

Pre-contractual, contractual and extra-contractual disputes

Bougartchev Moyne Associés offers groups and their officers pre-litigation advice and, if negotiations are unsuccessful, advises them on all disputes arising from the non-performance or improper performance of contracts. Our team also advises clients in other disputes involving civil liability, in particular in the field of infringement.

- We defended the interests of a buyer of securities before the Commercial Court in connection with proceedings initiated against him by the seller who claimed the right to the payment of an additional price on the grounds of loss of opportunity.
- We defended the interests of a company that took over the assets of six companies pursuant to a sale plan in insolvency proceedings that led to the intellectual property rights included therein being disputed by its main competitor.
- We defended the interests of an insurance company that had contracted with various Australian brokers who were the subject of proceedings before the Sanctions Commission of the French prudential and resolution supervisory authority (ACPR) that had resulted in the imposition of sanctions prohibiting them from conducting business in France.
- 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 defended the interests of a creditor in the administration proceedings of a company in the real estate sector, which were then converted into court-ordered liquidation proceedings (acceptance of its claim as a subsequent and priority claim).
- We defended the interests of a creditor in the administration proceedings of a company in the publishing sector, which were then converted into court-ordered liquidation proceedings (filing claims, hearing before the insolvency judge).
- We defended the interests of a creditor (public institution) in several court-ordered liquidation proceedings (obtained receiver status, negotiated with the court-appointed liquidator and organised an auction of assets, in particular horses, of an insolvent company) which were begun against a backdrop of an embezzlement of funds to the detriment of the public institution.
- We defended the interests of a group of investors and filed a petition for court-ordered liquidation of companies indebted to them.
- We defended the interests of a group of employees before the Employment Tribunal in connection with their dismissal followed by the court-ordered liquidation of the employer.
- We defended the interests of the creditor of a weapons manufacturer, filed a petition requesting the manufacturer's court-ordered liquidation and obtained the commencement of court-ordered liquidation proceedings against it and the appointment of our client as receiver in the same proceedings.
- We defended the interests of a contemporary artist who was the victim of acts of infringement and unfair competition committed by a textile distributor in Lille, which was in creditor protection proceedings that were subsequently converted into court-ordered liquidation proceedings (conducted a pre-trial seizure of evidence of infringement at the distributor's head office, filed a claim for compulsory joinder of the distributor in the case on the merits initiated against two other companies, filed our client's claim for damages in the distributor's insolvency proceedings, appeared at a hearing before the insolvency judge to request leave to file the claim after the expiry of the deadline for filing claims and obtained a favourable decision, then negotiated a settlement in favour of our client).
- We defended the interests of the acquirer of five companies, whose assets had been embezzled by a former officer of the group for the benefit of a sixth company, which had not been included within the scope of the takeover, and of which he was the de facto CEO.

- We defended the interests of an insurance company in connection with embezzlement committed by one of its brokers, involving the creation of fictitious contracts and illicit acceptance of commission.
- We defended the interests of an international luxury hotel chain that was sued for €22 million on the grounds of loss of an opportunity, and obtained the rejection of all claims.
- We defended the interests of an agricultural cooperative in connection with the end of negotiations for its acquisition of a Spanish cigarette manufacturer, which resulted in a manifestly wrongful call of a demand guarantee, and obtained a favourable decision after a reversal and remand.
- We defended the interests of a worldwide leader in the luxury goods industry in connection with the termination of a commercial relationship established with one of its agents in South America, and entered into a settlement agreement.
- We defended the interests of a worldwide leader in the luxury goods industry in connection with the termination of a commercial relationship established with certain of its agents in the Middle East, and entered into a favourable settlement agreement for our client after the statement of claim was held to be invalid twice.
- We defended the interests of an insurance company in a lawsuit against an automobile expert on the ground of a sudden termination of an established commercial relationship, and obtained a favourable result that led to the conclusion of a settlement agreement.
- We defended the interests of a leading insurance company in an action filed against it by the clients of an insurance agent and asset management advisor who were victims of embezzlement committed by the manager thereof.
- We defended the interests of a leading insurance company in an action filed against by the clients of an insurance brokerage and asset management advisor who were victims of embezzlement committed by the manager thereof.
- We defended the interests of an industrial company in arbitration proceedings against a Pakistani company on the grounds of an alleged termination of a relation commercial relationship with it, and entered into a settlement agreement.
- We defended the interests of a US chemical group that was sued by a leading winery on the grounds that the products it manufactured to treat vineyards were allegedly toxic, and obtained a favourable decision.
- We defended the interests of a leading automobile equipment manufacturer in connection with the sudden termination of an established commercial relationship by an Italian automobile manufacturer, and obtained a favourable decision.
- We defended the interests of a well-known Italian automobile manufacturer in connection with the wrongful termination of a technology transfer contract, and obtained a favourable decision.
- We defended the interests of an IT group in connection with a breach of contract that led to its insolvency and an action to make good a shortfall in assets against the head of the company, and obtained a favourable decision.
- We advised a Swiss bank in connection with negotiations with its insurance company on an extension of cover in the event of criminal proceedings were initiated against the bank and/or its officers and the conclusion of a settlement agreement.
- We defended the interests of a public industrial and commercial establishment in connection with a contractual dispute concerning the lease of a group of villas in French Guyana, and entered into a favourable settlement agreement for our client.
- We defended the interests of a public industrial and commercial establishment following its termination of negotiations in connection with the renovation of a hotel complex in French Guyana, and obtained favourable decisions before the ordinary and administrative courts.
- We defended the interests of a public industrial and commercial establishment in connection with a contractual dispute concerning the lease of a group of a residential property complex in French Guyana, and entered into a favourable settlement agreement for our client.
- We defended the interests of a group of investors in connection with a case for wrongful termination of an indefinite-term contract that caused a loss of several hundred million euros.

- We defended the interests of a public industrial and commercial establishment in connection with a dispute that arose from a set of contracts that had been the subject of a settlement agreement, which was terminated after its signature on the alleged grounds that it was unbalanced, and filed a counterclaim and obtained a judgment against the claimant for its breach and for abuse of process.
- We defended the interests of a Turk conglomerate that is the majority shareholder of several companies in the restaurant sector in London, Dubai and Paris, and which was a party to a joint venture agreement whose governance and operations were threatened by the acts of a minority shareholder.
- We assisted a public industrial and commercial establishment in connection with the negotiation of a commercial lease with the operator under a short-term lease of a real property complex it owned.
- We assisted a public industrial and commercial establishment in dealing with the consequences of the non-renewal of a commercial lease of a real property complex it owned, and entered into a favorable settlement agreement for our client.
- We defended the interests of a public industrial and commercial establishment in connection with two actions for damages initiated by two hotels in French Guyana against it on the grounds of contractual liability, and obtained favourable decisions.
- We defended the interests of a leading automobile manufacturer and its CEO following the creation of a website that defamed and denigrated them and obtained, in summary proceedings and then on the merits, the closure of the site and a judgment against its publisher.
- We defended the interests of a worldwide leader in the energy sector following an action initiated by an external service provider on the grounds of article clause 145 of the French Code of Civil Procedure (French discovery proceedings), which sought to compel production of information about a theft allegedly committed by an employee of a subsidiary in Angola, and obtained the abandonment of the case filed without any consideration.
- We defended the interests of a well-known contemporary artist following the infringement of his works by an Italian ready-to-wear company.
- We defended the interests of an illustrator following the infringement of his works by music industry professionals and obtained, in emergency proceedings and then through the payment of fines for non-compliance with the court's order, the deletion of all infringing works on-line and off-line, as well as a judgment against the perpetrators.
- We participated in the defence of the interests of a contemporary artist following the infringement of his works by a Chinese company, and obtained a favourable decision.
- We advised a company in the defence sector in connection with the renegotiation of a contract in Libya.
- We coordinated the drafting of a legal memorandum on the conditions for imposing liability for gross negligence under Chinese law for a company in the defence sector.