Edgar Filing: CNH GLOBAL N V - Form 6-K

CNH GLOBAL N V Form 6-K September 24, 2007

SECURITIES AND EXCHANGE COMMISSION WASHINGTON, DC 20549 FORM 6-K REPORT OF FOREIGN PRIVATE ISSUER PURSUANT TO RULE 13a-16 OR 15d-16 OF THE SECURITIES EXCHANGE ACT OF 1934

For the month of September 2007

Commission File No. 333-05752

CNH GLOBAL N.V.

(Translation of Registrant s Name Into English)

World Trade Center Tower B, 10th Floor Amsterdam Airport The Netherlands

(Address of Principal Executive Offices)

(Indicate by check mark whether the registrant files or will file annual reports under cover of Form 20-F or Form
40-F.)
Form 20-F <u>X</u> Form 40-F
Indicate by check mark if the registrant is submitting the Form 6-K in paper as permitted by Regulation S-T
Rule101(b)(1): o
Indicate by check mark if the registrant is submitting the Form 6-K in paper as permitted by Regulation S-T
Rule101(b)(7): o
(Indicate by check mark whether the registrant by furnishing the information contained in this form is also thereby
furnishing the information to the Commission pursuant to Rule 12g3-2(b) under the Securities Exchange Act of 1934.)
Yes No <u>X</u>
(If Yes is marked, indicate below the file number assigned to the registrant in connection with Rule 12g3-2(b): 82
)

Edgar Filing: CNH GLOBAL N V - Form 6-K

CNH GLOBAL N.V.

Form 6-K for the month of September 2007

On September 21, 2007, CNH Global N.V. (CNH) submitted a response in a consolidated arbitration proceeding (the Arbitration) pending in London before the ICC International Court of Arbitration. The Arbitration arose under a Services Agreement between CNH and PGN Logistics Ltd (PGN), pursuant to which PGN provided specified logistics services for CNH in Europe. The dispute arose following CNH is termination of the Services Agreement in January 2005 and involves CNH is right to terminate (based upon alleged breach of contract and illegal activities) as well as invoices under the Services Agreement that were disputed by CNH and unpaid. The Tribunal in the Arbitration issued a partial decision on liability issues, finding, among other things, that CNH was not permitted to terminate the Services Agreement and that PGN was entitled in principle to recover amounts properly owed to it at the time of termination as well as additional damages that PGN may establish it has suffered for lost profits.

Further proceedings will take place before the Tribunal relating to the amounts to which PGN may be entitled to receive from CNH as a consequence of the claims asserted in the Arbitration. The hearing before the Tribunal on these issues is scheduled to commence on October 8, 2007, and CNH expects a final resolution of these issues approximately eight to twelve weeks after conclusion of the hearing. PGN has advanced a variety of theories purporting to substantiate damages for lost profits and other items. CNH believes that many of these theories are unsupported by the facts or by substantial legal authority and intends to vigorously dispute PGN s entitlement to damages with respect to certain claims and certain of the methodologies employed by PGN in purporting to substantiate its damage claims. In its response to the Tribunal, CNH asserted that the total amount of PGN s loss for which CNH is liable under the Award is £27.4 million. However, CNH cannot predict the ultimate disposition of the remaining issues in the Arbitration, and the ultimate amount awarded to PGN could significantly exceed that amount.

Edgar Filing: CNH GLOBAL N V - Form 6-K

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

CNH Global N.V.

By: /s/ Michael P. Going
Michael P. Going
Senior Vice President, General Counsel
and Secretary

September 24, 2007