



# Dispute Advisory Services

KPMG Forensic Services

KPMG Turkey

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**KPMG Forensic delivers a wide range of dispute advisory services to help prevent and resolve commercial disputes involving assessment of quantum of damages, or the resolution of accounting, audit and finance-related issues, together with expert litigation support.**



## **Managing commercial disputes and litigation effectively and efficiently**

Commercial disputes are a fact of business and professional life. The right advice at the right time can help avoid them, or enhance their outcome.

For commercial entities of all kinds, disputes and litigation are expensive, absorb management time and attention, and if the eventual outcome is unfavorable, threaten financial performance, if not the viability of the business itself.

Commercial disputes and litigation often confront law firms, counsel, and their clients with unfamiliar auditing, accounting, and financial complexities. It can be an arduous and time-consuming learning curve.

When problems do arise —when facts or people don't agree—disputes can seemingly take on a life of their own. To avoid this, it is essential to isolate and understand the real issues, and the financial impact, in disputes as soon as possible. This provides organizations with a realistic basis on which to contemplate negotiation and litigation. In these situations, specialized objective and dispassionate analysis and advice can make a material difference. This is where KPMG's Forensic team can assist.



**Being aware of the critical importance of commercial disputes, we provide result oriented solutions addressing our clients' needs. We can help you with:**



Identification and quantification of dispute related losses



Preparation of a subject matter expert report regarding dispute related claims



Commercial contract monitoring



Shareholder dispute advisory



Litigation support



Dispute resolution and mediation



If required for the purpose of court or an arbitration case, acting as independent subject matter experts



**We offer services that can keep your organization away from everlasting commercial disputes and litigations.**

### **Commercial Contract Monitoring**

Organizations rely on multiple partnerships to create, market, distribute and/or sell their products and solutions. These partnerships, if not continuously monitored, can result in possible violations of IP rights/contractual obligations, impacting costs.

Based on the client's organization structure, we analyze key business relationships to identify any compliance related gaps or instances of under reporting and offer suitable recommendations for course correction.

Our services include reviews on royalties, licensing, ethics and any other commercial terms stipulated from a contract or commercial relationship, covering following partners:

### **Shareholder Dispute Advisory**

Shareholders often have different views on important matters of their business.

Disagreements on profit and cost sharing, related party transactions, current account transactions, roles and responsibilities, M&A transactions can easily transform into everlasting litigations if not treated timely and properly.

We provide unbiased and practical advice to shareholders to avoid litigations. We produce clear, concise reports and calculations, tailored to eliminate parties' doubts towards each other, enabling an open communication and bi-lateral trust environment.

In case of emerging disputes, we can assist the parties, occasionally in Court, to facilitate settlement or resolution.

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**Dealers - Distributors - Agents**

2

**Tenants - Royalty**

3

**Franchisees**

4

**Media Agencies**

5

**Technical Services**

**KPMG's Forensic team helps organizations navigate their way through the complexities of commercial disputes and litigation.**

### **Identification & Quantification of Losses**

We provide professional advice and opinion on damages or claims, for credible quantification by using accounting based evidence, in the context of litigation or arbitration.

This encompasses the quantification of the loss of profits and financial liabilities arising from a variety of disputes and insured events such as:

- Breach of contract
- Construction disputes
- Business interruption
- IP infringement
- Portfolio compensation
- Fire and machinery breakdown

Our expert witnesses provide impartial and independent testimony to assist in the resolution of disputes, whether in litigation, arbitration or mediation.

They have courtroom experience in multiple jurisdictions on commercial arbitration and other legal and regulatory matters and have been cross examined in various forums in Turkey and abroad.

### **Litigation Support**

We work closely with clients and legal teams from the outset to give a realistic and authoritative assessment on key accounting, financial, business and damages issues that can be useful in assessing strategy, advancing the case and in effective negotiations.

Our eDiscovery knowledge and tools can help ensure timely and global access to evidence for review by legal teams and clients, irrespective of format or volume. We can manage, collect and process electronic and paper records. We also provide a variety of review tools (including advanced concept mapping technology) to help enable a fast and cost-effective review of relevant materials.

### **Mediation**

Our professionals have extensive local and international experience as litigation advisers in respect of financial and related matters and have testified in various venues as qualified expert witnesses.

We also assist with mediation proceedings, helping our clients prepare for a mediation session or act as an independent and impartial mediator ensuring communication between parties and facilitate settlement.



## Fraud and Misconduct Investigation

Many companies experience litigations as a result of fraud or misconduct committed by employees. Our approach to fraud investigation involves preparing a strategy for understanding the issue and collating information; gathering and preserving evidence; assisting in fraud reporting and legal proceedings.

Based on the nature of the issue, we use a combination of tools for our investigation. These include forensic data analytics, digital evidence recovery, background checks, public domain searches, market intelligence, document examination and interview of suspects and key witnesses. Our reports are comprehensive and supported with relevant evidence to help the client take action.



## Key Takeaways

*KPMG's Forensic team is recognized for its wide-ranging experience and engineering expertise in dealing with financial aspects of transaction disputes or claims arising from business disruptions such as breach of contract or insured events.*

*We can assist throughout various stages of the dispute—advising on the merits of the case from a dispute advisory specialist's perspective, quantifying the loss, and if required, providing an expert witness. We can also provide assistance during mediation or settlement negotiations. Our specialized team is experienced in advising on the quantification of damages involving large multinational corporates, joint ventures, or small-to medium-sized companies.*

*Our expert witnesses are widely recognized as credible specialists on the commercial aspects of disputes.*

*Our reports provide robust arguments that are supported by credible oral evidence.*

*We have both a strategic and detailed understanding of the objective accounting specialist determination process.*

*We are a highly resourced, skilled group of individuals capable of rapid response providing sophisticated technology tools to help you reduce litigation costs and risks in the areas of evidence and discovery management and the acquisition, management, and analysis of large data sets.*

*We provide evidence acquisition by experienced people who understand the issues using legally accepted procedure.*

**KPMG Forensic's strength lies in our network's professionals, who have deep industry knowledge and well-established technical skills. We turn knowledge into value for the benefit of our clients, our people, and the capital markets.**

Why select KPMG's Forensic Team?

**Our depth of resources and capabilities makes a difference.** KPMG's Forensic specialists combine accounting, auditing, engineering, business, finance, legal, and investigative skills with insurance, IT, management, psychology, law enforcement, and organizational integrity credentials.

**We are a national practice with global reach.** Our clients consistently receive the right capabilities at the right time from one trusted adviser, no matter wherein the world they do business. This can be an important edge as we see more disputes and litigation occurring across multiple jurisdictions.

**We provide objective, clear, and practical advice.** We offer practical, hands-on guidance to help clients solve their often complex forensic issues.

**We offer ready access to highly qualified and experienced engineering, accounting, financial, investigative, legal, IT, and business professionals with relevant industry experience.** This means access to the latest knowledge and advanced forensic skills from industry-focused professionals who understand their clients' businesses.

**We provide timely, cost-effective capabilities** when it comes to situations where facts or People don't agree.



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