

# FIRM NEWSLETTER



**KPD CONSULTING  
LAW FIRM  
RECOVERED  
COURT FEES FROM  
PLAINTIFF IN  
FAVOR OF THE  
CLIENT**

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KPD CONSULTING Law Firm successfully protected interests of UA-BUDSERVIS LLC (hereinafter - the Client) in courts of all instances in case on recovery of the paid funds and losses incurred in connection with the delivery of equipment.

Upon filing by the contractor to UA-BUDSERVIS LLC a claim for recovery of the paid funds and incurred losses in the amount of UAH 259 105, 20 under the Delivery agreement, the Client applied to KPD Consulting for legal assistance.

KPD Consulting supported the case in courts of first instance, as well as in courts of appeal and cassation.

On February 26, 2020 the Supreme Court has made a final decision in the case, according to which claims were denied in full, i.e. a decision was made in favor of the Client. As a result of all the proceedings, expenses for professional legal assistance in the total amount of UAH 79 000,00, which is more than 30% of the claims of the opponents were recovered from plaintiff in favor of the Client.

The Supreme Court in its decision agreed with the KPD attorneys' arguments that the goods delivered by the Client to the plaintiff fully meet all the characteristics specified on the seller's website. Thus, the court concluded that there were no grounds to believe that the goods were falsified, as well as there were no grounds to recover the paid funds and incurred losses. In particular, the court noted that by making a public offer to sell the goods, the Client initially informed the buyer of all its characteristics, including the visual image.

Also, it is important that courts examined the evidence available in the case - printouts from the defendant's website with the image and characteristics of the goods, on the basis of which it was concluded that the plaintiff (the Client's contractor under the disputed contract) before ordering the goods became familiar with all its characteristics.

As a result of this case, the Client not only defended its business reputation, but also did not incur additional costs, since almost all of the costs were recovered in its favor by appropriate court decisions.

The positive practice of KPD CONSULTING Law Firm in court fees recovery in favor of clients covers not only disputes where our clients are plaintiffs, but cases where our clients are defendants as well.

Igor Kalitventsev the Managing Partner at KPD Consulting Law Firm headed the attorneys' team in this matter. Maksym Cherednichenko an attorney-at-law of the firm's Dispute Resolution Practice supported the case in court.

**UA-BUDSERVIS LLC** has been operating on the Ukrainian market since 2005. The company provides construction equipment; equipment for power supply, heating, garden, water supply and drainage; pneumatic equipment; machine tools and professional tools. The company has a wide network of branches, representative offices and pick-up points of goods throughout Ukraine. The company UA-BUDSERVIS has long and actively cooperated with the leading world manufacturers of professional equipment. Among the customers and business partners of the Company are both the

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major Ukrainian business players and retail customers.

**KPD Consulting Law Firm** is a Ukrainian independent full-service law firm established in 2007 for the purpose of rendering cost and time efficient high-quality services. We are focused on the business needs of the corporate Clients – leading local and multinational companies operating in Ukraine from various industries. As the full-service law firm we are especially strong in corporate law, M&A, banking & finance, tax law, real estate and construction matters, intellectual property, white-collar crimes, dispute resolutions and compliance. More information is at [www.kpdconsulting.com.ua](http://www.kpdconsulting.com.ua).



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Should you have any questions with respect to above or require any additional information, please do not hesitate to contact Mr. Igor Kalitventsev ([i.kalitventsev@kpdconsulting.com.ua](mailto:i.kalitventsev@kpdconsulting.com.ua)). We will be pleased to assist You. The information contained in this overview is not intended to provide legal advice and should not be relied on or treated as a substitute for specific advice concerning individual situations.