

## LITIGATION & ARBITRATION

The Litigation and Arbitration department of Latournerie Wolfrom & Associés Law Firm is specialised in preventing, managing and resolving any conflicts that may arise from the functioning and operations of a company. Our team consists of experienced lawyers armed with effective negotiation techniques and recognized court skills. We assist our clients in resolving their conflicts by accompanying them through each stage of this delicate process.

### • OUR STRENGTHS

***A sense of reactivity.*** We are conscious that legal disputes are considered as burdens a company wants to be relieved of in its best interests, as quickly as possible and at a low cost. To achieve these goals, we endeavour to react instantly and adopt a pragmatic approach to the dispute.

- Swift conclusion of crisis situations;
- Protection of the company's interests;
- Cost control.

***An actual understanding of our clients*** combined with a full knowledge of their processes and fields of activity enable us to define the solution best suited for each case. First and foremost, we seek out-of-court settlements (negotiation or mediation involving the intervention of a neutral and independent third-party). When cases are brought before the courts, we accompany our clients in the protective measures, litigation proceedings (judicial, arbitration, summary or substantive proceedings), recourses, etc.

- Consideration of the interests, aims and economic business realities;
- Evaluation of the risks in order to avoid initiating actions which are most likely to fail;
- Elaboration of the most efficient defence strategy;
- Holding of securities to protect the company's financial claims.

### • AREAS OF INTERVENTION

#### *Internal functioning of the company*

- Conflicts between shareholders, performance of the shareholders' agreement, protection of minority shareholders' rights
- Directors liability and removal
- Disputes related to the decisions taken by the company's directors and governing bodies.

#### *External growth operations*

- Breach of negotiations, letters of intention and preliminary contracts
- Disputes related to merger approvals, and the shares value
- Price supplement, representations and warranties

#### *Commercial activity*

- Contract annulment, non-execution and termination
- Breach of business relations
- Liability due to defective products
- Debt protection and recovery
- Disputes pertaining to credit agreements, guarantees and securities
- Disputes pertaining to commercial leases

#### *Relations with competitors*

- Breach of a non-competition agreement
- Denigration and smear campaigns
- Delisting, abuse of economic dependence
- Employee poaching, client solicitation and poaching, economic parasitism

#### *Business Liability*

- Liability of the auditors,
- Liability of the financial institutions,
- Liability of the financial intermediaries.

#### *Business Criminal Law*

- Misuse of company property, presentation and publication of false account statements, confirmation of false information
- False advertising, breach of trust, fraud, forgery and use, bribery
- Stock market abuses: price tampering, insider trading, diffusion of false or deceitful information.

## • REFERENCES

### Teaching experience & Seminars

- “Breaches of business relations – a few hints on the question”, for *Les Matinées du droit*, a seminar held by EFE.
- “Criminal Responsibility of the company director and employee empowerment”, *Training workshop for the Hauts de Seine branch of the French Business Confederation (MEDEF)*
- “Bankruptcy Corporate Law: what are the consequences on recourses?”, for EFE

### Recent assignments

AREAS	ASSIGNMENTS
Services	Intervention in a dispute between a company selling online games and the purchaser of one of its activities: <b>price supplement, activation of the representations and warranties, consequences of the partial business transfer.</b>
	Representation of the shareholders of a fund management company in the proceedings brought by a minority shareholder to dispute the issuance of stock warrants on the basis of <b>irregularities in the voting process, fraud and abuse of majority shareholding.</b>
	Assistance of the leading company of a network of travel agency following <b>the breach of its business relations</b> with third parties.
	Defence of minority shareholders of an audiovisual production company in the criminal proceedings brought on the basis of the <b>disclosure</b> by the company of <b>erroneous information</b> on its finances, accounts and prospects.
	Assistance of a listed IT company in obtaining compensation for the damages resulting from the <b>massive poaching of its employees</b> and the <b>illicit exploitation of its customer database.</b>
	Summons before the Commercial Court of Paris of the German subsidiary of a Japanese company by an Internet service provider following the reception of defective modems, assembled in China.
Industry	Representation of an Italian glass paste manufacturer in the context of <b>expertise proceedings ordered by several French Courts</b> after the appearance of disorders in various aquatic facilities based in France.
	Assistance of an automotive supplier in the expertise and arbitration proceedings in view of activation of representations <b>and warranties</b> and <b>payment of a price supplement.</b>
	Assistance of <b>minority shareholders</b> of a leading perfume company in the action brought before the <b>Commercial Court</b> for the <b>disclosure of inaccurate information</b> on its financial position and prospects.
Public financial Institutions	Intervention in litigation proceedings resulting from the execution of <b>project finance agreements; first demand bank guarantee.</b>

## • CONTACT

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