



Frank Meckes

Partner

Qualifications	<ul style="list-style-type: none">• Admission to the bar (<i>Rechtsanwalt</i>) 2002.• Law studies at the Albert-Ludwigs-University of Freiburg i. Br., Germany.• University of Cooperative Education (Finance Centre), Stuttgart Germany, Graduation in Business Administration (<i>Diplom Betriebswirt BA</i>).
Professional	<ul style="list-style-type: none">• Partner at WACH + MECKES LLP since June 2009.• <i>Rechtsanwalt</i> at Ashurst LLP, Litigation and Arbitration Group, Munich and London, 2002 – May 2009.• Albert-Ludwigs-University of Freiburg i. Br., Germany: Lecturer in Criminal Law and Law Theory, 2000-2002.
Memberships	<ul style="list-style-type: none">• German Institution of Arbitration (<i>Deutsche Institution für Schiedsgerichtsbarkeit e.V., DIS</i>). German Initiative of Young Arbitrators (<i>Deutsche Initiative junger Schiedsrechtler, DIS40</i>).• German Lawyers' Association (Deutscher AnwaltVerein, DAV).
Expertise	<ul style="list-style-type: none">• Advising German and international clients in complex commercial disputes, in particular in relation to German and international M&A transactions, corporate fraud, D&O, professional and product liability as well as on large scale commercial and corporate disputes. Advising businesses on crisis management in relation to white-collar crime. Conducting and leading inquiries into the economic facts, in particular in cases of fraudulent nature, as well as legal assertion of the case.• Arbitration experience covering both domestic and international arbitration under the auspices of institutional rules as well as ad-hoc arbitration.
Languages	<ul style="list-style-type: none">• German• English
Listed in	<ul style="list-style-type: none">• JUVE Handbook since 2012/2013: Frequently recommended lawyer in the areas “Corporate and Commercial Litigation” and “Arbitration and Mediation”.• Best Lawyers 2012: Litigation.• Chambers Europe 2012: Dispute Resolution.• European Legal Experts 2012: Dispute Resolution.
Publications	<ul style="list-style-type: none">• <i>Wach/Meckes</i>: M&A-Streitigkeiten im Zeichen des Abschwungs (<i>M&A disputes in the current economic downturn</i>), in: Deutscher AnwaltSpiegel 01, 7 May 2009.• <i>Wach/Meckes</i>: Tactics in M&A Arbitration, October 2008.

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Recent Matters

Post-transactional disputes:

- Advising and representing a German automotive supplier in the assertion of claims arising from and in connection with the sale of the business by way of an asset deal.
- Acting for a listed English holding company and its German subsidiaries against the sellers of a German group of companies in relation to a dispute arising from the M&A transaction (violation of contractual guarantees and balance sheet fraud by the seller and by third parties).
- Defending a holding company in a post-M&A Arbitration under DIS arbitration rules against claims of the seller of a company for alleged violation of the SPA.
- Advising a German real estate company regarding a claim against a potential buyer due to the breach of an exclusivity agreement in the course of an M&A transaction.
- Advising an international investment corporation as a seller against claims of a buyer of a company for damages and annulment of the SPA due to an alleged deliberate omission to disclose underperformance of one of the target's subsidiaries.
- Advising sellers of a German real estate company regarding a claim brought by the buyer for damages and annulment of the SPA due to an alleged deliberate omission to disclose material liabilities of the target company in the negotiations of the SPA.
- Representing a British company in a dispute with the seller regarding an earn-out payment to the seller from an M&A contract.
- Advising an international catering company in a post-M&A dispute regarding an indemnification for social security costs.
- Acting for a listed English holding company and its German subsidiaries in a dispute with a German broker in relation to an M&A transaction.
- Advising an Austrian Bank regarding loans secured by a foreign life insurance.
- Advising an international catering company in a dispute arising from an M&A transaction regarding an indemnity claim against the seller for pension liabilities.

Directors' liability:

- Advising and representing a former managing director of a German solar industry company in his defence against alleged civil claims of companies of the respective group in connection with his former position.
- Advising and representing a former managing director of a German public listed company in his defence against alleged civil claims in connection with his former position.
- Representing a former managing director of a bank in his defence against the bank's alleged claim for damages from an M&A transaction.
- Representing a former managing director of a bank in his defence against the bank's alleged claim for damages resulting from losses in securities transactions.
- Defending a former board member of the listed German media company EM.TV AG (now Constantin Medien AG) against claims based on alleged directors' and officers' liability regarding an M&A-transaction and the financing of a stage show.
- Representing a former board member of EM.TV AG (now Constantin Medien AG), a listed German media company, as a third party in proceedings initiated by the company regarding damages in connection with an M&A-transaction.

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White collar crime related disputes:

- Representing a Greek politician in connection with white collar crime investigations relating to a German corporation.
- Advising an international catering company in relation to the investigation of possible fraudulent actions by former directors.
- Acting for a Norwegian bank regarding the international enforcement of a Norwegian judgment against one of its customers and advising in relation to the tracing of assets.
- Advising an international ferry services provider with respect to criminal investigation against one of its customers.
- Advising an international financial group in connection with the misuse of their name and trademark by fraudsters.
- Acting for the operator of automated teller machines in a dispute with its service bank and its service provider regarding cash discrepancies.

Insolvency related disputes:

- Advising a Japanese Corporation regarding claims arising from a joint venture with an insolvent German company.
- Advising an investment bank in relation to the restructuring of a listed German media company.

Product liability:

- Advising a manufacturer of automotive parts regarding possible safety deficiencies of a product and the respective grounding actions (*vis-à-vis* a co-producer who possibly caused the safety deficiency, the customers as well as the competent authorities).
- Advising a manufacturer of automotive parts regarding possible product liability claims.

Professional liability:

- Advising a holding company regarding a claim for professional liability against their former legal advisors in an M&A transaction.
- Representing a power plant operator on the enforcement of its claim against its legal advisors due to breach of contract.

Banking, finance and capital market disputes:

- Advising and representing a former chairman of a listed German industrial group in his defence against civil claims asserted by international institutional investors regarding the takeover of another listed German industrial group.
- Advising an investor regarding his claim against an international bank for faulty advice on tax issues and for unauthorized transactions.
- Advising an investor on negotiations with an international bank with regard to misselling.
- Representing an international private equity fund and one of their portfolio companies in a dispute with their senior facility lenders regarding an alleged event of default and a proposed transfer of the loans by the lenders to several hedge funds.
- Representing an American brokerage firm against a compensation claim for alleged faulty investment advice by the introducing broker (appellate

WACH UND MECKES

proceedings).

- Representing investors in disputes relating to US-real estate investments.

Corporate and commercial disputes:

- Advising the bankruptcy estate of a Swedish automobile manufacturer in relation to claims against a US American automobile manufacturer and its possible successor.
- Advising and representing a petrochemical manufacturer in dispute with its energy supplier regarding the reimbursement of renewable energy-surcharges.
- Advising and representing a German manufacturer of components for railroad and commercial vehicles regarding the cancellation of a delivery contract.
- Advising and representing a German publishing company in asserting claims in connection with the withdrawal of the publishing company as shareholder of a distribution company for print media.
- Advising a German industrial group in a dispute with their energy supplier (appellate proceedings).
- Advising a German association on a procedural strategy in order to challenge a value added tax regulation which is considered to violate EU law.
- Representing an American professional sports team in the appellate proceedings against an agent claiming commission payments for sponsorship deals (further appeal to the Federal Supreme Court).
- Representing a Middle East private airline in a dispute regarding the outfitting of a widebody aircraft.
- Acting for a petrochemical manufacturer in an UNCITRAL-arbitration with its energy supplier regarding the allocation of costs for CO2 emission allowance certificates.
- Acting for a shareholder of a German construction company in an ad hoc arbitration regarding his compensation for the withdrawal from the company for good cause.
- Acting for a shareholder of a German construction company in an ad hoc arbitration re the validity of certain shareholder resolutions.
- Advising a shareholder of a German construction company re the dissolution of the company.
- Advising an international agent for sports rights licenses in connection with a remuneration claim regarding the exploitation of TV-rights to the UEFA EURO 2008.
- Advising a Dutch Holding company and its European subsidiaries in relation to the termination of a framework delivery agreement.
- Advising an Italian manufacturing company regarding contractual claims against a German purchaser being in liquidation and against the purchaser's parent company.
- Acting for former shareholders of a manufacturing company against a German city regarding the compensation for real estate development costs of the factory premises acquired from the city.
- Acting for a shareholder in the enforcement of claims under a guarantee agreement against the other shareholders of the company.
- Acting for a global consulting firm in relation to disputes with shareholders regarding their withdrawal.
- Acting for an initiative of the German Government and the German industry in a

WACH UND MECKES

dispute with a PR-agency.

- Representing a managing director of a company in connection with his position as managing director and shareholder.

Litigation support in corporate and finance transactions:

- Advising an international investment fund in connection with the possible acquisition of a share in a German bank re litigation risks.
- Advising an international consortium of banks in relation to the financing of the acquisition of a German group of telecommunication providers regarding litigation risks.
- Advising an international investment fund in connection with the possible acquisition of a stake in a German bank re litigation.
- Advising an international commercial bank in connection with the possible acquisition of a German bank regarding litigation, compliance, regulatory risks of the target as well as regarding guarantee clauses in the share purchase agreement.
- Advising an investor in connection with the possible acquisition of an office building in Frankfurt a.M. regarding litigation risks arising from a dispute between the current owner and tenant.
- Advising a Japanese automotive supplier in connection with the possible acquisition of a group of German producers of automotive parts.
- Advising an international Private Equity company in connection with the acquisition of nursing homes regarding litigation risks of the target.