

Press Release: KSLEX successfully represents shareholder of Munich based Cantor Unternehmensberatung GmbH in corporate nullification proceedings at the district court Munich I (10 HK O 4446/19)

Munich, September 23, 2019 – The redemption of a share (*Einziehung*) for important reason is only available as a last resort (*ultima ratio*). Had the shareholders bindingly agreed on a separation prior to resolving on the redemption, there is no room for redeeming the shares anymore. Claims based on alleged breaches of duty by the leaving shareholder may be pursued in damage proceedings only in such a case. Has the redemption resolution been based on a provision of the company's bylaws which was otherwise applicable, it is abusive (*rechtsmissbräuchlich*) and void to the extent the facts on which the redemption had been based are the result of the separation agreement reached prior to the redemption resolution.

This has been held by the district court (*Landgericht*) Munich I under the presiding judge Forstner by ruling of September 23, 2019 (10 HK O 4446/19). KSLEX (Dr. Jörg Kretschmer) represented the excluded shareholder.

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