

Case Summary:

- Case Number: Embargos de Declaração-Cv Nº 1.0000.22.164965-0/002
- Court: 18ª CÂMARA CÍVEL do Tribunal de Justiça do Estado de Minas Gerais
- Judge: Des. Habib Felipe Jabour
- Parties:
 - Appellant: Cid de Assis Oliveira
 - Appellee: Banco Santander Brasil S/A

Procedural History:

- The Plaintiff, Cid de Assis Oliveira, filed an appeal with the court challenging a lower court decision in favor of Banco Santander Brasil S/A.
- The court issued a decision on August 23, 2022, upholding the lower court decision.
- The Plaintiff filed a motion for clarification on August 23, 2022.
- The court issued a decision on April 17, 2024, rejecting the Plaintiff's motion for clarification.

Motion for Clarification:

The Plaintiff filed a motion for clarification, arguing that the court's decision was unclear and omitted certain issues. The Plaintiff specifically raised the following points:

- The Plaintiff claims that the bank's actions violate his constitutional right to property and his right to due process.
- The Plaintiff argues that the bank's actions are contrary to Brazilian law, which prohibits the seizure of FGTS funds.
- The Plaintiff claims that the court failed to address his argument that the bank did not provide him with adequate access to documents prior to the trial.
- The Plaintiff claims that the court failed to address his argument that the expert witness did not adequately respond to his questions.

Court's Decision:

The court rejected the Plaintiff's motion for clarification, finding that the court's decision was not unclear or omitted any issues. The court noted that the Plaintiff's arguments were essentially a re-examination of the issues already decided in the appeal and that the motion for clarification was not the proper vehicle for raising new arguments.

Conclusion:

The Plaintiff's motion for clarification was denied. The Plaintiff's appeal is still pending before the court.