

NEWSLETTER

- São Paulo State Attorney General's Office Publishes Notice of Agreement for the Advance Payment of Court Orders

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Advance Payment Agreement for Court Orders by the State of São Paulo - 40% Discount

On August 5, 2024, PGE Notice No. 1/2024 was published, which regulates the possibility of advancing the payment of court orders through an agreement with a 40% discount.

The settlement proposal must be submitted to the São Paulo State Attorney General's Office ("PGE-SP") **by December 31, 2024**, and will cover any court orders owed by the São Paulo State Treasury or its agencies, foundations, and public companies.

Here are the main points of the mentioned normative act:

- Only liquid and certain precatórios can be qualified, with no pending objections or appeals;
- Court-ordered credits that have been assigned may be subject to the agreement, provided that the successor proves the substitution of the original creditor, without any objections, pending appeals, or defensive measures.
- The granted discount will not include any potential attorney's fees, whether judicial or contractual. A specific request for the reservation of credit related to these amounts for advance payment is required.
- Agreements must be subsequently approved by the Court of Justice of the State of São Paulo. The published notice indicates a model joint petition to be submitted by the PGE-SP and the creditor to the Judiciary.



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- The submission of the proposal will be made exclusively through a specific Precatórios portal on the PGE-SP website. The following documents are required: (i) Power of attorney granted to an attorney with specific powers; (ii) Proof of credit ownership and creditor status; (iii) Copy of the requisition order and the corresponding calculations; (iv) Proof of final judgment of the originating process of the precatório (without records of challenges or pending appeals).
- If the creditor disagrees with the updated amount established by PGE-SP, the agreement will be disqualified, except in cases of material error or calculation inaccuracies through administrative challenge. In other cases, the creditor may still judicially contest the disagreement before the originating execution court, which will decide on the controversy.
- Proposals for agreements will be reviewed by PGE-SP within 30 days, which may be extended for justified reasons.



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