

Commercial Litigation

O U R E X P E R T I S E

All our business law litigation experts are on the Commercial Litigation team, which acts both as advisory counsel (conflict prevention and pre-litigation preparation) and as trial counsel.

Thanks to their perfect command of the rules of civil, commercial, criminal, and administrative procedure (and especially protective measures and enforcement procedures), our lawyers are always able to identify the course of action best suited to the interests of clients in order to obtain an enforcement order, collect on a debt, or secure any other effective means of redress. Although ready to assist and defend private individuals and businesses alike by all judicial means, they are also quite prepared to seek amicable solutions to conflicts at all stages of litigation proceedings where it is in the interest of clients.

The team covers all types of business litigation and can draw on the expertise of the law firm's other specialist lawyers, notably in arbitration, bankruptcy, industrial risk and insurance, company law, real estate, and tax. Furthermore, because they have a comprehensive understanding of the workings of private international law, our lawyers can design and implement transnational litigation strategies, if need be in coordination with foreign law firms.

The team's lawyers work in French, English, and German. Heavily involved, the partners are regularly in contact with clients. Lmt Avocats can also count on the worldwide PLG network for assistance with foreign litigation proceedings.

W H A T W E D O

- We trace and secure evidence (e.g. electronic evidence) by way of bailiff's reports.
- We petition courts for fact-finding measures, such as judicial expert appraisals.
- We conduct proceedings in urgent matters, e.g. in matters of comparative advertising, infringement, construction, customs, etc.
- We use alternative methods of conflict resolution (such as mediation and conciliation), conducted either independently or under the aegis of specialized centres such as the Paris Mediation and Arbitration Centre (CMAP).
- We represent clients before the civil, commercial, criminal, and administrative courts.
- We assist clients before the French specialized administrative institutions: the French Competition Council, the Customs Conciliation and Expert Appraisals Board, the Agency for the Security of Health Products (AFSSAPS), etc.
- We draw up and negotiate settlement agreements.
- We enforce debt collection (attachment of funds in bank accounts, levy of execution on tangible personal property, mortgages, attachment of wages under execution) and assist creditors whose debtors are undergoing bankruptcy proceedings.
- We secure the enforcement of foreign judgments in France and co-ordinate proceedings for the recognition and enforcement of French judgments abroad.



Distribution and competition

- Litigation relating to the performance and termination of commercial contracts (including the sudden termination of business relations) and unfair competition (enticement, free-riding, etc.)
- Litigation relating to a co-operation agreement between a hair-care product manufacturer and a franchisor of hairdressing salons
- Counsel to a leading bicycle manufacturer before the French Competition Council

Banking sector

- Collection of the bank guarantee for the delivery of wares subject to the embargo from the Iraq Central Bank and validation of the seizures effected against French banks

Industrial risk and liability/Insurance

- Litigation arising from dysfunctional co-generation facilities
- IT litigation against a Dutch publisher of enterprise resource planning (ERP) software

IP

- Litigation relating to copyright, trademarks, and designs, including proceedings for the purpose of seizing evidence of infringement and proceedings on the merits for the purpose of seeking redress
- Litigation against an Indian group on the grounds that they used undue influence to procure trade secrets

Life sciences

- Litigation on behalf of pharmaceutical companies under the French DMOS (“anti-benefits”) act regulating relations between businesses and the medical profession, comparative advertising litigation

Distressed companies

- Dispute arising from the opening of judicial liquidation proceedings against an airline company: breach of the transfer plan and liability action against the former managers on grounds of mismanagement
- Litigation relating to the implementation of warranties against claims and actions in rem with respect to industrial equipment sold under a retention-of-title clause

Real property

- Litigation in matters of lease renewals and compliance with contractual provisions
- Construction litigation

The Team

Stanley Chaney - lawyer, partner
Christian Connor - lawyer, partner
Jean-Yves Foucard - lawyer, partner
Alexandre Gruber - lawyer, partner
Christophe Héry - lawyer, partner
Olivier Samyn - lawyer, partner
Adélaïde Clément - lawyer, senior associate
Fabrice Hagège - lawyer, senior associate
Jérôme Rousselle - lawyer, senior associate
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Ask about our other areas of expertise: Company Law/Mergers & Acquisitions/Private Equity • Counsel to Management • Corporate/Contracts • Commercial Property • Employment • Commercial Litigation • Industrial Risk & Liability/Insurance • Distribution/Competition/Consumer Law • IP/IT • Life Sciences • Tax • Transport/Customs • Bankruptcy Law • International Arbitration • Franco-German Relations • Criminal Business Law • Sports Law