



Reestruturacões

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. Os advogados da equipa de reestruturacões da DLA Piper possuem experiência significativa na prestação de aconselhamento a clientes sobre investigacões, execucoes, contencioso e recuperacão de ativos em várias jurisdicões. Aconselhamos os clientes sobre todas as matérias relativas a sociedades cotadas ou não cotadas em situacão de baixo rendimento ou em dificuldades.

Asseguramos a gestão de cessões que envolvem desde empresas de média dimensão às maiores reestruturacões e insolvências a nível nacional e internacional. A nossa experiência também se estende às situacões de contencioso decorrentes das reestruturacões e insolvências.

A DLA Piper serve uma base de clientes diversificada que inclui devedores, mutuantes, organismos estatais, gestores fiduciários (trustees), acionistas e executivos de topo, bem como investidores e compradores de ativos e passivos de empresas em dificuldades.

Com advogados especialistas em reestruturacões nas Américas, Ásia-Pacífico, Europa, África e Médio-Oriente, dispomos dos conhecimentos, experiência e recursos necessários para satisfazer as necessidades dos nossos clientes em matéria de reestruturacão e insolvência, tanto a nível nacional como internacional.

CAPABILITES

Prestamos aconselhamento aos clientes sobre todos os aspetos das reestruturacões,

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- Societário
- Financeiro
- International Corporate Reorganizations

insolvências e falências, quer previamente às mesmas, quer para lidar com as respetivas consequências.

Aconselhamos os clientes sobre o seguinte:

- Investigação e recuperação de dívidas e ativos
- Alienações, incluindo soluções pré-configuradas, fusões e aquisições de empresas em dificuldades e acordos de pagamento de crédito imobiliário
- Transmissão de dívidas de cobrança difícil
- Reestruturações financeiras
- Processos formais de insolvência e falência, e representação em assembleias de credores
- Investigações relacionadas com insolvências e falências, contencioso e execução
- Estratégia e procedimentos de reestruturação internacional
- Reestruturação operacional

Em vários países europeus, os nossos advogados da equipa de reestruturações assumem cargos de gestores de insolvência.

EXPERIENCE

Aconselhamos clientes dos mais diversos setores, com particular incidência nos setores da energia, serviços financeiros, cuidados de saúde, hotelaria e lazer, imobiliário, retalho, desporto, tecnologia e transportes.

Seguem-se algumas questões internacionais em que trabalhámos recentemente:

- Trident Microsystems – Representação da Trident Microsystems, Inc., um fabricante de chips e software, na apresentação, junto do Tribunal Federal de Falências do Distrito de Delaware, de um requerimento ao abrigo do capítulo 11 do código das falências dos EUA e na venda da unidade de negócio de descodificadores para televisão à Entropic Communications em troca da assunção de obrigações e 55 milhões de dólares em dinheiro, na venda da unidade de negócio de televisão da Trident à Sigma Designs em troca da assunção de obrigações e 30 milhões de dólares e na liquidação das 16 filiais estrangeiras da Trident, localizadas em 11 países diferentes. No evento M&A Advisor International Awards de 2013 fomos galardoados com o prémio “Aquisição Societária/Estratégica do Ano” (de 50 milhões de dólares a 100 milhões de dólares) pela venda da Trident Microsystems.
- Dawnay Day – Prestação de aconselhamento à Norwich Union (agora denominada Aviva), a maior mutuante privilegiada, e à BDO Stoy Hayward, enquanto administradores judiciais, na reestruturação da Dawnay Day, um conglomerado global de serviços imobiliários e financeiros com ativos no valor de mil milhões de libras.
- Assembleia de credores canadianos da Nortel Networks – Contratados como advogados dos EUA e transnacionais da assembleia de credores canadianos da Nortel Networks, no âmbito do processo internacional de insolvência da sociedade-mãe canadiana da Nortel e das suas empresas afiliadas dos EUA e Europa, Médio-Oriente e África, incluindo no que diz respeito ao seu litígio sobre a distribuição do produto da venda de ativos globais no montante de 7,3 mil milhões de dólares.
- Lexi Holdings – Prestação de aconselhamento a um sindicato de bancos do Reino Unido e à KPMG, na qualidade de administradora judicial, na reestruturação/insolvência da Lexi Holdings. A empresa foi defraudada em cerca de 50 a 70 milhões de libras. Obtivemos sentenças contra 18 partes, assegurámos a aplicação de uma pena de prisão ao administrador responsável pela fraude e recuperámos cerca de 40 milhões de libras em imóveis situados em vários locais do mundo.
- Ineas – Prestação de aconselhamento no âmbito da administração judicial da Ineas, uma companhia pan-europeia de seguros automóvel online. Tratou-se de um dos maiores processos de insolvência de uma companhia de seguros na história recente da Europa. Colaborámos de perto com o banco central dos Países Baixos e com a autoridade de supervisão financeira desse país em relação ao tratamento das apólices de seguro, à continuação e/ou transferência de atividades e à aplicação dos fundos de garantia.
- Solar Enertech Corp – Prestação de aconselhamento sobre a reestruturação da Solar Enertech Corp, um fabricante norte-americano de produtos de energia solar com operações em Hong Kong e Xangai. Fomos nomeados, juntamente com a FTI Consulting, para reestruturar a sociedade-mãe e as suas filiais.
- Velti plc - Representação das filiais norte-americanas da Velti plc no âmbito do processo instaurado ao abrigo do capítulo 11 do código das falências dos EUA em Wilmington, no Delaware, e da venda, ao abrigo do artigo 363 do mesmo diploma, dos seus negócios de marketing móvel dos EUA, Reino Unido e Índia e de alguns dos seus negócios de publicidade sediados nos EUA à GSO Capital Partners, a divisão de crédito da Blackstone. No evento M&A Advisor International Awards de 2014 fomos galardoados

com o prémio “Operação de Reestruturação do Ano” (menos de mil milhões de dólares) pela reestruturação das filiais norte-americanas da Velti plc ao abrigo do capítulo 11 do código das falências dos EUA.

- Processo “Lehman Waterfall Application” - Prestação, durante os últimos 18 meses, de aconselhamento aos administradores judiciais da Lehman Brothers Limited (LBL) sobre o processo “Lehman Waterfall Application” que, entre outros aspetos, irá provavelmente determinar como será distribuído o produto do património da LBL (estimado em cerca de 300 milhões de libras); determinar a graduação dos créditos no âmbito da insolvência; produzir um impacto significativo sobre o valor da dívida da LBIE, para a qual existe atualmente um mercado muito ativo.
- “Project Dawn” - Colaboração com o IBRC e com os liquidatários especiais nas diversas fases da venda da carteira de empréstimos do IBRC. Coordenação dos contributos de diversos grupos de trabalho, incluindo 1) análise das cerca de 40 ligações com as quais a DLA estava inicialmente relacionada, 2) criação de uma sala de dados para as ligações da DLA, 3) análise de todos os documentos de empréstimos e garantias para fins de transmissão, 4) resposta às sessões de perguntas e respostas dos licitantes.
- Scottish Resources Group - Prestação de aconselhamento ao Bank of Scotland plc sobre a reestruturação e ulterior liquidação da Scottish Coal Company Limited (SCCL) e sobre os diversos riscos ambientais para o Banco após a liquidação. A SRG era a maior empresa de extração de minérios a céu aberto do Reino Unido, com 7 minas a céu aberto sob sua operação, um volume de negócios superior a 200 milhões de libras e um parque imobiliário com cerca de 10.115 hectares. Esta notícia recebeu muita atenção por parte da imprensa na Escócia devido à sua importância estratégica e ao facto de a empresa empregar cerca de 800 pessoas.

INSIGHTS

Publicações

DeFi participants should prepare to confront the unknown as bankruptcies loom

23 June 2022

Do not assume that a bankruptcy involving a DeFi platform would operate in a manner similar to other financial institution bankruptcy cases.

Examinership in exceptional times

29 April 2022

This article provides a summary overview of the examinership process and considers recent developments in this sphere. In light of the prevailing economic uncertainty, examinership is likely to become ever more relevant to companies and their directors across Ireland and beyond over the coming months.

Supporting the health of your health system: 2022

3 January 2022

Helping you tend to healthcare system wellness throughout the business life cycle.

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: The new criminal offences and their potential impact on restructuring transactions

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.

Some comfort for directors with the reintroduced suspension of wrongful trading

1 December 2020

The UK Government has reintroduced the temporary suspension of wrongful trading measures from 26 November 2020 until 30 April 2021 (the suspension was originally introduced in March 2020 and expired on 30 September 2020).

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.

Draft bill of the Stabilization and Restructuring Framework

30 September 2020

Germany’s planned Stabilization and Restructuring Framework (Stabilisierungs- und Restrukturierungsrahmen) is essentially an independent, out-of-court tool to implement a restructuring process by means of a restructuring plan in order to avert insolvency proceedings.

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.

Eventos

Anteriores

EU Regulatory Data Protection: A legal and policy appraisal of an emerging legislative framework

5 May 2022

Webinar

Embracing Digital Evolution

15 September 2021

Webinar

IPEM 2021

8-9 September 2021

IPEM 2022

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

Webinar

Webinar - Restructuring, Hospitality & Leisure - Challenges and Opportunities

19 November 2020

Webinar

Essential Legal Update 2020

12 October 2020 - 15 October 2020

Webinar

NOTÍCIAS

Best Lawyers / Handelsblatt recommends a total of 90 lawyers from DLA Piper in Germany

24 June 2022

This year, the U.S. publisher Best Lawyers has once again recognized numerous DLA Piper lawyers in Germany in various areas of law.

DLA Piper advises Francotyp-Postalia on acquisition of Azolver

24 March 2022

DLA Piper has advised Francotyp-Postalia Holding AG on the acquisition of all shares in the operating companies of Azolver Holding GmbH.

DLA Piper advises The Phoenix on financing round for everphone

23 December 2021

DLA Piper has advised The Phoenix Insurance Company on a USD200m financing round for Berlin-based phone-as-a-service company everphone.

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 advises Geisel Privathotels on the sale of Hotel Königshof in Munich

3 November 2021

DLA Piper has advised the Munich hotel group Geisel Privathotels on the sale of "Neubau Hotel Königshof" to the family-owned company Inka Karlsplatz GmbH & Co. KG (Inka Karlsplatz). As project developer, Geisel Privathotels will complete the new five-star hotel building in Munich's city centre at Karlsplatz (Stachus) by mid-2023.

DLA Piper advises Tillotson on the acquisition of the ignition technology division of the PVL Group from

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insolvency

29 June 2021

DLA Piper has advised Tillotson on the acquisition of the business operations of the ignition technology division of the PVL Group from insolvency administrator Volker Böhm of Schultze & Braun.

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 advises IHG Hotels & Resorts on continuation of Tidal Group hotels and transfer to new operator Westmont

2 March 2021

DLA Piper has advised the global InterContinental Hotels Group (IHG) Hotels & Resorts on the continuation of 10 hotels of franchisee Tidal Operations Germany GmbH (TOG) and the subsequent transfer to a new operator, Westmont Hospitality Group (Westmont).

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 advises Otto Group on the sale of Hansecontrol to Qima

15 February 2021

DLA Piper has advised Otto Group in relation to the agreement to sell its Quality Assurance and Product Safety service provider, the Hansecontrol Group headquartered in Hamburg, to Qima, a leading global provider of supply-chain compliance solutions, headquartered in Hong Kong.

DLA Piper advises Lufthansa Group as main creditor in ZIM Flugsitz insolvency proceedings

11 January 2021

DLA Piper has successfully advised the Lufthansa Group with its entities Deutsche Lufthansa AG, Lufthansa Technik AG and SWISS as main client and main creditor in the insolvency proceedings of ZIM Flugsitz GmbH.

DLA Piper advises Lufthansa Technik AG on the sale of its majority stake in Lufthansa Bombardier Aviation Services

7 January 2021

DLA Piper has advised Lufthansa Technik AG on the sale of its majority stake in Lufthansa Bombardier Aviation Services GmbH to the

Canadian business jet manufacturer Bombardier. Lufthansa Technik AG previously held 51 percent of the joint venture and Bombardier 29 percent. A further 20 percent were held by co-shareholder ExecuJet, which also sold its shares to Bombardier.

DLA Piper advises on sale of FLABEG to CORDET

2 October 2020

DLA Piper has advised the insolvency administrator of the automotive supplier FLABEG, lawyer Volker Böhm of Schultze & Braun, on the sale of the group with headquarters in Germany and international sites (France, Hungary, China, Brazil, USA) to international investment company CORDET.

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.
