

Insolvency and Restructuring

Kennedy Van der Laan

## Insolvency and Restructuring

Members of our insolvency and restructuring team act as trustees in complex insolvency procedures. Clients threatened with the bankruptcy of a supplier or bankruptcy of or a suspension of payments by a customer, or faced with financial troubles of its own, draw on that body of insolvency trustee experience. Clients are also helped in avoiding the risks of liquidity problems of contracting parties through the use of reliable security instruments to support commercial transactions.

Where restructuring of a national or multinational group of companies is necessary for insolvency-related reasons, our clients draw on our considerable legal and notary experience to plan and carry out the restructuring effectively.

The insolvency practice often brings with it the litigation of insolvency-related claims. Our clients benefit in such matter by the experience of our corporate litigation team.

## Track Record Insolvency and Restructuring

### **Insolvency**

- Appointments by the Court of Amsterdam as trustee in bankruptcy and suspension of payments procedures
- Officers and directors liability advice and litigation
- Negotiations with trustees in bankruptcy regarding claims of by trustee against clients
- Negotiations with trustees in bankruptcy regarding the sale of the company or of assets
- Advice to a Japanese multinational company about the threatened bankruptcy of a Dutch construction company building a petro-chemical port in a third country
- Advice to a Slovakian automobile components manufacturer regarding combined Dutch/Belgian insolvencies
- Attachment of the shares of a bank and the executorial sale of the bank
- Insolvency advices with respect to suppliers, partners and clients of an international mobile telephone operator
- Insolvency related advice for a leading US software publisher
- Advice to a US producer of cans for drinks regarding a dispute with trustees in a bankruptcy and the claim against assets offered as security
- Advice to Scottish trustees in bankruptcy regarding the liability of Dutch trustees in bankruptcy

- Advice to English trustees in bankruptcy regarding a European insolvency procedure of a Dutch subsidiary and Dutch security interests
- Representation of a British company regarding several acquisitions of assets from Dutch insolvent companies
- Advice to a Dutch company regarding a sales contract with an American trustee in bankruptcy of an airline company

### **Restructuring**

- Strategic advice to various national and international companies regarding the restructuring of Dutch entities in pre insolvency and restart situations and the implementation of the restructuring process
- Strategic advice about and execution of court and out-of-court compositions with creditors
- Advice on and implementation of a liquidation of a major multinational industrial plastics production company, involving a number of transfers of assets and liabilities
- Advice to an international fashion company about the termination of part of its business in the Netherlands, including termination of contracts and possible liabilities

### **Insolvency Litigation**

- Litigation regarding personal liability of supervisory directors for a multi million dollar claim related to the bankruptcy of a listed Dutch joint venture
- Litigation against a Dutch bank on behalf of the trustee regarding the ownership of a securities portfolio
- Litigation regarding directors liability in numerous case on behalf of the trustee, the managing director or a creditor
- Act for a bankruptcy trustee in the bankruptcy of a securities broker against a Dutch bank regarding the title to and transfer of shares in a Cayman Islands fund.

### **Contact persons**

Marcel Willems

Tel: +31 20 5506 679

E-mail: marcel.willems@kvdl.nl

Bart de Man

Tel: +31 20 5506 841

E-mail: bart.de.man@kvdl.nl

Jan Schouten (civil law notary)

Tel: +31 20 +5506 853

E-mail: jan.schouten@kvdl.nl

Haarlemmerweg 333, 1051 LH Amsterdam

P.O. Box 58188, 1040 HD Amsterdam

t. +31 (20) 5506 666, f. +31 (20) 5506 777

e. info@kvdl.nl, www.kennedyvanderlaan.nl