

## CIVIL AND COMMERCIAL LITIGATION

### Litigation concerning company law and liability of company officers

The firm's lawyers advise clients in company law litigation involving issues of shareholder disputes, disputes concerning equity and actions to make good shortfalls in assets.

- We provided legal advice to a leading shareholder of a group of companies based in Paris and Dubai in connection with a dispute between it and its shareholders which led to the purchase of its shares in accordance with the provisions of the articles of association.
- We provided legal advice to the principal shareholder of an investment fund in connection with a dispute between him and his fellow shareholders and children against the backdrop of an inheritance dispute (breaches of management duties).
- We defended the interests of a Swiss bank, which acted as the arranger for two bond issues and as representative of the bondholders, in insolvency proceedings initiated against the issuer following the discovery of a massive fraud that had caused the company's financial statements to misrepresent the true picture for many years.
- We provided legal advice to a plurality of shareholders of an auction house in connection with the decision of the board of directors to open a strategic subsidiary's capital to third-party investors.
- We defended the interests of a high-technology company that had bought the business of a company that was in court-ordered liquidation in connection with a claim made against the liquidator for intangible assets that were not delivered by the former CEO of the company in liquidation.
- We participated in the defence of the interests of a leading industrial group's subsidiary before the labour courts in a matter initiated by a former employee who claimed payment for his lawyers' fees incurred in criminal proceedings in which he was charged on personal grounds.
- We assisted in defending the interests of a leading industrial company following the revelation of acts committed by the director of an Australian subsidiary that were contrary to the terms of his employment contract and potentially criminal.
- We defended the interests of the majority shareholder of an audio-visual production company who was sued for alleged breach of management duties by the company's minority shareholder, and obtained a judgement against that minority shareholder for abuse of process following the dismissal of his claims, which was followed by the redemption of his shares.
- We defended the interests of a leading investment fund in connection with highly publicised criminal and civil actions initiated in France and Belgium by a minority shareholder seeking the cancellation of the investment fund's takeover of a major retailer, on the grounds that the sale price had been knowingly over-evaluated to enable the payment of bribes. All claims of the minority shareholder were dismissed after an expert valuation confirmed the sale price.
- We defended the interests of the subsidiary of a leading company in the energy sector in a dispute concerning the assets and liabilities warranty granted in connection with the sale of the shares of an IT engineering services company, and obtained a favourable decision.
- We defended the interests of an investment fund in an action filed by the buyer of one of its subsidiaries in the medical sector who sought to implement the assets and liabilities warranty granted to him, and entered into a settlement favourable to our client.
- We defended the interests of a French leader in the electric power generation and supply sector in connection with disputes with the managers of an investment fund that resulted in a deadlock in the investment fund's governance, and obtained several favourable decisions against them after the appointment of an ad hoc trustee.

- We defended the interests of an automobile equipment manufacturer that was the victim of a fictitious overvaluation of inventory in connection with the acquisition of a competitor, and obtained the cancellation of the acquisition on the grounds of fraud.
- We advised a leading insurance company in relation to excessive remuneration received by a former officer, and obtained the reimbursement thereof.
- We advised a leading insurance company in relation to excessive remuneration received by a former officer, and obtained the reimbursement thereof after a judgment was obtained against the officer.
- We defended the interests of an officer of a construction and public works company in an action to make good a shortfall in assets initiated against him, and entered into a favourable settlement agreement with the company's court-appointed liquidator.
- We defended the interests of the chairman of a group that specialises in manufacturing equipment for the refrigeration sector in an action initiated against him to make good a shortfall in assets, and obtained a favourable decision.
- We defended the interests of the chairman of a group in the wood sector in an action initiated against him to make good a shortfall in assets, and obtained a favourable decision.
- We defended the interests of a major French city following the insolvency of various sport associations due inter alia to their manager's breaches of management duties (appointment of an ad hoc trustee, monitored the insolvency proceedings initiated against the associations, settlement with the associations' liquidator and obtained the conviction of the manager at fault).
- We participated in the defence of the interests of a public industrial and commercial establishment in a case seeking the cancellation of a public procurement contract and a claim for compensation initiated by a company that was not awarded the contract, and obtained a favourable decision for our client.