

VEGAS LEX DISCUSSES PRACTICE OF PROVING BUSINESS LOSSES IN COURT

On 21 February 2018, VEGAS LEX's experts with the support of RSPP Committee for Property and Judicial System held a conference in Moscow, following a series of events dedicated to main trends in disputes involving recovery of business losses and recommendations for getting the best result (for a plaintiff or a defendant).

On 21 February 2018, a conference on the topic of *"Proving business losses in court: confirmation, denial and reduction"* was held in Moscow by the VEGAS LEX law firm with the support of the RSPP Committee for Property and Judicial System.

[Maxim Grigoryev](#), Partner, Head of special projects of VEGAS LEX, at the beginning of the conference, highlighted main trends in current judicial practice concerning disputes involving recovery of losses, including those in the constituent entities of Russia (in 2014-2017). Further, he spoke of some rules and methods of calculating losses, including actual damage, lost profit, violator's revenue, losses for losing the chance to make a profit, and provided examples of typical disputes.

[Victor Petrov](#), Head of Litigation practice of VEGAS LEX, clarified issues related to stipulated damages and, speaking about causal connection between violator's wrongdoing and relevant adverse effects, put emphasis on differentiation between direct and indirect losses. Besides, the speaker touched upon the issue of foreseeability of losses, ways to determine a legally significant causal connection, and provided examples of relevant judicial practice demonstrating options for understanding and proving this connection.

[Evgeniy Rodin](#), Partner, Head of Energy practice of VEGAS LEX, discussed the contractual limitation of agreed losses and their "freezing" by the affected person in case of such person's intention to recover these losses. Maxim Grigoryev, in his turn, described in detail the rules and criteria for application of force-majeure and mitigation (reduction) of losses. He also spoke about the specifics of calculation of limitation periods in case of recovery of losses.

The experts further expressed their opinions as to the problems of confusion and differentiation in practice of infringement in commercial relations and guilt in non-delictual obligations.

At the end of the event, the experts discussed with the participants particularities of some categories of disputes involving recovery of losses (basic rules, fact in issue) resulting, in particular, from a breakdown of negotiations, abuse of right, misrepresentation of facts, misbehavior or imprudent behavior of the company's current or former chief executive officers), taking into account the latest judicial practice.

For more detailed information on VEGAS LEX's services relating to litigation support, please click [here](#).