party IP owners, including Disney, Marvel, Cartoon Network Mattel, Nickelodeon, Ubisoft, Pokémon, Saban (Power Rangers), and TV Tokyo., for use within the Theme Park.

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Reviewing bank facility and insurance documents and advice concerning the same.

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Reviewing and negotiating ride vendor and theming agreements for Theme Park attractions.

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Negotiating and drafting F&B franchise agreements.

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Advising hotel operator regarding subordination and non-disturbance agreement, hotel management agreement and internal service provider agreement.

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Advising on fit-out and lease agreement for multiplex cinema tenant operator.

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Drafting marketing agreements with theme park sponsors, including Pepsi and MasterCard, digital and non-digital marketing and other media purchase agreements.

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Drafting sales agreements for ticket and package offers with online ticket agents, travel agents, ticket resellers, hotels and corporate customers.

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Drafting IT agreements for deployed EPOS, HRMS, procurement and mobile application software solutions.

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Advising on labour law queries and policies, including onboarding and exiting procedures, employment contracts, terminations, severance packages, and disciplinary issues.

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## Appointments & Memberships

- Saudi Center for Commercial Arbitration Arbitrator Roster
- BVI IAC Arbitrator Panel Member

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- FCI Arb – Fellow of the Chartered Institute of Arbitrators
- Elected Committee Member of CI Arb UAE Branch
- DIAC Arbitrator Panel member
- TIAC Arbitrator Reserve Panel member
- Member of ADGM Courts Corporate Counsel Liaison Group
- Member of the Advisory board for the University of Birmingham School of Law in Dubai Society of Legal Scholars
- Panel adviser on Queen Mary University of London & Pinsent Masons International Arbitration Survey Registered Practitioner (Part II), DIFC Courts, Dubai
- Member of the North Eastern Circuit of the Bar

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