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Mariana case: Court of Appeal grants Client Committee permission to appeal on all grounds

The appeal will decide whether the Committee, which represents around 442,000 claimants in the English proceedings against BHP, had the power to end PGMBM's (formerly trading as Pogust Goodhead) mandate and instruct a new law firm, BGI.

London, 17 November 2026 – The Court of Appeal of England and Wales today granted the Client Committee in the English Mariana proceedings permission to appeal, on all grounds, against the High Court's decision of 12 October 2026.

In that decision, Mr Justice Waksman held that the Committee did not have the power to terminate the claimants' contract with the law firm PGMBM on their behalf, or to instruct Bailey Glasser International (BGI) in PGMBM's place.

The Court of Appeal will now examine three questions at a 2-day hearing to be scheduled urgently:

- whether the litigation friends of around 47,500 claimants who cannot conduct the proceedings themselves had the power to change law firm on their behalf;
- whether the Committee, created by the claimants' own contracts to manage around 442,000 claims collectively, could exercise the claimants' right to terminate their contract with PGMBM; and
- whether the Committee could instruct BGI as the new law firm.

The Committee's case is that the contracts give it authority to act for the claimants as their agents. It argues that, under the High Court's decision, hundreds of thousands of claimants would be left without any practical way of changing lawyers, even where the body created to represent them considers there have been serious failures on the part of PGMBM and there is good reason to change law firm. The Committee also relies on PGMBM's own documents for clients, which told clients to act together and described the Committee as the clients' "voice" in the proceedings.

The Committee is independently represented in the appeal by Humphries Kerstetter LLP.

Faranak Ghajavand, Partner and Head of Commercial Disputes at Bailey Glasser International, said:

> "We welcome the Court of Appeal's decision. A higher court will now consider whether claimants can choose who represents them by acting through the Committee. The Committee was set up under PGMBM's own contracts specifically to manage the litigation and take important decisions on the claimants' behalf. Our focus is on the Committee having its arguments fully heard, so that the case against BHP can move forward with strength to secure full and fair compensation for all claimants".

Marcelo Krenak, Chairman of the Client Committee, said:

> "Today's decision is an important step for the claimants. The Committee was created to be the collective voice of the victims of Mariana, and we will continue to defend their right to choose who represents them. Our focus remains the fair compensation they have been awaiting for more than ten years."

Next steps

The Court of Appeal will fix a date for the appeal hearing. Permission to appeal is not a decision on the merits of the appeal.

Today's decision does not affect the claims against BHP, which continue. The High Court has already found BHP liable for the collapse of the dam. The next trial, which will decide causation and the amount of compensation, is scheduled to begin in April 2027 and is expected to last around 22 weeks.

About the Client Committee

The Client Committee was established under the claimants' contracts with PGMBM to represent, collectively, around 442,000 people affected by the collapse of the Fundão dam in the English proceedings. They include individuals, businesses, religious institutions, and Indigenous and Quilombola communities.

Notes to editors

Bailey Glasser International (BGI) is the first international venture of Bailey & Glasser LLP, a United States law firm with 27 years' experience, more than 130 employees and a presence in 13 US states.

BGI is a trading name of Edward McCourt & Company LLP, a limited liability partnership registered in England and Wales under company number OC421154 and authorised and regulated by the Solicitors Regulation Authority under SRA number 647685. It is not registered to practise law in Brazil. Edward McCourt & Company LLP operates under a Commercial Collaboration Agreement with the separate and independent United States firm Bailey & Glasser LLP.

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