

Thomas A. Warns

Partner

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OVERVIEW

Thomas Warns is a litigation partner focusing primarily on international arbitration and commercial litigation. Tom has represented clients in arbitrations governed by most major rules, including those of the ICC, AAA, JAMS, ICDR, and ICSID. He also has substantial litigation experience in both state and federal court, where he has litigated breach of contract and corporate governance disputes, as well as several matters in Delaware state courts. Tom has represented clients in a broad range of complex commercial cases, including arbitrations in the LNG and natural gas industry involving breaches of sales and purchase agreements, as well as supply agreements. Tom also handles appellate work and mediations.

As a key aspect of his litigation practice, Tom has significant experience with all phases of discovery, including electronic discovery and other electronically stored information; document collection, review, and production; taking and defending depositions; and drafting dispositive pre-trial motions. He also has significant trial experience, including preparing and examining witnesses.

Tom also maintains an active pro bono practice and has represented charter schools in litigation against a government agency, as well as indigent individuals in family and immigration court.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Tom was a summer associate in the firm's New York office in 2014. In addition, he was a legal intern for the office of the District Attorney of Nassau County in 2013, and he was a judicial intern for the Honorable Rudolph E. Greco of the Queens County Civil Court in 2011.

ACHIEVEMENTS

- Flora S. and Jacob L. Newman Prize, 2015

EDUCATION

- J.D., New York University School of Law, 2015 *(Editor-in-Chief, Journal of Law and Liberty)*

- B.A., Boston College, 2012 *(cum laude)*

ADMISSIONS

- Bar of New York
- United States Court of Appeals for the Second Circuit
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

THOUGHT LEADERSHIP *POWERED BY HUB*

- January 2026, Arbitration World
- December 2024, Arbitration World
- 26 June 2023, US Supreme Court Opens New Path to Assist Foreign Award Creditors Seeking to Enforce Arbitral Awards
- June 2023, Arbitration World
- 18 November 2022 , Eastern District of New York Rules On Use of Section 1782 in Aid of ICSID Arbitration
- 15 October 2020, Second Circuit Reaffirms That Section 1782 Discovery Is Not Available In Aid of Private International Arbitration, Deepening Circuit Split
- 14 April 2020, Arbitration World
- 13 November 2018, Daesang v. NutraSweet
- 16 May 2018, New Jersey's Gamble Pays Off as Supreme Court Rules Federal Prohibition on Sports Betting Unconstitutional
- 5 April 2018, The Acts of the Apostilles
- 7 December 2016, Judge Rejects Joint Defense Privilege Claim; Orders Would-be Merger Partners to Produce Sensitive Emails to DOJ

OTHER PUBLICATIONS

- Co-author, The Guide to M&A Arbitration: United States, *Global Arbitration Review*, 30 December 2022
- Formerly produced monthly submissions on U.S. antitrust law developments for the *European Competition Law Review*.

NEWS & EVENTS

- 6 January 2025, K&L Gates Names Nearly 35 New Partners, Of Counsel, and Policy Professionals Across Firm

AREAS OF FOCUS

- International Arbitration
- Commercial Disputes
- Energy Disputes

INDUSTRIES

- Energy

REPRESENTATIVE EXPERIENCE

- Represents a multinational energy company in an arbitration proceeding which alleges that the company breached an agreement by failing to pay for the injection of certain compounds into feed gas.
- Obtained a favorable award in a JAMS arbitration proceeding for a licensee that was alleged to have breached an exclusive license agreement and confirmed award in federal court.
- Obtained a favorable award for a multinational energy company in an arbitration proceeding which alleges that a contractual counterparty failed to take natural gas.
- Obtained a favorable outcome in an AAA arbitration proceeding for a fund management group that was alleged to have breached an agreement to provide a finder's fee.
- Represented a mortgage lender in federal litigation that went to a bench trial involving breach of contract claims.
- Represents startup in breach of contract stemming from letter of intent.
- Represents directors and officers in a Delaware fiduciary duty action and related claims.
- Represented a shareholder representative in a breach of contract action related to a pharmaceutical merger.
- Represented a multinational fertilizer conglomerate before arbitral tribunal in breach of contract action.
- Represented an international corporation in appeal of various contractual claims.
- Represents international company in breach of contract arbitration related to purchase of private jet.
- Represented a pharmaceutical manufacturer in defense of fiduciary claims arising out of a corporate financing.

- Represents bondholders in 1782 application in aid of foreign proceeding.
- Represents investment firm in appeal of jury verdict to Delaware Supreme Court and subsequent re-trial.
- Represented a ski gate manufacturer in defense of claims for monopolization and conspiracy to restrain trade, including appeal to Second Circuit.
- Represented directors and officers in defense of breach of fiduciary duty suit and related claims.
- Conducted numerous workplace investigations on behalf of a charter school in New York City, New York.