

**Deal Litigation: Trends and Tactics**  
**(CBIC Series B: The Future of M&A)**

**Date:** May 8, 2015, Friday

**Time:** 15:30 to 17:00

**Duration:** 90 minutes

**Venue:** Theater 2

**Committee:** **Cross Border Investment Committee with the ABA's M&A Committee's "Deal Litigation Task Force"** (Joint session)

**Synopsis:** From indemnification claims to purchase price disputes, buyers, sellers and other parties to negotiated acquisitions are increasingly resorting to disputes to resolve often-thorny issues. What is clear and concise to a transactional lawyer can be hopelessly confusing and ambiguous in the hands of a litigator, judge or arbitrator. Words matter... until they don't. With the added dimensions of different laws, practice, and cultures, a cross-border deal often presents even more challenges. This panel will explore some of the most common and challenging issues in private company litigation, including:

- Letters of intent that unintentionally morph into binding agreements
- Purchase price adjustments that virtually guarantee a post-closing dispute
- Representations and warranties that win the "Most Likely to be Litigated" popularity contest
- Fraud claims based on statements outside the four-corners in the definitive agreement

Moderator:

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