

# CORPORATE LITIGATION



STRATEGIC AND EFFICIENT PRACTICE IN THE PREVENTION AND RESOLUTION OF BUSINESS DISPUTES IS ESSENTIAL IN THE MANAGEMENT OF BUSINESS RISKS. IN A SCENARIO OF INCREASING SURVEILLANCE OF PUBLIC OPINION REGARDING COMPANIES, THEIR EXECUTIVES AND PARTNERS, THE MEASURE HELPS TO PRESERVE THE ASSETS AND INTERESTS OF ALL PUBLIC PARTIES DIRECTLY OR INDIRECTLY AFFECTED BY THE ORGANIZATION.

Our firm has a group specialized in the defense and resolution of disputes involving privately-held and publicly-traded companies. In addition to strong practice in judicial and arbitral litigation, we have vast expertise in administrative litigation.

We closely monitor the activity of bodies such as the Brazilian Securities and Exchange Commission (CVM), the National Financial System Resources Board (CRSFN), B3, the Central Bank of Brazil and the Bureau of Private Insurance (Susep) to guide our clients in relation to compliance with Brazilian capital market standards.

We develop efficient strategies to defend companies, executives, shareholders, board members, and committees in the pre-sanctions phase (e.g. in response to letters) and in administrative proceedings (whether or not to impose sanctions) brought by regulatory bodies and capital market entities.

Our practice includes preventive measures to avoid litigation and consulting services in the pre-litigation phase or even during the business dispute, as well as defenses in administrative, judicial, and arbitral proceedings related to corporate matters.

## CONSULTATIVE / PREVENTIVE

Regulations issued by the main market players, such as the CVM, the Central Bank of Brazil, and other regulatory measures, and knowledge of the positions of these regulatory bodies.

Preparation of memoranda and legal opinions on ways to mitigate risks of business disputes involving shareholders, executives, tax advisors, and members of privately-held and publicly-traded company committees.

Legal support for the resolution of disputes between shareholders, including mediation.

Analysis of creative means to avoid emergence of disputes or, if our clients are put in a position where a dispute cannot be avoided, advantageous alternatives in contractual provisions for M&A, private equity, and similar transactions, to ensure effectiveness of the provisions contractually agreed upon in the event of a dispute.

Development of strategies in investigations prior to the initiation of sanctions proceedings.

Representation in mediation and conciliation proceedings.

Assistance in decision-making regarding the use of arbitration clauses as an alternative mechanism for dispute resolution, with specific analysis of the business in question.

## ADMINISTRATIVE LITIGATION

Representation in leading cases in the capital market.

Preparation of answers to questions submitted by the CVM, B3, and the Central Bank of Brazil, involving matters of high complexity for publicly-traded companies, executives, investment funds, and other players in the capital market.

Extensive experience in defenses in CVM administrative sanctions proceedings involving charges for failures in fiduciary duties, internal controls, abusive exercise of voting rights, and insider trading, among other topics.

Preparation and negotiation of proposals for consent decrees and consultations with regulatory bodies.

## JUDICIAL/ARBITRAL LITIGATION

Extensive practice in judicial and arbitration proceedings involving high complexity corporate issues.

Definition of strategy for judicial or arbitral proceedings in order to maintain the value of the asset in dispute and maximize the possibility of success for the client.

Wide experience appearing before the Judicial Power in all states, as well as in higher courts (STF and STJ), including in suits to litigate administrative measures.

Specialized professionals, acting representatively in *ad hoc* or institutional arbitrations in the most varied of arbitration chambers, including the ICC, the International Arbitral Tribunal in London, the American Arbitration Association, the Brazil-Canada, FGV Chamber of Conciliation and Arbitration, the Market Arbitration Chamber, and CIESP/FIESP.

## RELATED PARTNERS



CLARISSA FREITAS

Partner / São Paulo

+55 11 3150-7000

[cfigueiredo@machadomeyer.com.br](mailto:cfigueiredo@machadomeyer.com.br)



GLÁUCIA COELHO

Partner / São Paulo

+55 11 3150-7000

[gmcoelho@machadomeyer.com.br](mailto:gmcoelho@machadomeyer.com.br)



LUIZ MASCARO

Partner / São Paulo

+55 11 3150-7000

[lmascaro@machadomeyer.com.br](mailto:lmascaro@machadomeyer.com.br)



MARCOS COSTA

Partner / São Paulo

+55 11 3150-7000

[mdacosta@machadomeyer.com.br](mailto:mdacosta@machadomeyer.com.br)



RENATA OLIVEIRA

Partner / São Paulo

+55 11 3150-7000

[oli@machadomeyer.com.br](mailto:oli@machadomeyer.com.br)



VINICIUS PEREIRA

Partner / Rio de Janeiro

+55 21 3572-3000

[vpereira@machadomeyer.com.br](mailto:vpereira@machadomeyer.com.br)

AWARDS

ACKNOWLEDGEMENTS