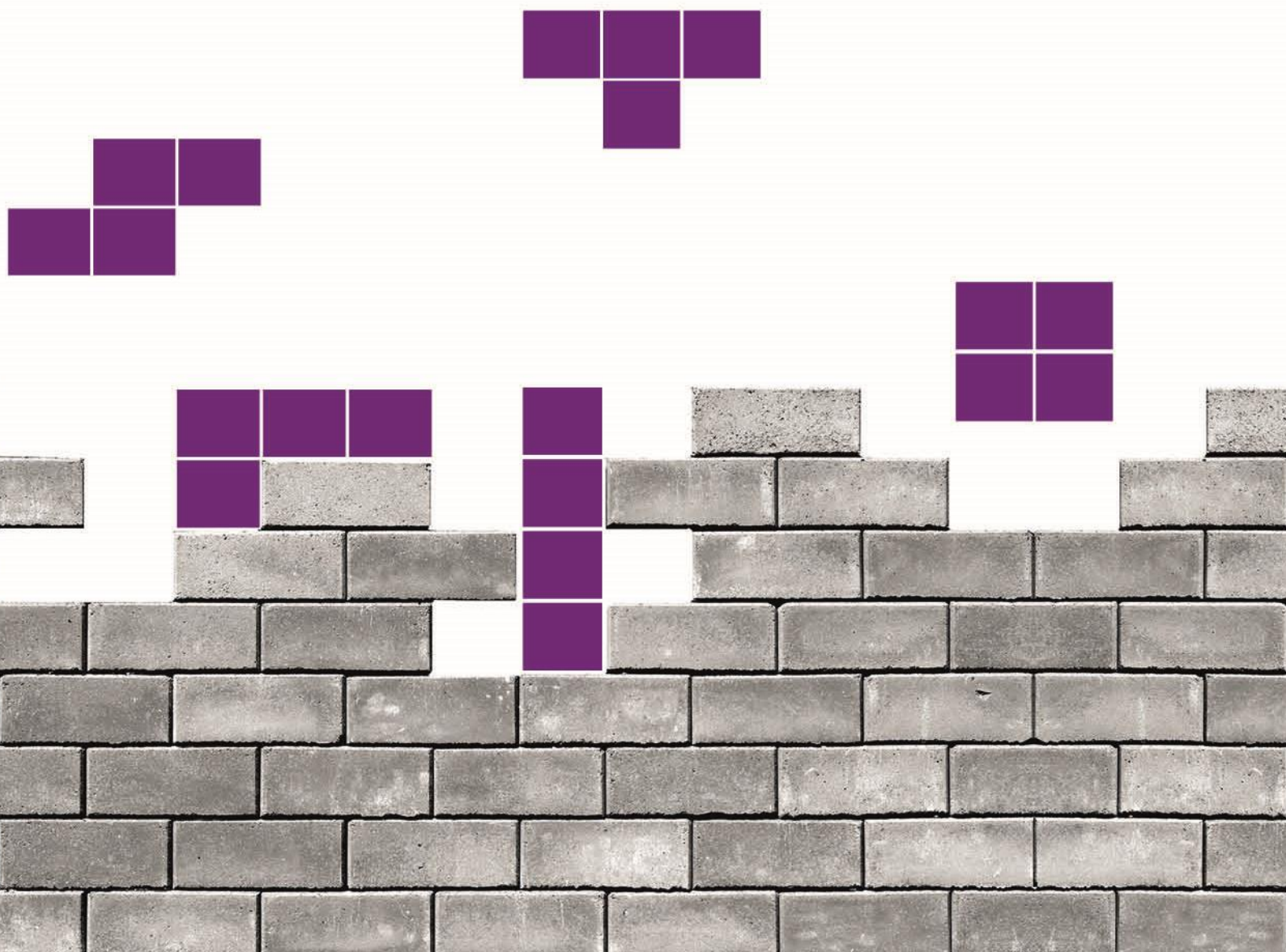



## **Restructuring may be right solution for your business**

Eversheds Sutherland Czech Republic and Slovakia





Our team consists of 50 lawyers in the Czech Republic and Slovakia, who have experience not only in insolvency and restructuring, but also in other areas of law, including employment, corporate and financial law, real estate, M&A, litigation and more. We provide legal advice throughout the entire insolvency process to creditors and debtors as well as potential investors.

Our services include advising companies before and during insolvency proceedings, filing insolvency petitions with the court, representing clients in negotiations with the bank and creditors, and in transferring or selling companies. We advise creditors on when and how to register their claims and in negotiations or disputes with the insolvency administrator. We also advise investors on the acquisition of distressed companies, in insolvency or restructuring proceedings.

### Distressed company

- **Situation analysis** – financial and legal analysis, outlook for the near future
- **Proposal of further steps in the insolvency phase** – financial, legal and personnel measures
- **Seeking court protection from creditors**, i.e. moratorium – provides temporary protection and space to overcome bankruptcy and reach an agreement with creditors
- **Restructuring proposal**
- Legal support in developing a reorganisation plan
- Securing **court and creditor's approval of the reorganisation plan**
- **Representing managers** in case of disputes over liability and damages
- **Communicating with banks** and other institutions
- **Company sale**

### Creditor / Bank

- **Registration of receivables** – comprehensive advice, including assessment of the possibility of denial of claims or denial of other creditors' claims
- **Negotiations with the insolvency administrator**
- **Representation in legal disputes** – particularly disputes concerning determination of the authenticity, amount or order of receivables and exclusion of property from the bankrupt party's assets
- **Representation in creditor bodies**

### Investor

- Providing comprehensive legal advice when **choosing the appropriate method of acquisition**
- Performing legal **due diligence** of the target company
- **Preparation and negotiation of transaction documentation**
- **Acquisition of distressed company**
- Cooperation with renowned **economic and tax experts**

# Measures to avoid insolvency

## **Analysis of the at-risk company**

Financial and legal analysis, outlook for the near future, legal advice in the pre-insolvency phase

## **Financing**

Analysis of impending breach of obligations from credit documentation, negotiations with banks, refinancing advice

## **Reduction of company management costs**

Restructuring, transfer of enterprise, company transformation, revision of contractual documentation, consulting on real estate including leases

## **Management consulting**

Recommendations in relation to due managerial care and the procedure of the company's bodies, corporate governance

## **HR consulting**

Comprehensive legal advice in connection with termination or transfer of employment, organisational changes to maintain the bankrupt company's continued operations

## **Company sale**

Legal advice to the seller, including legal due diligence of the transferred entity and negotiation of transaction documentation

# Selected references

- Representing creditors in the **registration of claims** and **disputes with the insolvency administrator** regarding denied claims in insolvency proceedings with ČKD PRAHA DIZ, a.s. and PAPCEL, a.s.
- Representing a client in one of the largest insolvency proceedings in the Czech Republic in **exercising its rights against the debtor** OKD a.s.
- Representing Max Aicher steel group at acquisition of the insolvent company Slovakia Steel Mills in the international tender of one of the largest insolvency proceedings in the Central Europe in a recent period
- Representing creditors in **complex and significant** (based on the value of debts) **insolvency proceedings** notable for the number of foreign creditors and the total amount of registered debts (more than CZK 500,000,000, approx. EUR 20,000,000)
- Legal advice in the preparatory phase of insolvency proceedings, especially with regard to the **liability of members of the board of directors** (what to do and not to do in the period before the commencement of insolvency proceedings) and the **acquisition of part of the enterprise during insolvency proceedings**
- Legal advice for a development company in **representation in insolvency proceedings** concerning a bankrupt construction contractor
- Comprehensive legal advice on restructuring for a company in the automotive industry, including the **negotiation of contracts and conditions with banks and suppliers** and legal support in **optimising the employee and organisational structure**
- Legal advice for the creditors of a company in the industrial chemistry sector, including the **restructuring of security instruments** to avert the risks for the security provider arising from the bankruptcy of the debtor
- Advising Pongratz on **restructuring liabilities**, representing the client in dealings with banks, investors, employees and suppliers
- Performing due diligence and representing the buyer, Metso Minerals, in the **acquisition** of PSP Slévárna and the subsequent restructuring of the company
- Legal advice on the **cross-border restructuring of a group dealing with heavy equipment**, including the securing of national and cross-border mergers by amalgamation and cross-border transfer of enterprise, establishment of branches in several jurisdictions in Europe and beyond

- Comprehensive legal support for the **transfer of a majority share** in a Czech engineering company to a **foreign investor** with the simultaneous transfer of a minority share by the insolvency administrator, including preparation of a tender in cooperation with the insolvency administrator, and preparation of transaction documentation
- Comprehensive legal provision of **financial restructuring** of an engineering company **in the form of capitalisation of receivables** taken over by the state from the creditor of a rehabilitated company, resolving several complicated commercial and competition law issues (public support)
- Ensuring the **acquisition of a foundry company** and its subsidiaries by a strategic multinational investor, performing **due diligence, preparation of transaction documentation and its negotiation**
- Legal advice in connection with the **restructuring of an international group** within the CEE region, including the comprehensive provision of several cross-border mergers by amalgamation and the establishment of branches within the CEE region
- Comprehensive advice to the current owner of the international business group on the **sale of a 50% share** to a new investor and the establishment of a joint venture
- Legal advice to the business company in connection with the **acquisition of a logistics park and the establishment of a joint venture**, including the preparation of a shareholder agreement and revision of contractual documentation
- Comprehensive legal advice to the company's leading facility management **in bankruptcy proceedings** declared on the Outlet property in Voderady (including representation in creditor bodies)
- Representing CUUBUUS in judicial proceedings on the **declaration of bankruptcy on its assets** as a debtor
- Representing a creditor (an Austrian company) in the **declaration of bankruptcy on the assets** of a Slovak company
- Representing the debtor, Mantler, in the **declaration of bankruptcy on its assets** by its creditors



# Contact our team for more information



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