

English Translation of the Document

Case:

Appellant: Cid de Assis Oliveira

Appellee: Banco Santander Brasil S/A

Court:

Name: Supreme Federal Court (STF)

Location: Brasília, Brazil

Summary:

The Appellant, Cid de Assis Oliveira, is appealing a decision by the Minas Gerais Court of Justice that upheld a lower court ruling in favor of Banco Santander Brasil S/A. The Appellant claims that the bank has improperly appropriated funds from his Fundo de Garantia do Tempo de Serviço (FGTS) account, which is a mandatory severance pay fund for workers in Brazil.

Key Points:

The Appellant claims that the bank's actions violate his constitutional right to property and his right to due process.

The Appellant also argues that the bank's actions are contrary to Brazilian law, which prohibits the seizure of FGTS funds.

The Appellant is requesting that the STF overturn the lower court rulings and order the bank to return his FGTS funds to him.

Additional Notes:

The Appellant has requested that the STF recognize the general repercussion of this case. This means that the STF's decision could apply to other cases involving similar facts and legal issues.

The Appellant has also requested that the STF allow him to file a writ of mandamus. A writ of mandamus is a court order that compels a government official to perform a specific duty.

Procedural History:

The Appellant filed an appeal with the STF on April 17, 2024.

The STF is currently considering the appeal.

Legal Issues:

Constitutional Right to Property: The Appellant claims that the bank's actions violate his constitutional right to property because the FGTS is a mandatory severance pay fund that is owned by the worker.

Due Process: The Appellant claims that the bank's actions violate his right to due process because he was not given an opportunity to be heard before the bank appropriated his funds.

Seizure of FGTS Funds: The Appellant argues that the bank's actions are contrary to Brazilian law because Article 2, § 2 of Law No. 8,036/1990 prohibits the seizure of FGTS funds.

Arguments:

The Appellant argues that the bank's actions violate his constitutional right to property because the FGTS is a mandatory severance pay fund that is owned by the worker.

The Appellant argues that the bank's actions violate his right to due process because he was not given an opportunity to be heard before the bank appropriated his funds.

The Appellant argues that the bank's actions are contrary to Brazilian law because Article 2, § 2 of Law No. 8,036/1990 prohibits the seizure of FGTS funds.

Conclusion:

The Appellant's case raises important legal questions about the ownership of FGTS funds and the rights of workers in Brazil. The STF's decision in this case could have a significant impact on millions of Brazilian workers.

Please note that I am not a legal professional and this translation is not intended to be legal advice. Please consult with an attorney if you have any questions about this case.