SQUIRE PATTON BOGGS

Local Connections. Global Influence.

# Restructuring & Insolvency

## Cross-border Capabilities and Experience

# About Us

We have more than 1,500 lawyers in over 40 offices across four continents. We advise a mix of clients, from Fortune 100 and FTSE 100 corporations to emerging companies, and from individuals to local and national governments and public-private partnerships. Whatever is needed, we are able to deliver the cross-practice, cross-border and industry-specific support that clients require for success in today's competitive markets.

# Why Choose Us

## Our Restructuring & Insolvency Practice

We have one of the largest, most experienced and most respected global restructuring and insolvency practices of any law firm, with more than 70 lawyers in 25 offices across the US, the UK, Europe, Asia Pacific, the Middle East and Latin America. We handle operational and financial reorganizations and insolvencies for clients in virtually every industry, including automotive, aviation, chemicals distribution, energy, financial services, food, government/municipal, healthcare, hospitality and gaming, infrastructure, media, manufacturing, mining and minerals, oil and gas, real estate, retail, technology and utilities.

# Cross-border Insolvency

Cross-border insolvency matters are often highly complex. They require significant expertise and experience across many jurisdictions and close coordination among the relevant offices representing the multiple jurisdictions. Our seamless intra-office coordination allows us to provide efficient and effective strategies that fit the requirements and expectations of our clients. Our lawyers collaborate with clients, and each other, across the full range of the restructuring and insolvency process to preserve and enhance value to ensure maximum recovery to stakeholders.

**More than 70 lawyers provide cross-border restructuring and insolvency advice in the following offices across our global platform:**

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| **Berlin**, Germany | **Manchester**, UK |
| **Birmingham**, UK | **New York**, US |
| **Cincinnati**, US | **Paris**, France |
| **Cleveland**, US | **Perth**, Australia |
| **Columbus**, US | **Phoenix**, US |
| **Dubai**, UAE | **Prague**, Czech Republic |
| **Frankfurt**, Germany | **Santo Domingo**, Dominican Republic |
| **Hong Kong**, China | **San Francisco**, US |
| **Houston**, US | **Shanghai**, China |
| **Leeds**, UK | **Tampa**, US |
| **London**, UK | **Warsaw**, Poland |
| **Madrid**, Spain | **Washington DC**, US |

# Restructuring GlobalView

## Wordwide Restructuring and Insolvency News

We are committed to delivering cross-border, cross-practice and industry-specific support for our clients.

Please click here to read our latest insights on current issues and topics of importance to our markets.

| Cross-border Restructuring and Insolvency Representative Experience |
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| **Americas** |
| **Atna Resources** – Advised a gold mining exploration and development company in a US chapter 11 case and companion CCAA proceedings in Vancouver, Canada. Owned by a publicly traded Canadian parent, Atna had operations in the US in Nevada, Montana, California and Canada. |
| **China Construction Company** – Represented in connection with the disputed US$3.5 billion construction of one of the largest resorts in the Caribbean, located in the Bahamas. After the commencement of insolvency proceedings against Baha Mar in the Bahamas, Baha Mar and 13 affiliates filed Chapter 11 cases in the US. On behalf of China Construction, we successfully moved for the dismissal of the Chapter 11 cases filed by Baha Mar in favor of the Bahamian insolvency proceedings. |
| **Collins Street Convertible Note Fund** – Advised this Australia based fund which serves as the senior secured lender to US-based mining company Allegiance Coal in Allegiance Coal's Chapter 11 filing in the US Bankruptcy Court for the District of Delaware. |
| **Crestline** – Completed the acquisition of Corsair International, the French airline, for a US-based distressed investor. Owned by the Tui Group and founded in 1981, Corsair is a France-based airline carrying more than 50 million passengers to a variety of destinations in the Caribbean, the US, Europe and Asia. |
| **Gordon Brothers** – Represented this US advisory and asset management client regarding the financing of a potential acquisition by a UK investor of the insolvent business of German company Rene Lezard. |
| **Harman International Industries, Incorporated and Harman Becker Automotive Systems** – Represented these US and German-based subsidiaries of Samsung on the acquisition of Swiss technology company WayRay AG out of a Swiss insolvency proceeding with the goal of acquiring its state-of-the-art heads-up display technology that WayRay was unable to financial bring to market. Squire coordinated due diligence on WayRay's assets and liabilities and negotiated acquisition documents and terms for the acquisition of WayRay's intellectual property, work force and prototypes |
| **Harman International (China) Holdings Co., Ltd. and Harman International Incorporated, Inc.** – Advised Harman U.S. and Chinese entities as manufacturers of computer chips and related automative parts on creditors rights issues with respect to the insolvency of Fisker Group, Inc., (US) and Fisker (Shanghai) Motors Ltd. |
| **KPMG** – Advised KPMG as administrators and liquidators of several Eastern Caribbean insurance companies in connection with a US chapter 15 case involving litigation against former officers and directors. |
| **Midway Gold Corporation** – Represented this Canadian public company and 13 US subsidiaries in their Chapter 11 cases in the Bankruptcy Court for the District of Colorado. Midway Gold also filed a companion Companies' Creditors Arrangement Act proceeding in Vancouver, Canada. The companies operated and owned gold mining properties in Nevada and Washington. |
| **Official Committee of Unsecured Creditors of Phoenix Services Topco, LLC** – We advised the Official Committee of Unsecured Creditors in the Phoenix Services Chapter 11 cases in the US Bankruptcy Court for the District of Delaware. This matter involved non-debtor affiliates in Brazil, Romania, Finland, Spain, Slovakia, South Africa, France and Belgium. |
| **Park-Ohio Holdings Corporation** – Advised this US-based global industrial services company on the €29 million debt refinancing of a senior secured term loan and revolving credit facilities extended by Spanish lenders BBVA and CaixaBank. |
| **PB Life & Annuity Co, LTD** – Represented four North Carolina-based insurance companies who are in rehabilitation in the chapter 15 bankruptcy proceedings of a Bermudian insurance company and its affiliates having common ownership with our clients. |
| **Puerto Rico Electric Power Authority (PREPA)** – Served as bond counsel to PREPA in restructuring over US$8 billion of outstanding bonds and other debt owed to bondholders, bond insurers and fuel line lenders. |
| **Slack & Parr Group** – Advised the administrators with matters arising in the trading administration. Our role comprised: assisting the administrators with matters arising in the trading administration, including matters relating to international shipments and export controls; selling the business and assets of the trading global business to a subsidiary of Avingtrans Plc, which included selling the trading subsidiaries in the USA and China; and selling a significant freehold manufacturing site to a third-party investment buyer. |
| **South American state owned oil company** – Represented a large state owned oil company in connection with global asset protection advice. |
| **Southland National Insurance Corporation, Bankers Life Insurance Company, Colorado Bankers Life Insurance Company and Southland National Reinsurance Corporation** – Represented four insurance companies ("NCIC") defrauded by Greg Lindberg in a chapter 15 proceedings commenced in the Bankruptcy Court for the Southern District of New York. The bankruptcy case raised complex issues of insurance law, bankruptcy law and Bermuda law. On behalf of the NCIC, we successfully defended against efforts by the Debtors to thwart recovery to the NCIC and successfully stayed and ultimately dismissed the adversary proceeding filed against the NCIC on the basis of reverse pre-emption under the McCarran-Ferguson Act. Additionally, we were successful in bringing and obtaining sanctions in excess of $700,000 for the NCIC when the Debtors and their counsel violated an order of the Bankruptcy Court related to the adversary proceeding. |

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| **Spanish Bio-Tech Subsidiary of Japanese Holding Corporation** – Advised Spanish bio-tech company on disputed sale of intellectual property to Spanish and U.S. manufacturers. | |
| **US-based international chemical manufacturing company** – Advised on an intra-group financial restructuring. Existing intra-group loans and liabilities in an aggregate amount exceeding US$/€1 billion were transferred to a newly formed Cypriot group company, which served as group bank. | |
| **U.S. Virgin Islands Public Finance Authority ("PFA")** – Represented the U.S. Virgin Islands Public Finance Authority ("PFA") in connection with a 2013 infrastructure transaction between the U.S. Virgin Islands Water and Power Authority and Vitol, a Swiss-based Dutch multinational energy and commodity trading company. | |
| **Veris Gold Corporation** – Advised this consolidated business enterprise composed of various exploration, mining, production, sales and distribution operations in Canada and the US. Veris Gold filed a proceeding under the Companies' Creditors Arrangement Act in British Columbia, to restructure its business and its capital structure, and a companion case under Chapter 15 of the US Bankruptcy Code. | |
| **Asia Pacific** | |
| **Chinese auto parts supplier** – Represented this large Chinese supplier in connection with an out-of-court restructuring of a US auto manufacturer. | |
| **EaglePicher Japan** – Advised the Japanese subsidiary of US-based EaglePicher Incorporated in its liquidation. | |
| **Hong Kong-based Private Equity Firm** – Represented a multi-billion dollar majority owner of a distressed global equipment manufacturer in a complex cross-boarder restructuring and sale process involving operations in the U.S., China, Germany, Switzerland and other countries. | |
| **India-based Manufacturing Company** – Represented the U.S. subsidiaries of the largest Indian manufacturer in a high-profile sector in connection with a distressed sale and restructuring of the U.S. business. | |
| **Infrastructure Leasing & Financial Services Limited (IL&FS)** – Advised a major Asia-based shareholder of IL&FS, one of India's leading infrastructure development and finance companies, in connection with the restructuring of IL&FS and its 300+ group companies. | |
| **ITOCHU Corporation** – Represented this Japan-based manufacturing company in the U.S. bankruptcy proceedings of international pork processor and distributor, Tritek International Inc. et. al., (the "Debtors"). Together with Charoen Pokphand Foods PCL, a Thai public company (CPF), ITOCHU provided first of its kind financing to fund the Debtors' pre-petition and post-petition operations to maintain the going concern value of the Debtors culminating in a sale of substantially all of the Debtors' assets through an auction process. The Debtors, with the assistance from ITOCHU and CPF, successfully sold their assets during the bankruptcy proceedings and had a trust established for the recovery and distribution of proceeds and remaining assets to creditors. | |
| **Japanese importer-exporter** – Represented a multibillion-dollar Japanese import-export client as creditor, indirect shareholder and major supplier of the Transmar/Euromar Group, a global commodity distributor, in connection with the restructuring of the group. | |
| **Kaneka Corporation** – Represented this Japan-based chemicals manufacturing company in its distressed acquisition of the assets of medical device start-up company, Phyzhon Health Inc., including, primarily, its intellectual property, inventory, and design equipment. Squire engaged in protracted negotiations with counsel to Phyzhon's management and its primary lender and successfully negotiated the terms of an acquisition of substantially all of Phyzhon's assets and certain limited liabilities. | |
| **Liquidators of an Australia construction company** – Represented liquidators in relation to potential claims the company had against a Korea-based global contractor, pursuant to an engineering, procurement and construction (EPC) contract. Advising in relation to potential claims arising from the wrongful termination of the EPC contract and/or a wrongful entitlement to a secured loss of bargain claim. | |
| **Major Asian aircraft supplier** – Advised this global company in connection with insolvency proceedings of Thai Airways and Jet Airways. | |
| **Panasonic Avionics Corporation re Thai Airways Group** – Provided urgent and ongoing legal, strategic and commercial counsel to Panasonic Avionics Corporation in relation to its interests in and exposures to the external administration of the Thai Airways Group. | |
| **Pindan Group Pty Ltd** – Acted on behalf of the voluntary administrators, deed administrators, liquidators and receivers of various Pindan entities based in China, Singapore and Australia, as well as Pindan Group Pty Ltd, being the Australian domiciled holding company. | |
| **PMC Treasury Limited (PMC)** – Advised and representing PMC in relation to issues arising out of voluntary interviews attended with ASIC and documents disclosed. Acting on PMC's behalf intervening in Federal Court Proceeding commenced by ASIC against Westpac Banking Corporation concerning, inter alia, insider trading claims against WestPac, and PMC's exposures to that action. | |

**Shire councils** – Advised 15 Shire councils in multimillion-dollar class action against Lehman Brothers Australia Limited on behalf of various local government councils and other corporate clients and advising in defense of fraudulent transfer and other claims asserted by Lehman Brothers US.

## EMEA

**AB-Biotics** – Represented AB-Biotics to initiate litigation in both Spain and the U.S and to otherwise provide a resolution of such dispute after Precision Molecular failed to pay all but a modest portion of the purchase price due its financial distress.

**Abraaj Capital** – Acted for the largest unsecured creditor with respect to its claims in the liquidations of Abraaj Holdings and Abraaj Investment Management Limited, formerly the leading emerging markets private equity firm in the Middle East. Cayman Islands, UK, US, UAE.

**Bank of Credit & Commerce International** – Represented of the Abu Dhabi Ruling Family and Abu Dhabi Government institutions as majority shareholders and largest creditors in connection with the liquidation of the Bank of Credit & Commerce International (BCCI), the largest cross-border (68 countries) bank liquidation in history.

**Bulmetal Group** – Represented this Bulgaria manufacturer of metal packaging as purchaser of the business of Biagosch & Brandau Group in Germany from the insolvency administrator. Negotiating the asset sale and advising the client on the German insolvency law aspects, as well as on post-acquisition issues.

**Cerberus** – Acted for Cerberus as direct lender on a financing to the Outform Group. We acted on the original secured financing in 2021, and since then have acted on various amendments. 2024 saw a number of amendments including increasing the debt and ultimately the acquisition of the Group by a group of investors led by Cerberus. The transaction involved cross border work across Squire Patton Boggs' offices in England, The Netherlands, Poland and China.

**Dana Gas PSJC** – Appointed lead restructuring counsel for this leading Middle East independent regional gas company doing business in the UAE, Egypt, Iraq and other locations. The engagement involved the restructuring of a US$700 million Islamic financing vehicle called a Mudarabah Sukuk. The restructuring of Islamic financings are often complex, and the restructuring and resulting litigation in the UAE and the UK generated enormous publicity.

**Eaglemoss Limited** – Advised the boards of directors of subsidiaries based in the US, France and Poland regarding the partwork publisher's financial challenges.

**East West Bank** – Represented the bank as largest secured creditor in the insolvency of its German borrower CDA GmbH.

**Energy Conversion Devices/United Solar** – Advised on the liquidation of all European subsidiaries (Germany, Italy, France and Spain) of insolvent US parent companies.

**Goldsun Group's Board** – Represented in relation to wrongful trading and subsequently advised on the £26 million sale of the group to US investment firm PennantPark. The sale preserved approximately 300 jobs.

**Gordon Brothers** – Represented the largest secured creditor in the insolvency of the German retail group Spiele Max.

**Gordon Brothers** – Representation in the insolvency of German Rohrwerk Maxhütte GmbH and in dealing with affiliated companies.

**Gulf Petrochem Group** – Advised UAE headquartered diversified global conglomerate with interests in oil & gas, commodity trading and shipping on the restructuring of more than 30 syndicated and bilateral term loan and trade finance facilities. Our financial services and restructuring teams based in the UAE, Singapore, Australia, the UK and the US were involved in this complex cross border restructuring.

**High Tech Hotels/Petit Palace** – Advised this Spanish hotel chain in the €67 million debt refinancing with Luxembourg debt fund, Kartesia.

**International bank syndicate** – Advised on the US$250 million syndicated revolving credit facility restructuring extended to UK-based Ferroglobe, a leading international metals and materials company. The facility was guaranteed by the European parent, Grupo Ferroatlantica, a company owned by a Spanish parent company, Grupo Villar Mir.

**Interpath Advisory/ Slack & Parr** – Advised Interpath Advisory on the trading administration of Slack & Parr, a manufacturer of pumps and hydraulic systems, with a footprint in the UK, USA and China. The trading culminated in a sale of the global business and assets to a trade buyer.

**Jabil, Inc.** – Represented this US-based global services client as creditor in the insolvency of Solarworld AG, Germany. Filing insolvency claims and negotiating with the preliminary insolvency administrator about ongoing deliveries, rights in assets and contractual obligations.

**L88 Investments Prague 1 s.r.o.** – Represented the owner of the Radio Free Europe building in Prague, in cooperation with his title insurer, against the insolvency trustee who claimed invalidity of the purchase of the building by our client.

**Nuclear industry client** – Advised large UK-based nuclear industry counterparty in connection with US chapter 11 case of Westinghouse Electric Company.

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| **Panasonic Avionics Corporation** – Advised on contracts and proceeds, including, but not limited to, Alitalia, Aeroflot, Thai Airways, Scandinavian Airlines, Lynx Air and Air Belgium. |
| **PwC/Smiffys** – Advised PwC as administrators of Smiffys, in selling Smiffys' business and assets to a trade buyer. |
| **Sinolite Industrial Co., Limited** – Enforced the claims of a Chinese exporter as the creditor in insolvency proceedings against its Czech customer after a victory before Czech courts. |
| **Solaria Energía y Medioambiente** – Advised this Spanish developer in the restructuring of €147 million in senior secured project bonds subscribed by international infrastructure funds, including bonds listed in the German MTF market. |
| **TPI Composites, Inc.** – Represented a large supplier of insolvent German wind energy firm Senvion in defending clawback claims from the custodian in the German insolvency proceedings. |
| **Trustees of Thames Water Pension Scheme** – Advised the trustees on the potential effects on the schemes of the sponsor's restructuring. |
| **UAE and India based Pharmaceuticals Group** – Advised on the restructuring pharmaceutical manufacturing operations in the UAE and Japan including dealing with lenders under syndicated and bilateral facilities and beneficiates of personal guarantees issued by the shareholders of the Group. |
| **UniCredit Bank** – Represented and providing legal advice to the client, a key creditor of the insolvency debtor, with regards to the insolvency of Czech Airlines, a major Czech air carrier. |
| **Virgilio Property s.r.o.** – Advised the client in its takeover of the unfinished project of a hospital construction originally started by the target, Allocortex. The construction project has failed and Allocortex was facing insolvency proceedings from its creditors. |
| **Vítkovice Power Engineering a.s. (VPE)** – Represented this EPC contractor of a power plant project in Turkey, financed by Czech Export Bank in its insolvency proceedings. We also advised our client in connection with assets pledged in its favor and located in Turkey, which might be included in the insolvency estate. |
| **Wells Fargo Canada** – Advised regarding its multi-million dollar claim in the UK liquidation of Carillion, one of the UK's leading integrated support services companies, with a substantial portfolio of public-private partnership projects and construction capabilities. |
| **Wonder Group** – Provided cross-border directors' duties and contingency planning advice, together with AMA support, to the boards of a global party-products business with entities in the UK, Hong Kong, China, Australia, Malaysia and Germany, amongst others. |

## Chapter 15 of the US Bankruptcy Code

Chapter 15 provides the exclusive mechanism for a trustee appointed in a non-US insolvency proceeding to protect a debtor's US assets from creditors' collection actions or to stay litigation commenced in the US against such debtor. The ultimate goal of a Chapter 15 proceeding is to preserve the value of the assets of a debtor for the benefit of all its creditors, wherever located, rather than such assets being available only to US creditors. It prevents inequitable distributions to creditors of the same debtor located in different countries based on different local laws.

| Chapter 15 Representations |
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| **Concursalia, S.L.P., as liquidator of Isofoton S.A.** – Represented the liquidator of the Spanish company in the solar industry in its Chapter 15 case in the US Bankruptcy Court for the Northern District of Ohio. |
| **Kalo Advisors BVI, as liquidator of Midway United Limited and Glan Worldwide Limited** – Represented the liquidator of the wood processing companies in its Chapter 15 cases in the US Bankruptcy Court for the Southern District of New York. |
| **KPMG Australia, as liquidator of U.S. Realty Investments, LLC** – Represented the liquidators of the Australian real estate companies in its Chapter 15 cases in the US Bankruptcy Court for the District of Arizona. |
| **KPMG BVI and Cayman Islands, as liquidator of Keystone Private Equity Investments Limited** – Represented the liquidators of the fund in its Chapter 15 case in the US Bankruptcy Court for the Southern District of New York. |
| **KPMG Eastern Caribbean, as liquidator of British American Insurance Company Limited** – Represented the liquidator of the insurance companies in their Chapter 15 cases in the US Bankruptcy Court for the Southern District of Florida. |
| **PB Life & Annuity Co, LTD** – Represented four North Carolina-based insurance companies (each in rehabilitation) as creditors and parties-in-interest in the Chapter 15 proceedings of a Bermuda-based insurer with purported assets and liabilities in excess of $1 billion. |
| **PwC Antigua, as liquidator of Interacciones Banking Corporation Ltd.** – Represented the liquidator of the Antiguan bank in its Chapter 15 case in the US Bankruptcy Court for the Southern District of Texas. |
| **RSM Restructuring Advisory LLP, as bankruptcy trustee of Martin Davis** – Represented the trustee of the individual debtor located in the UK in its Chapter 15 case in the US Bankruptcy Court for the Middle District of Pennsylvania. |
| **Veris Gold Corporation** – Represented Canadian debtors in the mining industry in their Chapter 15 cases in the US Bankruptcy Court for the District of Nevada. |

| Other Administrator and Liquidator Representations |
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| **dnp Depping, as insolvency administrator of Manufaktur Roedental GmbH** – Represented the administrator of the German parent company of M.I. Hummel Company LLC. |
| **PwC BVI and Cayman Islands** – Represented the joint liquidators of TS Multi-Strategy Fund. |
| **PwC BVI and Cayman Islands** – Represented the joint liquidators of Reserve International Liquidity Fund Ltd. |

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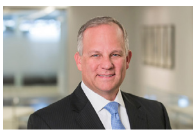

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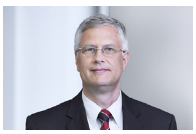

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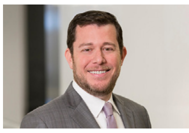

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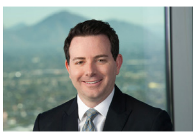

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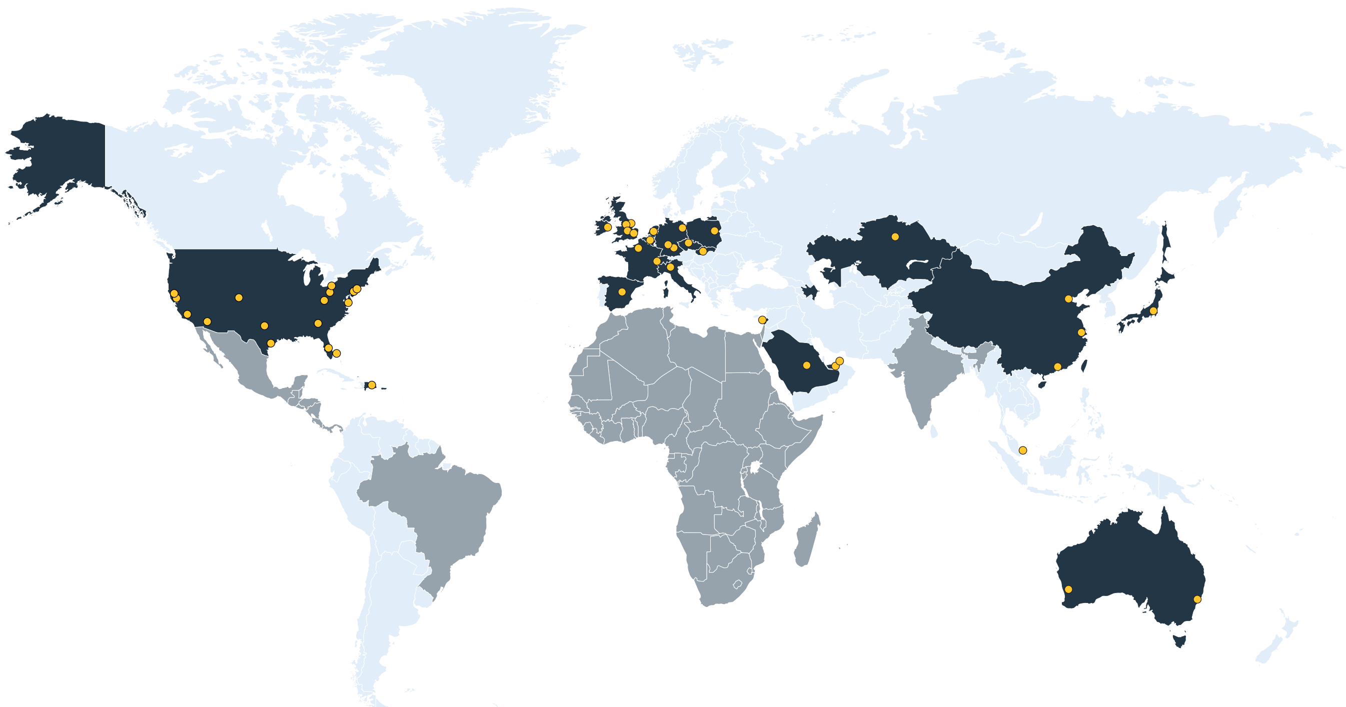
## We Are Where You Are

More Than 40 Offices Across Four Continents



Squire Patton Boggs Locations

Regional Desks and Strategic Alliances

## Our Locations

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Amsterdam
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Atlanta
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Beirut
Berlin
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Dallas
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### Regional Desks and Strategic Alliances

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