



Restructuring

DLA Piper's restructuring lawyers have significant experience advising clients on investigation, enforcement, litigation and asset recovery on a multijurisdictional basis. We advise clients on all matters relating to public and private companies in underperforming and distressed situations.

We manage assignments from the mid-market to the largest national and international restructurings and insolvencies. Our experience also extends to any contentious issues arising from restructurings and insolvencies.

DLA Piper serves a diverse client base that includes debtors, lenders, government entities, trustees, shareholders, senior executives, as well as distressed debt and asset buyers and investors.

With dedicated restructuring lawyers across the Americas, Asia Pacific, Europe, Africa and the Middle East, we have the knowledge, experience and resources to address our clients' restructuring and insolvency needs on a national and international basis.

CAPABILITES

We counsel clients on all aspects of restructuring and insolvency/bankruptcy, whether in anticipation of them or in dealing with their consequences.

We advise clients on:

- Debt and asset tracing and recovery
- Disposals, including pre-packaged solutions, distressed M&A and real estate workout
- Distressed debt trading
- Financial restructuring
- Formal insolvency/bankruptcy procedures and creditor committee representation
- Insolvency/bankruptcy-related investigation, litigation and enforcement
- International restructuring strategy and procedures
- Operational restructuring

In a number of European countries our restructuring lawyers take insolvency office holder appointments.

KEY CONTACTS

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- Corporate
- Finance
- International Corporate Reorganizations

EXPERIENCE

We advise clients across a wide range of industry sectors and have particular strength in energy, financial services, healthcare, hospitality and leisure, real estate, retail, sports, technology and transportation.

Some of the most significant cross-border matters we have recently worked on are set out below:

- Abengoa – Represented Abengoa US Holding LLC and affiliates, the US unit of Spanish renewable energy company Abengoa SA, in its chapter 11 and chapter 15 petitions in the US Bankruptcy Court for the District of Delaware in Wilmington. Also represented US Abengoa SA with the approved sale of five ethanol plants in Indiana, Illinois and Nebraska for more than US\$355 million.
- China Fishery Group Limited – Represented Rabobank, Standard Chartered Bank and DBS in connection with the multijurisdictional restructuring and insolvency proceedings of China Fishery Group Limited, one of the world's largest producers of fish oil and fishmeal. DLA Piper successfully sought the appointment of a chapter 11 trustee over one of the key entities in the US bankruptcy proceedings in the Southern District of New York.
- Trident Microsystems – Representing Trident Microsystems, Inc., a chip and software company, in its filing for chapter 11 in the US Bankruptcy Court for the District of Delaware and the sale of Trident's set-top box business unit to Entropic Communications in exchange for the assumption of obligations and US\$55 million in cash, the sale of Trident's TV business unit to Sigma Designs in exchange for the assumption of obligations and for US\$30 million, and the winding-up of Trident's 16 foreign subsidiaries located in 11 different countries. The 2013 M&A Advisor International Awards honoured us with the 'Corporate/Strategic Acquisition of the Year' award (over US\$50 million to US\$100 million) for the sale of Trident Microsystems.
- Dawnay Day – Advising Norwich Union (now Aviva), the largest senior lender, and BDO Stoy Hayward as administrators on the restructuring of Dawnay Day, a global real estate and financial services conglomerate with assets of £1 billion.
- Nortel Networks Canadian Creditors Committee – Engaged as US and cross-border counsel to the Nortel Networks Canadian Creditors Committee in the multi-nation insolvency proceedings of Nortel's Canadian parent and its US and EMEA affiliates, including their dispute over how \$7.3 billion in global asset sale proceeds should be allocated among them.
- Lexi Holdings – Advising a syndicate of UK banks and KPMG as administrators in the restructuring/insolvency of Lexi Holdings. The company was defrauded of approximately £50-70 million. We obtained judgments against 18 parties, committed the main director behind the fraud to prison, and recovered approximately £40 million in real estate worldwide.
- Ineas – Advising on the administration of Ineas, a pan-European online car insurance company. This was one of the largest insolvencies of an insurance company in Europe in recent history. We worked closely with the Dutch Central Bank and the Dutch Financial Supervision Authority with regard to the treatment of insurance policies, continuation and/or transfer of activities and the application of guarantee funds.
- Solar Enertech Corp – Advising on the restructuring of Solar Enertech Corp, a US-headquartered solar product manufacturer with Asian operations in Hong Kong and Shanghai. We were appointed, in conjunction with FTI Consulting, to restructure both the parent company and its subsidiaries.
- Velti plc - Representing Velti plc's US subsidiaries in connection with its chapter 11 case in Wilmington, Delaware and the section 363 sale of its US, UK and India mobile marketing businesses and certain of its US-based advertising businesses to GSO Capital Partners, the credit division of Blackstone. The 2014 M&A Advisor International Awards honored us with the 'Restructuring Deal of the Year' award (under \$1 billion) for the chapter 11 Restructuring of Velti plc's US subsidiaries.
- Lehman Waterfall Application - Advising the administrators of Lehman Brothers Limited (LBL) over the last 18 months on the high profile Lehman Waterfall Application, which is set to, amongst other things: determine how realisations in LBL's estate (expected to comprise of approximately £300 million) will be distributed; determine how claims for interest rank within the insolvency waterfall; and have a substantial impact on the value of LBIE debt of which there is currently a very active market.
- Project Dawn - Working with IBRC and the Special Liquidators on the various Phases of the IBRC loan book sale. Leading various workstreams including 1) undertaking reviews of the c. 40 connections that DLA were initially in relation to, 2) creating a data room for the DLA connections, 3) reviewing all loan and security documents for transferability, 4) responding to Q&A sessions from bidders.
- Scottish Resources Group - Advising the Bank of Scotland plc on the restructuring and the subsequent liquidation of Scottish Coal Company Limited (SCCL) and the various environmental risks to the Bank following liquidation. SRG was the largest surface mining producer in the UK operating 7 open-cast mines and had a turnover exceeding £200m and a land-bank of some 25,000 acres. This matter attracted significant press in Scotland given its strategic importance and the fact that it employed around 800 employees.
- Viaduct Capital Limited - Advised receivers on priority issues relating to security sharing arrangements between company subject to

receivership and Mutual Finance Limited (In Receivership).

- Dominion Finance Group Limited - Advised the receivers of Dominion Finance Group Limited on all aspects of the receivership.

AKTUELLES

Publikationen

Lexology Getting The Deal Through

3 December 2021

DLA Piper contributed to the Restructuring & Insolvency Luxembourg chapter for Lexology's *Getting The Deal Through* publication. This publication answers key questions and trends on the topic.

Pension schemes act 2021

25 October 2021

The Pension Schemes Act 2021 received Royal Assent on 11 February 2021. Most notable among its provisions is the introduction of two key new criminal offences into the Pensions Act 2004 (PA 2004). It is anticipated that these new offences will become effective at some point in autumn 2021.

Rent deferrals in bankruptcy during the COVID-19 pandemic

24 May 2021

The COVID-19 pandemic created unprecedented disruptions across the global economy, perhaps most severely in the retail sector. Shelter-in-place orders, government-mandated closures and other restrictions drastically reduced or entirely wiped out revenue streams, resulting in an increased number of bankruptcy filings by retail debtors.

Restructuring Global Insight

24 May 2021

[RESTRUCTURING - GLOBAL INSIGHT](#)

In our May edition of Global Insight we look at five topics from various jurisdictions around the world. From the UK we cover two areas - the new Pensions Schemes Act 2021 and the criminal offences and their potential impact on restructuring transactions; and the UK's solutions within the legal and operational toolkit for retail businesses.

Solutions within the legal and operational toolkit for businesses in Retail (and the supply-chain) to enhance resilience

24 May 2021

The Government's roadmap out of lockdown signals a return to trading for a number of businesses hard-hit by the COVID-19 pandemic.

WHOA, an update: approval of the first Dutch scheme

24 May 2021

As already announced in the article of Marc Molhuysen and Olmo Weeshoff of 20 December 2021, the new Dutch pre-insolvency tool,

'The Act regarding the binding approval of debt restructuring agreements', widely referred to as the WHOA (*Wet homologatie onderhands akkoord*) or the "Dutch Scheme" entered into force on 1 January 2021.

UK Corporate Insolvency And Governance Act: Moratorium

Updated 01 April 2021

The Corporate Insolvency and Governance Act 2020 has introduced a new standalone moratorium procedure for companies. The moratorium is part of a package of significant legislative reforms contained in the Act, intended to enhance the UK's restructuring rescue culture. These were originally consulted on between 2016 and 2018 and were fast-tracked to deal with the COVID-19 pandemic.

Gategroup: Planning and scheming - are super schemes actually insolvency proceedings?

23 February 2021

The new Part 26A Companies Act Restructuring Plan procedure, dubbed the "Super Scheme", was gathering pace in the English courts since its introduction in June last year. Last week's judgment in gategroup presents a potential speed bump in terms of its implementation as the restructuring tool of choice in European cross-border restructurings.

Restructuring Global Insight – January 2021

18 January 2021

RESTRUCTURING - GLOBAL INSIGHT

2020 was a challenging, but exciting, year of growth and development for the DLA Piper Global Restructuring Group. We would not have been able to achieve the level of success we did without the support of our clients and dedication of our professionals who remained steadfast through difficult circumstances, and continue to do so.

Extension of USD LIBOR – ICE Benchmark Administration Consultation

12 January 2021

On 30 November 2020, the ICE Benchmark Administration (IBA) which compiles and oversees LIBOR, announced that it will hold a consultation on its intention to extend most US Dollar LIBOR (USD LIBOR) tenors until 30 June 2023.

COVID-19: An international guide to changes in insolvency law

1 December 2020

In response to the COVID-19 outbreak, a number of insolvency laws have been updated.

COVID-19 – Galvanising your business against supply chain and customer insolvency risk

7 October 2020

The risk of unforeseen counterparty customer or supplier financial distress and failure amidst the on-going challenges for businesses from COVID-19 means that pre-emptive legal and operational protections against the risk of heavy financial loss or business disruption from customer/supplier failure are more valuable than ever.

Referentenentwurf zum Stabilisierungs- und Restrukturierungsrahmen

30 September 2020

Der geplante Stabilisierungs- und Restrukturierungsrahmen ist im Kern ein eigenständiges außergerichtliches Sanierungsverfahren. Es dient zur Umsetzung eines Sanierungsprozesses mittels Restrukturierungsplan zwecks Abwendung eines Insolvenzverfahrens.

Vlog series: How to raise equity capital during the Coronavirus pandemic (UK)

4 August 2020

The first half of 2020 has seen an unprecedented volume of activity by companies raising capital through follow-on equity offerings on the London Stock Exchange in response to the Coronavirus pandemic. There have been over 140 equity issues on the London Stock Exchange's main market or AIM since 20 March 2020 raising more than GBP14 billion.

Restructuring Global Insight: COVID-19 edition

23 June 2020

[RESTRUCTURING - GLOBAL INSIGHT](#)

News, views and analysis from DLA Piper's Global Restructuring group.

Restructuring in an uncertain environment

18 May 2020

DLA Piper's Thomas Califano, Richard Hans and Rachel Albanese discuss the challenges and opportunities businesses should be aware of as they navigate these shoal waters.

Superior Court of Québec renders omnibus order to provide procedural flexibility amidst COVID-19

15 MAY 2020

The unique situation created by the COVID-19 pandemic and the measures implemented to contain the spread of the virus has severely disrupted the economy, and as a consequence, has made it increasingly challenging for debtors to fulfill their obligations. The situation has also made it arduous for all parties involved in insolvency proceedings to comply with the statutory deadlines set by the BIA. While a jointly issued Suspension Order by the Chief Justice of Québec and the Québec Minister of Justice suspends the extinctive prescription and forfeiture periods in civil matters, as well as civil procedure deadlines until the expiry of the declared public health emergency, unfortunately, it does not apply to insolvency matters. Following on an application by the Superintendent of Bankruptcy of Canada, The Superior Court of Québec rendered an omnibus order to provide much needed procedural flexibility.

CARES Act and eligibility under the Paycheck Protection Program

6 May 2020

The CARES Act does not expressly exclude debtors in bankruptcy from eligibility for PPP loans; however, it grants the SBA broad rulemaking authority.

Israel Group News May 2020

4 May 2020

ISRAEL GROUP NEWS

Providing access to valuable business resources in real time.

Post-COVID-19: What to expect in the "next normal"

30 April 2020

Issues that are front of mind, based on an informal survey of some of the largest companies and most influential global business leaders.

Are high voltage DC networks the future of electricity distribution?

29 April 2020

In the late 19th century direct current (DC) electricity supply networks were promoted by Thomas Edison as a purportedly safer alternative to alternating current (AC) which was championed by George Westinghouse for use in high voltage street arc lighting and which caused many fatalities.

COVID-19: Critical due diligence considerations for M&A, financing and strategic corporate transactions in the retail industry

29 April 2020

Parties to retail-related transactions must consider unprecedented issues.

Precautionary revolver draws – financial cure for COVID-19?

29 April 2020

Many companies with access to revolving credit facilities find themselves considering whether to make a pre-emptive draw now to ensure they have enough liquidity for the future.

A discussion of California plugging and abandonment rules

27 April 2020

US OIL AND GAS PLUGGING AND ABANDONMENT RULES

Requirements for onshore oil and gas wells in California, as well as ties among these requirements and bankruptcy.

Guidance from the courts (England and Wales) on the application of the Covid-19 Job Retention Scheme (or employee furlough) in administrations.

21 April 2020

The High Court has given directions to the administrators of each of Carluccio's Limited and Debenhams Retail Limited on the application of the Covid-19 Job Retention Scheme, but can the government tread a course that protects the rights of employees and follows the scheme?

Key issues to consider when undertaking distressed M&A

20 April 2020

With businesses around the world facing unprecedented challenges, opportunities will exist for those with the resources and risk appetite to conduct M&A involving targets or sellers in financial distress. This article provides insight into distressed M&A transactions for anyone less familiar with how they have developed over the last decade.

Portfolio company risk analysis during COVID-19

20 April 2020

An overview of certain material issues for PE firms and portfolio companies to consider when conducting financial risk analyses.

A discussion of Texas plugging and abandonment rules

17 April 2020

US OIL AND GAS PLUGGING AND ABANDONMENT RULES

An outline of the plugging and abandonment requirements of onshore oil and gas wells in Texas plus a discussion of ties between the plugging requirements and bankruptcy.

UK government to provide additional financial support measures for mid-market business impacted by COVID-19

9 April 2020

On 3 April 2020 the Chancellor announced a new scheme for larger companies, with the creation of the new Coronavirus Large Business Interruption Loan Scheme (CLBILS) to ensure that more firms are able to benefit from government-backed support during this difficult time.

The Hospitality & Leisure sector's response to COVID-19 in Europe

8 April 2020

COVID-19 has without doubt had the biggest impact on the hospitality and leisure sector in recent living memory. Our global hospitality team has been talking a lot over the last few weeks and we have all become inherently aware of the profound effect of the quarantines, lock-downs, social distancing and travel restrictions that have been applied across the globe. Whilst China appears to have ridden the worst of the initial wave, the Western world is now in the middle of the furnace and the hospitality industry has probably been burnt the most. With the Christian holiday of Easter just around the corner, it is usually a time of activity and positivity in the sector, this Easter will be different.

Coronavirus - Mitigating supply chain and customer insolvency risk (Canada)

7 APR 2020

The on-going impact of the COVID-19 outbreak could have a significant impact on your global supply and customer chains.

The Finnish government proposes measures to limit the commercial impact of coronavirus

31 March 2020

On Friday 20 March 2020, the Finnish government has agreed on a comprehensive package to safeguard jobs and livelihoods and ease the economic pressure on businesses. According to the government's estimate, the overall scale of the measures will be approximately EUR15 billion.

Economic relief for Calgary business owners impacted by COVID-19 (Canada)

27 MAR 2020

Canadian governments have implemented numerous measures to assist business owners economically affected by COVID-19. This article outlines the measures for business focused relief available to Calgary business owners from the federal, provincial, and municipal governments.

COVID-19: The benefits of US chapter 11 relief in a time of economic crisis

19 March 2020

Highlighting some of the most significant benefits of US chapter 11 for companies facing severe challenges under the current circumstances.

Coronavirus disease (COVID-19): Business interruptions and resulting effects in the global economy (Global)

16 March 2020

While the overall scope and duration of the economic impacts are difficult to forecast, there will undoubtedly be a significant increase in workouts, restructurings, rescue financings, forbearances, and other similar activities over the coming months.

Commercial bankruptcy practice in the US today: Chapters 11 and 15

29 January 2020

The current legal framework in the US for companies seeking to reorganize and restructure their business operations and debt.

Global Insight - Issue 31, December 2019

20 December 2019

RESTRUCTURING - GLOBAL INSIGHT

News, views and analysis from DLA Piper's Global Restructuring Group on the UNCITRAL Model Law on cross border insolvency, a

new restructuring tool known as WHOA or the Dutch scheme to be implemented in the Netherlands, and an examination of a proposal to elevate the UK tax department in the order of priority on insolvency.

Seminare und Veranstaltungen

Vergangene

Embracing Digital Evolution

15 September 2021
Webinar

IPEM 2021

8-9 September 2021
IPEM 2021
Paris

Pan-European Restructurings – challenges and solutions when working across borders – and a CRO perspective

15 April 2021
Webinar

Payments Forum – New Year challenges for lawyers in the payments sector

26 January 2020
Webseminare

Das neue Investitionskontrollgesetz: Umsetzung und Bedeutung für die Wirtschaft

15. Dezember
Webseminare

Webinar - Restructuring, Hospitality & Leisure - Challenges and Opportunities

19 November 2020
Webseminare

Essential Legal Update 2020

12 October 2020 - 15 October 2020
Webinar

Virtual Live PT Sessions

13 May 2020
Virtual Live PT Sessions
Webseminare

Virtual Live PT Sessions

6 May 2020
Virtual Live PT Sessions
Webseminare

Virtual Live PT Sessions

29 April 2020
Virtual Live PT Sessions
Webseminare

Virtual Live PT Sessions

22 April 2020
Virtual Live PT Sessions
Webseminare

Restructuring in the Corona Era

6 April 2020
Webseminare

COVID-19: Important Issues for Israeli Companies to Consider

6 April 2020
Webseminare

International Private Equity Market 2020

28-30 January 2020
IPEM 2021
Paris

NEWS

DLA Piper grows Finance, Projects and Restructuring practice in Ireland with new partner hire

10 November 2021

DLA Piper today announces the appointment of Gavin Smith as a partner in the firm's Finance, Projects and Restructuring (FP&R) group. Gavin will be responsible for leading DLA Piper's Restructuring team in Ireland.

DLA Piper berät Geisel Privathotels beim Verkauf des Hotels Königshof in München

3. November 2021

DLA Piper hat die Münchner Hotelgruppe Geisel Privathotels beim Verkauf der Immobilie „Neubau Hotel Königshof“ an das Münchner Familienunternehmen Inka Karlsplatz GmbH & Co. KG (Inka Karlsplatz) beraten. Geisel Privathotels wird als Projektentwickler den Fünf-Sterne-Hotelneubau in der Münchner Innenstadt am Karlsplatz (Stachus) noch bis Mitte 2023 fertigstellen.

DLA Piper berät Tillotson beim Erwerb der Sparte Zündungstechnik der PVL-Gruppe aus der Insolvenz

29. Juni 2021

DLA Piper hat das Unternehmen Tillotson beim Erwerb des Geschäftsbetriebs der Sparte Zündungstechnik der PVL-Gruppe von Insolvenzverwalter Volker Böhm von Schultze & Braun beraten.

DLA Piper announces International Restructuring practice leadership changes

14 June 2021

DLA Piper has appointed partners Chris Parker and Dietmar Schulz as International Co-Chairs of the firm's Restructuring practice.

Chris and Dietmar succeed Peter Somekh, who after many successful years will be focusing on his roles as Regional Managing Partner for the Middle East and Managing Partner for DLA Piper Africa, as well as remaining an active partner in the practice.

DLA Piper berät IHG Hotels & Resorts bei Fortführung von Hotels der Tidal-Gruppe und Übertragung auf neuen Betreiber Westmont

02. März 2021

DLA Piper hat die global agierende InterContinental Hotels Group (IHG) Hotels & Resorts bei der Fortführung von 10 Hotels des Franchisenehmers Tidal Operations Germany GmbH (TOG) und deren Übertragung auf den neuen Betreiber, der Westmont Hospitality Group (Westmont), beraten.

DLA Piper appoints new International Head for Finance, Projects & Restructuring practice

25 February 2021

DLA Piper today announces the appointment of David Trott as a partner, and International Group Head of the firm's Finance, Projects

and Restructuring group.

DLA Piper berät die Otto Group bei der Veräußerung von Hansecontrol an Qima

15. Februar 2021

DLA Piper hat die Otto Group beim Verkauf des konzerneigenen Dienstleisters für Qualitätssicherung und Produktsicherheit, der Hansecontrol Group mit Hauptsitz in Hamburg, an die Qima, einen weltweit führenden Anbieter von Supply-Chain-Compliance-Lösungen mit Hauptsitz in Hongkong, beraten.

DLA Piper berät Lufthansa Group als Hauptgläubigerin im Insolvenzverfahren der ZIM Flugsitz GmbH

11. Januar 2021

DLA Piper hat die Lufthansa Group mit ihren Gesellschaften Deutsche Lufthansa AG, Lufthansa Technik AG und SWISS als Hauptkunde und Hauptgläubiger erfolgreich im Insolvenzverfahren der ZIM Flugsitz GmbH beraten.

DLA Piper berät Lufthansa Technik AG beim Verkauf ihrer Mehrheitsanteile an Lufthansa Bombardier Aviation Services

7. Januar 2021

DLA Piper hat die Lufthansa Technik AG beim Verkauf ihrer Mehrheitsanteile an der Lufthansa Bombardier Aviation Services GmbH an den kanadischen Business Jet-Hersteller Bombardier beraten.

DLA Piper berät beim Verkauf von FLABEG an CORDET

02. Oktober 2020

DLA Piper hat den Insolvenzverwalter des Automobilzulieferers FLABEG, Rechtsanwalt Volker Böhm von Schultze & Braun, beim Verkauf der Unternehmensgruppe mit Hauptsitz in Deutschland und internationalen Standorten (Frankreich, Ungarn, China, Brasilien, USA) an einen internationalen Investor beraten.

DLA Piper lawyer elected INSOL Europe Council Member

1 October 2020

DLA Piper Restructuring counsel Florian Bruder has been elected member of the Council of the INSOL Europe insolvency association, where he will represent Germany for the next three years, effective 2 October 2020.

DLA Piper recognised at the Australasian Law Awards 2020

8 September 2020

DLA Piper's Restructuring and Finance practices have been recognised at the annual 2020 Lawyers Weekly Australian Law Awards, announced on 20 August 2020.

DLA Piper appointed as trustee in Jet Time bankruptcy proceedings

27 August 2020

DLA Piper is advising Danish airline Jet Time A/S as the company filed for bankruptcy at the Maritime and Commercial Court in Copenhagen on 21 July 2020.

DLA Piper continues to grow UK Restructuring practice with new partner hire

25 May 2020

DLA Piper today announces the appointment of James Davison as a partner in its UK Restructuring practice. This appointment follows the recent hire of partner David Manson from Paul Hastings.

DLA Piper announces partnership promotions for 2020

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

DLA Piper berät Heidelberger Druckmaschinen bei Maßnahmenpaket zur Profitabilitätssteigerung

20 March 2020

DLA Piper hat die Heidelberger Druckmaschinen AG im Rahmen des von der Gesellschaft angekündigten umfassenden Maßnahmenpakets zur Profitabilitätssteigerung beraten. Ziel des Maßnahmenpakets ist es, kurzfristig die Strukturkosten zu reduzieren und die Profitabilität des Unternehmens nachhaltig zu verbessern.

DLA Piper lawyers named Acritas Stars

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

DLA Piper berät Guala Closures Group beim Erwerb des deutschen Geschäftsbetriebs der Closurelogic GmbH

3. Januar 2020

DLA Piper hat die an der Mailänder Börse gelistete Guala Closures Group beim Erwerb des gesamten deutschen Geschäftsbetriebs samt Betriebsimmobilie im Wege eines distressed Asset Deals von der Closurelogic GmbH in einem Insolvenzverfahren in Eigenverwaltung beraten.

DLA Piper makes double Restructuring hire in London

9 December 2019

DLA Piper is strengthening its London Restructuring practice with the appointment of Sarah Archer and Philippa Hill as legal directors within the London office.

In Austria

ÜBERBLICK

Unser engagiertes Restrukturierungs-Team in Österreich berät nationale und internationale Mandanten zu allen Fragen rund um Restrukturierung und Insolvenz, sowohl vorbeugend, als auch nachträglich, bei der Aufarbeitung deren Auswirkungen.

Zu unserem vielfältigen Kundenstamm gehören u. a. Schuldner, Kreditgeber, staatliche Institutionen, Treuhänder, Aktionäre, Führungskräfte, Käufer von notleidenden Krediten und Vermögenswerten sowie entsprechende Investoren. Um unseren Mandanten ein ganzheitliches Serviceangebot zur Verfügung stellen zu können, arbeiten wir eng mit den Anwälten unserer Praxisgruppen für Finanzierungen, Gesellschaftsrecht, Steuerrecht und Immobilien zusammen.

Unser Restrukturierungs-Team in Österreich ist Teil unserer Global Restructuring Group, die zu den weltweit Führenden in dieser Branche zählt. Mit unseren engagierten, auf Restrukturierungen spezialisierten Anwälten in Nord-, Mittel- und Südamerika, im Asien-Pazifik-Raum, in Europa und dem Nahen Osten verfügen wir über das Wissen, die Erfahrung und die Ressourcen, um auf die Bedürfnisse unserer Mandanten bei Restrukturierungs- und Insolvenzfällen auf nationaler und internationaler Ebene eingehen zu können. Auf der ganzen Welt haben unsere lokal ansässigen Restrukturierungs-Anwälte umfangreiche Kenntnisse über die jeweiligen Märkte und alle damit verbundenen Herausforderungen für unsere Mandanten.

UNSERE FÄHIGKEITEN

Unsere Beratungsleistungen:

- Absicherung gegen Insolvenz von wichtigen Abnehmern und Lieferanten
- Beratung zu notleidenden Krediten
- Forderungseintreibung
- Handel mit notleidenden Krediten
- Insolvenzverfahren sowie Vorschriften für die Vorgehensweise von Amtsträgern
- Notleidende Mergers & Acquisitions
- Notleidende Immobilien
- Optimierung und Priorisierung von Sicherheiten
- Planung und Umsetzung von Notfallmaßnahmen
- Restrukturierung von strukturierten und fremdkapitalbasierten Finanzierungsvehikeln
- Restrukturierungs- und Sanierungsstrategien
- Umschuldung und Refinanzierung von Fremd- und Eigenkapital
- Veräußerungen und Standard Lösungspakete

ERFAHRUNG

Wir beraten Mandanten in einer Vielzahl von Branchen. Unsere besonderen Stärken liegen auf den folgenden Gebieten: Energie, Finanzdienstleistungen, Gesundheitswesen, Gastronomie und Freizeit, Immobilien, Einzelhandel, Sport, Technologie und Transport.

Nachfolgend finden Sie einige der wichtigsten Fälle, an denen wir in letzter Zeit mitgewirkt haben:

- Pfizer – Beratung des weltweit größten Pharmaunternehmens bei der Ausgliederung seines Geschäftsbereichs Tiergesundheit in Österreich. Pfizer hatte sich entschieden, die Sparte Tiergesundheit weltweit von der Sparte für menschliche Gesundheit zu trennen. Wir berieten bei der Umsetzung der Umstrukturierung, die in Österreich in Form einer Ausgliederung erfolgte, und berieten auch bei den damit verbundenen betrieblichen Maßnahmen. Diese anspruchsvolle Transaktion war wesentlich für den Erfolg des globalen Projekts und wurde in Zusammenarbeit mit den „Big Four“- Wirtschaftsprüfungsgesellschaften in 60 Ländern gleichzeitig durchgeführt. Eine enge Abstimmung mit unserem Mandanten war hier unerlässlich. Dies realisierten wir durch eine kontinuierliche und nahtlose Teamarbeit mit den Kollegen in unseren international ansässigen Büros. Eine weitere Herausforderung war der enge Zeitrahmen, in dem die Transaktion zu erfolgen hatte. Es ist uns gelungen, sämtliche Phasen der Transaktion planmäßig und pünktlich abzuschließen.
- Österreichischer Industriekonzern – Beratung bei der umfangreichen Restrukturierung des gesamten Konzerns zur Krisenbewältigung und Rückgewinnung einer soliden wirtschaftlichen Leistungsfähigkeit. Wir berieten bei der Einführung von Umstrukturierungsmaßnahmen, dem Verkauf von verschiedenen Vermögenswerten und Markenzeichen, dem Abschluss von Lizenzvereinbarungen für die fortdauernde Nutzung von verkauften Markenzeichen, dem Übergang von Rechten und Pflichten, Sacheinlagen, der Emission einer Anleihe ohne Laufzeitbegrenzung und Einholung vom Finanzierungsmitteln gemäß ULSG (österreichisches Unternehmensliquiditätsstärkungsgesetz). Diesen Maßnahmen folgte eine reguläre Refinanzierung des Kredits durch eine Bank.
- Catlin Group – Beratung der Catlin Group, eine der weltweit führenden Versicherungs- und Rückversicherungsgesellschaften, bei der Reorganisierung ihres österreichischen Betriebes im Zusammenhang mit einer Umstrukturierung, die die länderübergreifende Fusion von Catlin Innsbruck GmbH mit einer deutschen Konzerntochter einschloss, sowie bei der Gründung von Tochterfirmen in Österreich.
- Diamond Resorts – Beratung der Diamond Resorts, Inc., einem führenden internationalen Hotel- und Unterhaltungskonzern, bei seiner globalen Restrukturierung. Diamond Resorts führte über 40 länderübergreifende Fusionen in Europa im Zusammenhang mit seiner Transaktion durch, von denen 30 in Österreich stattfanden. Dies war eine der umfangreichsten Unternehmensumstrukturierungen in Österreich überhaupt, und zwar nicht nur, weil sie so viele länderübergreifende Fusionen gemäß des noch relativ jungen europäischen Fusionskontrollsystems beinhaltete, sondern auch aufgrund der parallel stattfindenden Fusionen sowohl im Import- als auch Exportbereich.
- Gasometer Towers and Entertainment Centre – Beratung bei der Umstrukturierung der Gasometer (Mischnutzung als Wohn- und Gewerbeimmobilien). Hier wurden wir mit der komplexen Finanzierungsstruktur und den Sicherheiten einschließlich der Dokumentierung der Sicherheiten des Projektes betraut. Wir berieten auch bei der Umstrukturierung des Entertainment Centre, der Realisierung von Sicherheiten, der Übertragung des Projekts auf die finanzierende Bank und der letztendliche Verkauf des Projekts an einen Investor.
- Führende österreichische Bank – Beratung bei der Umschuldung eines Portfolios von zwölf Hotels in Mittel- und Osteuropa gemäß einer Kreditvereinbarung, bei deren Erfüllung es zum Verzug kam. Unsere Tätigkeit beinhaltete die Neustrukturierung der Beziehungen zwischen Bank, Kreditnehmer und Geldgebern, insbesondere in Bezug auf die Rekapitalisierung, sowie die Modifizierung von Vereinbarungen und Sicherheitsmaßnahmen zur Vermeidung einer Insolvenz.