

WACH UND MECKES



Tom Petsch
Partner

Qualifications	<ul style="list-style-type: none">• Admission to the bar (<i>Rechtsanwalt</i>) 2002.• Law studies at the Ludwig-Maximilians-University of Munich, Germany.
Professional	<ul style="list-style-type: none">• Partner at WACH + MECKES LLP since 2010.• Associate at Freshfields Bruckhaus Deringer Cologne and Munich, Dispute Resolution Group, 2003 – 2010 (Principle Associate since 2006).
Expertise	<ul style="list-style-type: none">• Representation of domestic and international clients in complex commercial disputes, in particular in the field of post-M&A and corporate litigation, insurance law and general commercial and contract law; often matters with a white-collar crime and/or an insolvency background.• Representation of clients in domestic and international arbitration proceedings.
Languages	<ul style="list-style-type: none">• German• English• Italian
Listed in	<ul style="list-style-type: none">• JUVE Handbook 2012/2013: Frequently recommended lawyer in the areas “Corporate and Commercial Litigation” and “Arbitration and Mediation”.• Best Lawyers 2012: Litigation.
Recent Matters	<p>Post-transactional disputes:</p> <ul style="list-style-type: none">• Advising a German holding company in a dispute with a technologies company arising from a transaction.• 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.• 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 the seller of a law firm in a dispute with the purchasers.• Representing a company doing business in the solar sector in a post-M&A litigation.• Defending the purchaser of a company against claims alleged by the former holding company (seller) arising out of an enduring intra-group agreement between seller and target.• Defending the seller of property sold by way of a share deal against claims of the purchaser (financial investor) for alleged fraudulent concealment of a development freeze (planungsrechtliche Veränderungssperre).• Advising and representing the purchaser of a company regarding claims against the sellers for fraudulent concealment of manipulative practices relevant for the

purchase price at the level of the target.

Professional liability:

- Advising a German Holding Company and its shareholder re professional negligence claims in connection with the sale of a GmbH.
- Advising a holding company regarding a claim for professional liability against their former legal advisors in an M&A transaction.

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 board member of a bank in a three-digit number of parallel civil proceedings regarding amongst others ad-hoc publicity and an M&A transaction.
- Defending the directors of an insolvent German GmbH against claims by creditors of the company for the alleged violation of the directors' obligation to apply for insolvency as well as defending the English parent company against claims based on an alleged letter of comfort.
- Advising and representing a trading company regarding claims against the managing partner for the misappropriation of assets.

Corporate disputes:

- Advising and representing a Singapore manufacturer of sporting equipment in connection with the enforcement of an award in Germany which the client had obtained in a proceeding against another manufacturer of sporting equipment in Singapore.
- Advising and representing a German manufacturer of components for railroad and commercial vehicles regarding the cancellation of a delivery contract.
- Representing a media company in appraisal proceedings after a squeeze-out.
- Advising a German association on a procedural strategy in order to challenge a value added tax regulation which is considered to violate EU law.
- Advising and representing a private limited partnership (*Kommanditgesellschaft*) regarding claims against a partner with limited liability (*Kommanditist*) for the payment of the partner's capital contribution.
- Advising and representing a shareholder who had satisfied the company's liabilities against a co-shareholder regarding a guarantee claim by the (former) company's creditor against the co-shareholder which in the course of the satisfaction of the company's liabilities had been transferred to the client by law.
- Advising and representing members of the executive board of a German-Swiss group of companies in severe disputes between the founding shareholder and share holding financial investors.
- Advising and representing the majority shareholder in an appraisal proceeding after squeeze-out.
- Advising and representing a company in out-of-court negotiations of a complex settlement regarding the resignation of a shareholder following extensive court proceedings.
- Advising a shareholder with the intention to prevent the sale of a co-shareholder's share to an external third party.
- Advising a company with respect to the recalling of a member of the executive

board and the termination of the employment contract.

- Advising a member of the executive board against the recalling from directorship and against the termination of the employment contract.

Disputes with a white collar crime and/or insolvency background:

- Advising a large German retailer with respect to potential claims in connection with the insolvency of a contractual partner.
- Advising and representing a customer of a German cash carrier which – due to fraudulent misappropriation of client monies – had become insolvent in a three-digit million euro amount against the cash carrier's insurer and in the cash carrier's insolvency proceedings.
- Advising and representing the same client against a further cash carrier which had become insolvent due to fraudulent misappropriation of client monies.
- Advising and representing a company when asserting claims against a managing co-shareholder for fraudulent misappropriation of company assets and subsequently in the co-shareholder's insolvency proceedings.
- Advising and representing Californian media companies in a German lawsuit for the declaration of enforceability of a US judgement against a German debtor, subsequently in enforcement proceedings and finally in the German debtor's insolvency proceedings asserting rights for segregation founded in the USA.

Banking, finance and capital market disputes:

- Advising a custodian bank with regard to its civil claims and exposure in connection with so-called "cum-/ ex-trades" performed by the bank's customers.
- Advising a bank customer against the bank regarding damage claims for the bank's omission to inform the client about irregularities in giro transactions.

Commercial and general contract law:

- Advising an English healthcare company regarding claims for payment under a contract for delivery against a German business partner.
- Advising and representing a manufacturer of automotive parts in several disputes against other companies being part of the supply chain as well as against service providers specialised in this sector.
- Defending an airline in a passenger's lawsuit for vocational disability pensions.
- Advising and representing a group of companies in several injunction and main proceedings seeking the prevention of untrue, defamatory statements regarding the companies' products.