

DISPUTES INVOLVING EXECUTIVE OFFICERS & PARTNERS

1. Lutran & Associés is regularly involved in conflicts between a company and its executive officer(s) (or its former executive officer) or between (former) partners of a same structure.

2. Such cases which mix various implications (issues related to individuals, financial issues, uncertainty about the sustainability of a company in the event it would be paralyzed by the dispute, danger in terms of image), require that we pay a particular attention in being sensitive to all aspects of the conflict.

Beyond the legal aspects, Lutran & Associés strives to integrate into the solution he advocates all the parameters with the singularity of each folder so that the situation can be resolved in the best interest of the client, whether it is an executive officer, a partner, or a company in a dispute between its current or former executive director.

Lawyers of the firm make sure to integrate in their analysis all components (including criminal, if any) of the files by carefully paying attention to the client's concerns, whatever they may be.

3. The experience acquired by the firm in these sensitive cases – which include fundamental imperatives of confidentiality – allows it to propose solutions adapted to the business world (including family business) by taking into consideration the practices in force.

When it is solicited soon enough, Lutran & Associés upstreams its clients' problems by exploring, when the case affords it and it goes in their interest, an amicable solution of the conflict in order to prevent the clients from random and risky proceedings in terms of financial and reputation cost.

The experience acquired by Mr. David Lutran in mediation allows him to adopt a practical approach of some sensitive cases to allow the parties to reach a satisfactory agreement.

4. Examples of representative files:

- Defence of the interests of a company in a dispute caused by the revocation of its executive officer, which gave rise to several parallel proceedings addressing the abusive aspect of such a revocation, the losses caused by his management faults as well as the commission of several criminal offenses (misuse of company assets, violation of the law on work safety), the whole within the context of difficult negotiations for the purpose of the takeover of the so-called company that was put under judicial administration;
- Defence of the interests of an energy company in a dispute between one of its executive officers due to his conduct within a parallel structure he was managing and of which the Executive board was composed of the main actors of the sector;
- Defence of the interests of a communication company in a dispute between one of its former executive officers and concerning the terms of his revocation and the conditions in which he performed his function;
- Defence of the interests of a renowned law firm within the context of a dispute between its partners and the partners of the original structure;
- Nomination as a mediator in a dispute between the co-managing partners of a society specialized in fundraising campaign concerning all the aspects of the company life (governance, human resources management, development strategy, communication);
- Defence of the interests of several members of a sport association in a dispute related to its governance with the so-called members of the leading team and which was subject to a conciliation process before the French Olympic and Sportive National Committee ("*Comité National Olympique et Sportif Français*").