

# WACH UND MECKES



## Robert Straubmeier

Partner / Lawyer\*

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- Qualifications
- Specialist lawyer in commercial and corporate law since 2015.
  - Admission to bar in Germany (*Rechtsanwalt*), 2009.
  - Law studies, University of Augsburg, Germany.
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- Professional
- Partner at WACH UND MECKES since 2018.
  - Partner and lawyer at a corporate law firm in Munich from 2015 to 2018 (Partner from 2016) with a focus on insolvency and corporate disputes.
  - Lawyer in a national law firm in the corporate law and litigation practice group 2013 to 2015.
  - Lawyer and research associate at a law firm at the German Federal Court of Justice from 2009 to 2013.
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- Memberships
- German Institution for Arbitration (*Deutsche Institution für Schiedsgerichtsbarkeit e.V., DIS*).
  - ARGE Insolvency law & restructuring (*ARGE Insolvenzrecht & Sanierung*).
  - Tax & Legal Excellence.
  - Institute for Insolvency Law (*Institut für Insolvenzrecht e. V.*).
  - Munich Lawyers' Association (*Münchner Anwaltsverein e. V.*).
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- Expertise
- Advising local and international clients in complex business disputes, particularly in the areas of insolvency and corporate law (shareholders' disputes, directors' and officers' liability), commercial law (particularly international trade) and in connection with corporate transactions and restructuring.
  - Advising companies, shareholders and directors in connection with compliance violations, particularly in fact finding (internal investigations), crisis management and compliance enforcement.
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- Recent talks
- "Insolvency Litigation and Litigation Funding" (*Insolvenzrechtliche Litigation und Litigation Funding*), Webinar by Beck Academy as part of the specialized lawyer training.

- "Insolvency Law Update" (*Update Insolvenzrecht*), Webinar by Beck Academy as part of the specialized lawyer training.
- "Manager liability in insolvency" (*Managerhaftung in der Insolvenz*), webinar by the German Lawyers' Institute (*Deutsches Anwaltsinstitut e. V.*) as part of the specialized lawyer training.

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Publications	<ul style="list-style-type: none"> <li>• Publisher Beck's Specialized Service for Insolvency Law (<i>Beck'scher Fachdienst Insolvenzrecht</i>).</li> <li>• <i>Straubmeier/Günther</i>, Die Sicherung der wirtschaftlichen Schadloshaltung des bürgschaftsbesicherten Anfechtungsgegners (<i>The securing of the economic indemnification of the guarantor-secured opponent party</i>), in: NZI 2023, 404.</li> <li>• Comment on OLG Düsseldorf, judgment of 16.8.2023 - 12 U 59/22 "Eingeschränkte Fortbestehensprognose für Start-up-Unternehmen" (<i>Limited going concern forecast for Start-up Companies</i>), FD-InsR 2023, 820126.</li> <li>• Comment on BGH, judgment of 27.7.2023 - IX ZR 138/21 "Ermittlungspflichten des Insolvenzverwalters hinsichtlich etwaiger Insolvenzanfechtungsansprüche" (<i>Investigation obligations of the insolvency administrator with regard to potential insolvency avoidance claims</i>), FD-InsR 2023, 820097.</li> <li>• Comment on OLG Brandenburg, judgment of 5.7.2023 - 7 U 144/21 "Schenkungsanfechtung bei unterwertigem Grundstücksverkauf" (<i>Gift challenge in the case of a real estate sale at a reduced value</i>), FD-InsR 2023, 820137.</li> <li>• Comment on OLG Stuttgart, judgment of 4.7.2023 - 6 U 92/20 "Persönliche Haftung eines GbR-Gesellschafters nach Rechtsscheingrundsätzen in der Insolvenz" (<i>Personal liability of a GbR (Civil Law Partnership) Partner according to principles of legal appearance in insolvency</i>), FD-InsR 2023, 820165.</li> </ul>
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Examination activity	Examiner for the second state law examination in Bavaria
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Languages	<ul style="list-style-type: none"> <li>• German</li> <li>• English</li> </ul>
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Listed In	<ul style="list-style-type: none"> <li>• Legal500: Litigation (since 2022.)</li> <li>• Leaders League (International Arbitration)</li> </ul>
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Recent Matters	<p>Insolvency matters:</p> <ul style="list-style-type: none"> <li>• Representing a public entity as a member of the creditors' committee of the insolvent subsidiary of an international operating transport group based in the Netherlands.</li> </ul>
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- Advising and representing a Chinese investor in claims arising from a convertible bond against the issuer's insolvency administrator in the millions.
- Advising and representing a pool of international insolvency creditors in connection with an application to annul the self-administration of the debtor company because of a significant threat to the creditors' interests.
- Advising and representing the insolvency administrator of diverse investment funds in various related insolvency matters.
- Preparing a comprehensive report on behalf of a major international law firm in connection with the insolvency of a group of companies in the automotive spare parts industry.
- Representing insolvency creditors in various insolvency matters, in particular the representation in insolvency proceedings and in the defense against alleged claims by the insolvency administrator.

#### Corporate disputes:

- Advising and representing a group of companies on suspicion of embezzlement and financial statement manipulation by its representatives and board members; Implementation, coordination and evaluation of internal investigations.
- Advising and representing a former board member of several Italian stock corporations in claims for compensation and in the defense against alleged counterclaims for breaches of duty in connection with group financing.
- Advising and representing a shareholder of a national transport association in an internal dispute due to distribution of profits within the transport association and coordinating a joint action with other shareholders.
- Advising a board member of a renowned cultural association on alleged non-compliance incidents, alleged embezzlement, and financial statement manipulation practices.
- Advising and representing a shareholder and manager of an energy supply joint venture in several legal disputes relating to the defense against claims for damages due to alleged improper withdrawals and operational breaches of duty as well as the representation in the internal investigations.
- Advising and representing a shareholder and manager in connection with a corporate dispute of a joint venture company.
- Advising and representing a shareholder-managing director in a complex corporate legal dispute due to the allegation of misappropriation of company assets and fraud to the detriment of the company; Execution and coordination of internal investigations, representation in shareholders' meetings, injunction proceedings and actions for annulment.
- Representing a shareholder in several court proceedings in a dispute with a co-shareholder, inter alia the successful expulsion of the co-shareholder and seizure of his shares.

- Representing an investment company in various court proceedings against investors for outstanding deposits and the demand for the return of payouts.
- Representing a pool of minority shareholders in a dispute with the majority shareholder of a real estate company.
- Representing a minority shareholder of a joint venture company in connection with a dispute with the majority shareholder.

#### Capital markets disputes:

- Advising and representing a foreign airline in relation to alleged KapMuG claims of shareholders of an investment company due to alleged violation of a comfort letter.
- Advising several US-American business trusts regarding pending damage proceedings against German automobile manufacturers in connection with Diesel-Gate.
- Advising and representing an American financial services provider in the defense of a number of investor lawsuits.

#### Post M&A disputes:

- Advising and representing the seller of a technology company in liability litigation against advisors involved in an M&A transaction for compensation of a tax loss in the amount of millions.
- Advising the target company on detected irregularities and the suspicion of breaches of duty of former board members and executives after acquisition through a strategic investor by way of a share purchase; Implementation and coordination of internal investigations.
- Advising and representing the buyer of an agricultural production company in a post-M & A dispute over breaches of the seller's warranty.
- Advising and representing the buyer of retirement homes in a post-M & A dispute over breach of contract by the seller.

#### Commercial and contractual disputes:

- Advising and representing an airline in the defense against a damage claim action brought by the insolvency administrator of a German airline based on an alleged breach of a comfort letter in the billions.
- Advising a leading international distributor of paper products in connection with a dispute with a paper manufacturer regarding poor performance.
- Advising a German target company on a third-party intervention in a multi-billion dollar business litigation in the Russian Federation.
- Advising a Polish group of companies in the energy production sector against a major German energy supplier in respect of claims for damages in the tens of millions.
- Representing a German automobile supplier in court proceedings in Germany and France in the defense against alleged claim for damages under French law due to the termination of a business relationship.

- Advising and representing a German market leader in the distribution of gluten-free food products in various active and passive antitrust law proceedings with competitors as well as in contractual disputes.
- Representing an English company in the plant construction industry in an active proceeding in the millions against a German contractor due to defects in delivery.
- Representing a major German customer and intermediary's in an active proceeding against a supplier based in Lithuania due to defects in delivery.
- Representing several guarantors against the Bank's claims under the guarantee contracts, claims for disclosure; claims for significant breaches of duty and obligations of the Bank.
- Advising an international manufacturer of construction materials in connection with claims arising from the purchase of defective production components.

#### Real estate disputes:

- Advising and representing a shareholder of a real estate management company in a shareholder dispute.
- Advising and representing the owner of a property used as a retirement home in several complex legal proceedings against the tenant companies for outstanding lease payments and repossession; Advising on the formation of an acquisition company and the establishment of legal nursing conditions, advising and coordination of public relations.
- Representing the owner of commercial real estate in a dispute against a tenant for repossession.

#### Transactional advice and restructuring:

- Advising and representing an English private equity investor in a shareholder dispute concerning a company in the crypto-currency sector.
- Advising the seller company on an asset deal transaction worth millions regarding the sale of part of an IT department.
- Advising and representing a shareholder of an IT company in a management buy-out.
- Advising and representing a group of companies in the IT and marketing sector with international offices in restructuring and fund-raising measures.
- Advising and representing an associate company in a joint venture project concerning a real estate transaction worth hundreds of millions.
- Advising and representing in various restructuring matters, particularly change of legal form, mergers and accretions.