

Dr. Kai Mertens

Partner

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Languages spoken

English | German



About Kai

Dr. Kai Mertens is a partner at the Berlin office and the head of the German Corporate Practice. He has more than 30 years of experience in national and international M&A transactions, equity and debt financing. Kai is listed in the *Handelsblatt (Best Lawyers)* as one of the best lawyers for corporate law and M&A in Germany. He is mentioned as one of the highly recommended lawyers for corporate law, M&A and privatisation work in Berlin in the *JUVE Handbook of German Corporate and Commercial Law Firms*.

Kai's practice encompasses acquisitions, takeovers, mergers, company disposals, privatisations, transformations, joint ventures, capital restructurings, control and profit transfer agreements, as well as fund restructurings and large-scale complex corporate dispute resolution. In addition, he advises management boards, supervisory boards and shareholders of listed and private companies on all issues related to stock corporation and corporate law, including group law.

Kai has written several articles in scientific magazines, with a focus on mergers and amalgamations, M&A and LBO structures. He is also a visiting lecturer at the Frankfurt School of Finance & Management.

He is a member of the Deutscher Anwaltsverein (DAV) and is active in several nonprofit organisations.

Experience

- Advising Obotritia on the divestment of several hotels in Germany.
- Advising VIVION Capital on the refinancing of the Innogy-Tower, Essen, Germany.
- Advising and representing Deutsche Wohnen SE before the European Court of Justice (Great Chamber) on corporate liability under the GDPR.
- Advising Hystake Partners setting up a real estate investment advisory service platform.
- Advising Gordon Brothers on the acquisition of Telefunken Licenses.
- Advising Obotritia on COVID-19 state aid for its hotel group.
- Advising Vonovia and Deutsche Wohnen on their shareholder strategies in GSW Immobilien.

- Advising Deutsche Wohnen SE on the execution, corporate and commercial aspects of its combination with Vonovia SE.
- Transactional, governance and restructuring of a leading Germany-based medical special laboratory group.
- Advising Deutsche Wohnen SE and Vonovia SE on the sale of assets and residential housing companies to the state of Berlin in connection with the pact for the future of social housing.
- Advising Investitionsbank Berlin on establishing a COVID-19-aid fund for startups in Berlin.
- Advising Deutsche Wohnen SE on the sale of 6,380 residential units and 38 commercial units in West Germany to LEG Immobilien AG.
- Advising VIVION Capital S.A. with respect to the proposed takeover of the NorthStar Realty Europe Corporation.
- Advising Deutsche Wohnen with respect to the proposed regulation of rent in the federal state of Berlin.
- Advising Cathay Pacific in defending global cartel damage claims of freight forwarders and shippers in an airfreight cartel dispute (Cologne Regional Court).
- Advising Deutsche Wohnen on co-investment agreements with minority shareholders (RETT blocker) in German and international stock corporations.
- Advising Live Nation/Ticketmaster with respect to post-closing M&A disputes and various issues related to commercial law.
- Advising the Supervisory Board of TLG Immobilien on management board matters and requests of shareholders to call a general meeting.
- Advising US chemical companies (OLIN, Ashland) on site-sharing agreements and heritable building rights.
- Advising the state capital of Potsdam and its associated companies on management matters and other issues related to corporate law and state aid law.
- Advising management boards and supervisory boards of listed companies on matters related to contracts and organisation.
- Advising Capital Bay on the acquisition of residential and commercial units in Northern Germany.
- Advising Deutsche Wohnen on the acquisition of GETEC Media.
- Advising Deutsche Wohnen on the acquisition of the Epicure portfolio by way of a share purchase deal, including the MBO cross-financing of the seller.
- Advising Live Nation/Ticketmaster on post-closing disputes and various issues related to contract law.
- Advising Deutsche Wohnen with respect to the successful defense of a hostile takeover bid launched by Vonovia SE.
- Advising Investitionsbank Berlin with respect to structuring the financing of a reconstruction and repair scheme for Berlin schools.
- Advising Graanul on its acquisition of the Langerlo power plant conversion project in Belgium.
- Advising US-Investment bank Raymond James on the acquisition of a financial advisory firm in Germany, Austria and the UK.
- Advising Deutsche Wohnen on the acquisition of German and Dutch real estate companies – “Harald” portfolio.
- Advising on remunicipalisation structure and financing of Berlin’s water utility.

- Advising on privatisations of state-owned businesses (real estate, energy, healthcare, media and others), including LBO transaction structures.
- Advising on the German Hypo-Real-Estate bailout.
- Representing US and UK private equity funds on investments, divestments and joint venture structures in Germany.
- Advising companies on the conclusion and execution of control and profit transfer agreements.
- Advising on debt and equity restructurings, e.g. refinancing of listed companies and equity reorganisations in private companies and closed-end funds.
- Providing further advice on the acquisition and disposal of real estate portfolios, healthcare, media and energy corporations, including bidding procedures.
- Advising on corporate governance issues, including D&O liability/litigation.

Credentials

Education

- Schleswig-Holsteinisches OLG, Second State Examination, 1994
- University of Kiel, First State Examination, 1990

Admissions

- Germany, 1994

Memberships & Affiliations

- Member, Deutscher Anwaltsverein (DAV)
- Member, Institute for Energy Law and Regulation in Berlin
- Active in several nonprofit organisations

Recognitions

- Recommended, *JUVE Handbook of German Corporate and Commercial Law Firms* for corporate law and M&A, 1999 to 2024
- Recommended as one of the best lawyers for corporate law in Germany, *Handelsblatt Best Lawyers* edition of *Deutschlands beste Anwälte* 2017 to 2022
- Recommended as a Leading Lawyer for corporate, M&A and group law, *Kanzleimonitor* (Survey of the Association of German In-house Counsels), 2019/2020
- Recommended as a Leading Lawyer for corporate real estate transactions, *The Legal 500 Deutschland* 2019

Expertise

Services

- Financial Services
- Corporate
- Private Equity
- Real Estate

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.