

Avoiding false Starts and other Pitfalls: Notifications and Time Limits, Minimum and Maximum Amounts

ASA Below 40 Fall Seminar

Severin Christen

25 October 2019



REMEMBER
I NEED YOUR REPORT
BY 2030.

OH GOOD,
I'VE GOT YEARS
TO FINISH IT.

Potential Pitfall No. 1: Applicable Time Limits

- › Statutory Time Limits *vs.* contractual Time Limits
- › Statutory Time Limits
 - Applicable Law?
 - Qualification of Terms used in M&A Contracts?
- › Contractual Time Limits
 - Deviation from Statutory Law permissible?
 - Several/different Time Limits?

Potential Pitfall No. 2: Compliance with Time Limits

- › Starting Point?
 - Different Starting Points?
 - Several Starting Points?
- › Action(s) required?
 - Specific contractual Rule?
 - Initiation of Arbitration Proceedings?
- › Multi-Tier Dispute Resolution Clauses

Potential Pitfall No. 3: Time Limits and Damage

- › Damage Quantification/Substantiation
 - Problematic with short Time Limits?
 - Procedural Options?
- › Basket/Threshold
 - Problematic with different Time Limits?
 - Procedural Options?

Thank you for your Attention.