



BOARDROOM CONVERSATIONS **DISPUTE RESOLUTION**

PRIVATE EQUITY / POST-M&A DISPUTES

Collyer Bristow's Commercial Disputes team advises private equity investors, including Family Offices, firms from a wide-range of industry sectors and other parties involved in both sides of the M&A transaction process, to resolve disputes, quickly and in their best interests.

Often involving complex, cross-border issues, our team has a great deal of experience in resolving the full range of post-M&A disputes, either via the courts, arbitration or by helping to secure an out-of-court settlement.

RECENT CASE HIGHLIGHTS INCLUDE:

Breach of warranty / fraud claims

- We successfully acted for in a cross-border matter for the warrantors of a **Swiss pharmaceutical company** following its **\$500,000 sale** to a **multi-national pharmaceutical company**. The purchaser claimed damages from alleged **breach of warranty and fraudulent misrepresentation**.
- We recently acted in an **£18m** claim for a **post-completion breach of warranties / fraud, breach of fiduciary duty and deceit** regarding an **online furniture retailer**. We exerted pressure to gain an early and beneficial settlement for our investor client via mediation. The proceeds were then utilised for a credit-bid funded pre-pack.
- We are currently defending a **real estate developer**, in a dispute with an investor in a claim for **breach of warranty and/or misrepresentation** regarding the size and investment potential of a property development.

Recent case highlights continued...

Earnout disputes

- Following the sale of their company, we successfully acted for the ex-management team of an **investment management company** regarding **disputes on earnout**, issues concerning way the company was run post-completion due to a **breach of FCA regulations** and the interrogation of a 'bad leaver' provision.

Breach of contract

- We are acting in **arbitration proceedings** for the **Italian distributor of medical equipment** against the supplier. Our client's claim is extremely complex, with cross-border elements and includes **breaches of contract** and potential **tortious claims** against the manufacturer for **failing to supply products in a timely manner** or at all and for **charging illegitimate price increases**.

Minority oppression

- We are currently acting for an investor in a claim against a founder-shareholder at a **start-up** regarding an **investment agreement** with protective provisions for the founder.
- We advised our **innovative automotive client** on the successful negotiation of a **settlement and exit of an under-performing CEO**, including the transfer of his management incentive shares to the remaining shareholders. (Dispute value - **£5m**).

Investment Mandate disputes

- We acted for an **environmental science firm** pursuing claims and relief in the High Court against former employees, former shareholders and other related parties who **exploited trade secrets and confidential information to setup a competitor company**. The claims included an alleged **unlawful means conspiracy** between the respective defendants.

Valuation disputes

- We acted in a **£15m** dispute for the shareholders of a **green fuel tech company** where **board misrepresentation** had resulted in a significant loss in share value. We successfully managed to secure that shares were sold at a premium.
- We acted in a **£5.5m** claim where the actions of offending shareholders via an **unlawful means conspiracy between the respective defendants** had reduced the value of our client's shares to zero. We managed to force a split trial and obtained an order for counterfactual evaluation valuing the shares at the pre-unfair prejudice valuation.

Recent client feedback:

"HIGHLY COMPETENT, COMMERCIAL AND PRACTICAL"

"TENACIOUS IN ACHIEVING THE BEST RESULTS FOR CLIENTS"

"TACTICALLY VERY ASTUTE"

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