

Corporate and Commercial Litigation

Kennedy Van der Laan

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Corporate litigation can threaten the very survival of a company. At the same time, it is becoming an increasingly effective tool for shareholders to compel companies to comply with their corporate governance obligations. Our corporate litigation team is proud to have acted on behalf of a US institutional investor in the successful landmark class action against the leading Dutch international supermarket chain before the Dutch Enterprises Chamber.

The Dutch Enterprise Chamber is swiftly becoming the forum of choice for a wide range of disputes involving companies: disputes among shareholders in closely-held companies, director liability claims and securities litigation. Our experience with this forum will enable our corporate litigation team to remain at the forefront of cutting edge corporate issues, particularly in the field of corporate governance. We predict increased litigation activity in the field of health care as a result of new Dutch legislation which will allow patient groups to submit disputes to the Enterprise Chamber.

The expertise of the corporate litigation group is not limited to the Enterprise Chamber alone. Our experience extends to all forms corporate disputes including claims arising from corporate transactions submitted to the Dutch courts. For a major Dutch international bank, we conduct all litigation regarding security interests, the obligation of care of the bank, claims of bankruptcy trustees, and disputes with customers before the Bank Commission.

Track Record Corporate and Commercial Litigation

For a major international bank

- Litigation regarding claims of curators in bankruptcy for repayment of funds or unjust enrichment
- Litigation regarding disputes between holders of security rights in assets of insolvent companies
- Litigation regarding the obligation of care of the bank with respect to its customers
- All litigation before the Commission for resolution of disputes in bank and mortgage matters

For an international airport

- Litigation regarding contract dispute

For a local government police department

- Conflict regarding IT contracts

For an Indian mineral mining company

- Litigation regarding non-payment invoices and termination joint venture

For a local city government

- All litigation regarding damage claims for which the city is not insured (e.g. conflicts of contract termination, claims against a construction company performing work on a bridge, copyright claim regarding an object owned by the city)

For an travel insurance company

- Dispute with respect to recovery of claim against Dutch travel agent

For a Dutch carpet company

- dispute regarding a bankrupt supplier
- claims by dissatisfied customers
- dispute with the local government

For a Dutch computer services company

- Arbitration regarding computerization project

For a Dutch computer services company

- Litigation regarding delivered computer system

For a US listed food company

- Dispute with respect to breach of guarantees in an acquisition
- Dispute with respect to Dutch counterparty in distress

For a Dutch privately held company

- Dispute among share holders

For several Dutch and international insurance companies

- complex liability claims

For a computer memory storage company

- Conflict regarding delivered memory system

For a photography specialist company for advertisement

- Litigation regarding personal liability of managing director counter party with respect to (failed) joint venture

For the Dutch subsidiary of a US listed leading software company

- Dispute with insurance intermediary

For a Japanese-US heavy equipment company

- Litigation with respect to termination of distribution agreement

For a US list sportswear company

- Litigation regarding sports marketing contracts
- Litigation regarding supplier and distributorship agreements
- Litigation regarding counterfeit products

For the Dutch National Railroad

- Litigation regarding liability of employees for train accidents

For a Carrier-select and pre-select telecom services provider

- Dispute regarding rights to client information
- Dispute regarding compliance with settlement agreement

For a provider of telecom services to the business market via fixed networks

- Litigation regarding interoperability

For a commercial property Project Developer

- Dispute regarding the liability of intermediary

For a technology provider

- Advice regarding conflict about warranty on delivered goods

For the Dutch subsidiary of a US-Dutch international publishing company

- Litigation regarding divestiture of activities

For a US listed foods company

- Conflict with software developer

For a German computer services provider

- Disputes regarding outsourcing contracts

For a flowers and plants trading company

- Conflict with supplier

For an open-air museum in The Netherlands

- Conflicts involving businesses operating within the open air museum

For a Dutch subsidiary of an international temporary employment agency

- Dispute regarding termination of vehicle lease contract

For international computer services company

- Litigation regarding computerization projects

For international cable telecommunications company

- Litigation with respect to the value of content involved in a joint venture
- Litigation with respect to claim recovery
- Litigation with respect to termination of contracts
- Advice and litigation with KPN (the former monopoly telecom company) regarding interoperability

For various Dutch companies

- Litigation regarding directors liability

For an agricultural company

- Litigation regarding IT system for green houses
- Litigation regarding termination of an agency agreement

For an international client

- Litigation with respect to termination of contract with Dutch energy provider

For an international provider of mobile telephone services

- Conflict with a distributor/intermediary for mobile telephone subscriptions
- Commercial dispute with company providing car kits for mobile telephones
- Dispute with Free Record Shop regarding distribution of mobile telephones

For a Dutch company

- Arbitration regarding IP rights in automatic milking machinery

For a major shareholder in the Dutch supermarket company Ahold

- Inquiry procedure before the business chamber of the Amsterdam court regarding a scandal by which directors of Ahold provided misinformation to share holders and accountants

For Works Councils for various international companies

- Inquiry procedures before the business chamber of the Amsterdam court regarding decisions on reorganizations and outsourcing, regarding working conditions

For shareholders in various companies

- Inquiry procedures regarding interpretation of the terms of share holder agreements

For a UK listed company

- Litigation regarding breach of warranties in an acquisition

For a US law firm

- Litigation regarding request for international legal assistance in US a discovery procedure by the US District Court of Columbia

For an international publisher

- Dispute with other shareholder in Dutch joint venture

For an Italian transporter of chemicals

- Inquiry procedure before the business chamber of the Amsterdam court regarding mismanagement in Dutch joint venture
- Litigation against former management of Dutch joint venture regarding compensation of damages due to mismanagement

For an Irish/UK owned telecommunication company

- Inquiry procedure before the business chamber of the Amsterdam court against US listed company regarding mismanagement and misinformation of minority shareholders in a Dutch joint venture

For a UK producer of medical products

- Dispute regarding termination of an agency agreement

For a international group of shareholders

- Litigation regarding a claim deriving from the shareholdings in a former Iranian joint venture against a Dutch aviation company

Contact persons

Marcel Willems

Tel: +31 20 5506 679

E-mail: marcel.willems@kvdl.nl

Bart-Adriaan de Ruijter

Tel : +31 20 5506 659

E-mail: bart.de.ruijter@kvdl.nl

Haarlemmerweg 333, 1051 LH Amsterdam
P.O. Box 58188, 1040 HD Amsterdam
t. +31 (20) 5506 666, f. +31 (20) 5506 777
e. info@kvdl.nl, www.kennedyvanderlaan.nl