

ICDR throws out claim due to fake signature on contract

Cosmo Sanderson
25 May 2022



Lovetuner says its one-tone flute is a mindfulness tool that can reduce stress and anxiety (Credit: Shutterstock/Evgeny Atamanenko)

An ICDR arbitrator has dismissed a claim brought by a California mindfulness meditation company after finding the contract it was brought under bore a fake signature of one of the Austrian respondents.

The award came to light last week when Austrian marketing and public relations company HeavenSeven [applied](#) in the US District Court for the Central District of California to enforce a US\$120,000 costs order it won against Lovetuner in the arbitration.

The [award](#) was issued in March by sole arbitrator **Gregory B Wood**, a former Fulbright & Jaworski partner who is now an independent practitioner. The arbitration was seated in Los Angeles.

HeavenSeven is represented in the enforcement petition by California firm Stradling Yocca Carlson & Rauth. Lovetuner is yet to appear.

Lovetuner changed counsel twice in the arbitration, using three different US firms. It was represented initially by ADLI Law Group, before switching to McKool Smith Hennigan and latterly Novian & Novian. HeavenSeven used Austrian firm SCWP Schindhelm throughout.

Lovetuner, which is based in the California beach city of Malibu, is the company behind a single tone flute of the same name that claims to heal users through the use of 528 hertz frequency – dubbed the “love frequency”.

The company is led by founder and CEO Sigmar Berg, an American entrepreneur who also owns his own luxury accessory company.

Lovetuner brought the ICDR claim in April last year against HeavenSeven and one of its Swiss affiliates, their principal Daniel Grenzner and other unspecified “related entities”. Lovetuner argued the respondents were in breach of a “confidentiality agreement and project contract” that Grenzner had purportedly signed.

The relationship between the parties and the subject matter of the purported contract is not set out in the award. HeavenSeven does however market the Lovetuner flute on its website.

In the arbitration, Grenzner denied he had ever signed the contract. An expert retained by the respondents said there were substantial doubts as to whether the signature was genuine that could only be resolved through analysis of the original contract, which Lovetuner said it could not locate.



Wood also retained a handwriting expert who submitted a report and was cross-examined by the parties on the authenticity of the signature.

The arbitrator refused to admit the expert report of a forensics expert retained by Lovetuner after ruling it was submitted in an untimely manner.

Wood also refused a request from Lovetuner to discontinue the proceeding.

In his award, Wood held that there was “clear and convincing” evidence that Grenzner’s signature was not authentic and that neither he nor the HeavenSeven entities had agreed to arbitrate disputes with Lovetuner under the contract.

Wood awarded the respondents their costs, noting that Lovetuner had brought the arbitration based on a contract that Grenzner had not signed and failed to explain how his purported signature became affixed to the document.

Lovetuner was contacted for comment, as was HeavenSeven’s enforcement counsel Stradling Yocca.

HeavenSeven v Lovetuner Inc

In the US District Court for the Central District of California

Counsel to HeavenSeven

- Stradling Yocca Carlson & Rauth

Shareholders **Travis Brennan** and **Salil Bali** and associate **Ahmad Takouche** in Newport Beach

Counsel to Lovetuner

Yet to appear

Lovetuner v Daniel Grenzner, Heaven Seven, Heaven 88 AG and Related Entities

In the ICDR arbitration (Case No. 01-21-0002-4199)

Tribunal

- **Gregory B Wood** (US) (sole arbitrator)

Counsel to Lovetuner

- Novian & Novian (third counsel)

Farhad Novian and **Alexander Brendon Gura** in Los Angeles

- McKool Smith Hennigan (second counsel)

Michael John Miguel in Los Angeles

- ADLI Law Group (first counsel)

Dariush Adli in Los Angeles

Counsel to Grenzner and the HeavenSeven entities

- SCWP Schindhelm



Partner **Markus Fellner** and associate **Lukas Biermayer** in Vienna

Documents

ICDR Award	
Enforcement petition	

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