

## **Brief Descriptions | Type C [Concise]**

### **North American Securities Litigation**

Despite stringent regulations for companies listed on stock exchanges all over the world, there are many cases involving violations of securities laws, especially in the United States. While national enforcement agencies do their part, private litigation has proven to be very effective and successful in the U.S. and Canada, where class actions are possible.

In the U.S. alone there have been on average over 150 securities class actions per year, which affected U.S. as well as non-U.S. companies in the past and involved both U.S. and non-U.S. securities.

The number of cases against U.S. companies still remains at over 100 per year, despite the changes since the 2010 *Morrison v National Australia Bank* decision.

While passive recovery through class action settlement claims filing provides an easy and secure means of loss recovery, a proactive approach through active cases or opting out of class actions has proven to increase recovery and should be considered on a case-by-case basis if losses are significantly high.

Our attorneys have successfully represented institutional investors in class actions and private actions in North America for well over a decade.

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### **International Securities Litigation**

Although asset owners may be able to make arrangements with service providers to handle proof of claims filings in U.S. and Canadian class action settlements, this process is typically not available outside the North American class action system. In order to recover losses in most international jurisdictions, investors must actively pursue recovery to obtain compensation for their losses.

Our industry-leading experience and comprehensive understanding of legal principles, laws, and regulations applicable to shareholder litigation in key foreign jurisdictions makes us the go-to law firm for global investor loss recovery matters.

We have been or are currently active in cases such as Vivendi, Sky (fka Premiere), Royal Bank of Scotland, Saipem, Fortis, Hypo Real Estate, VW/Porsche, Petrobras, Takata, Lloyds, Tesco, Banco Espírito Santo, and Olympus.

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### **Financial Antitrust Litigation**

Financial market manipulation has been a prominent issue in recent years. While investors were trusting in the self-regulation of the financial market, banks have taken advantage of their trust and started manipulating the financial market by falsely setting their rates to profit from trades and/or to give the impression that they were in a better financial position than they actually were.

Not only does this behavior breach the antitrust rules, but investors have also sustained damages for which they are now seeking compensation.

Following the LIBOR/EURIBOR scandal in 2013, our firm created a Dutch Foundation, Stichting LIBOR/EURIBOR Victim Compensation Fund, to represent the interests of investors and market participants at large who have been affected by the LIBOR/EURIBOR manipulations by the various panel banks.

The Foundation is prepared to commence litigation to obtain a declaration of liability by the Dutch court against Rabobank, and by virtue of the banks' joint and several liabilities, against other colluding banks, as well. We are also preparing separate actions in regard to the Forex and CDS manipulation claims.

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### **Arbitration and Alternative Dispute Resolution**

[Jones & Jones] attorneys advise clients on arbitration and other alternative dispute resolution methods and can provide guidance on the best dispute resolution options regarding conflicts outside of the litigation process.

We continue to monitor this field where a trend has been developing in various countries—such as in Brazil with the Petrobras case—to force arbitration for shareholder disputes.

Forum selection bylaws have been upheld in various U.S. state courts, including Delaware, and even the U.S. Supreme Court, which in its 2013 decision in *American Express v Italian Colors Restaurant* upheld a mandatory class action waiver in a commercial contract that provided for mandatory arbitration.

[Jones & Jones'] robust international network combined with our lawyers' experience in litigation and arbitration places us among the most elite law firms handling alternative dispute resolution scenarios in shareholder disputes.

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