



# Comprehensive legal assistance in bankruptcy procedures

# BGP Litigation is a law firm which focuses on comprehensive legal assistance in bankruptcy procedures

The aim of Bankruptcy practice is to handle complex Russian and cross-border cases, including search and establishment of physical control over assets. In order to successfully foreclose the debtor's assets BGP Litigation team carries out preliminary analysis of a situation and develops a strategy of dealing with debtors operating in several jurisdictions.

The scope of BGP Litigation lawyers' services is not limited to representing clients in court hearings. Prompt response to court rulings, formation of a set of necessary measures to conduct bankruptcy procedures, development of various debt restructuring schemes, facilitation to concluding amicable agreements in the course of bankruptcy procedures allow the clients to obtain maximum satisfaction of their claims.

<p><b>FOR CREDITOR</b></p> <ul style="list-style-type: none"><li>• Preliminary analysis of situation, assessment of the prospects for claims satisfaction in the bankruptcy procedure and development of a strategy of dealing with debtors</li><li>• Representation in disputes on liability of a debtor's controlling persons</li><li>• Search and attachment of property belonging to a debtor or its controlling persons in Russia and abroad</li><li>• Control over a bankruptcy manager's activity</li></ul>	<p><b>FOR TRANSACTION COUNTERPARTY</b></p> <ul style="list-style-type: none"><li>• Representation in disputes on challenging transactions with a bankrupt</li><li>• Development of recommendations on interaction with companies that are likely to go bankrupt</li><li>• Advising clients in respect of transactions which may be potentially challenged in bankruptcy procedure</li></ul>
<p><b>FOR DEBTOR/MANAGER OF THE DEBTOR/PARTICIPANT/SHAREHOLDER</b></p> <ul style="list-style-type: none"><li>• Analysis of risks of managers/members of the debtor in case of bankruptcy of the latter</li><li>• Protection against recovery of damages/subsidiary liability</li><li>• Representation in relation to concluding amicable agreements</li></ul>	<ul style="list-style-type: none"><li>• Search and arrest of the indebtedness to secure its repayment</li><li>• Advising on bankruptcy law</li></ul>



## Key persons:



**Dmitry Bazarov**

Partner, Attorney —  
Dispute Resolution,  
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**Alexander Vaneev**

Partner, Attorney —  
Dispute Resolution,  
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**Sergey Lisin**

Partner, Attorney —  
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**Anton Pomazan**

Senior Associate,  
Attorney —  
Bankruptcy

# Selected projects

## MAJOR IRISH BANK

BGP Litigation team supported key bankruptcy procedures in respect of the assets of a former billionaire and his corporation. The total amount of the majority creditor (a large foreign bank) claims was EUR **2 bn**. Proceedings were held in 12 jurisdictions. More than 60 arbitration cases were considered simultaneously in 10 Russian regions, most of which were considered by the Higher Arbitration Court of the Russian Federation, Supreme Court of the Russian Federation. As a result of the lawyers' work the Bank obtained control over the bankruptcy procedures. The companies affiliated with the debtor were excluded from the register of creditors' claims.

## LEADING RUSSIAN OIL AND GAS COMPANY

The firm's team represented a leading oil and gas company in disputes on challenging transactions at the amount exceeding **RUB 700 mn**. Lawyers studied the risks, related to potential conclusion of amicable agreement with opponents and developed protection strategy of handling these disputes in case of failure to sign amicable agreement. As a result of the lawyers' work the court appointed the expert proposed by the client to carry out expert examination, which significantly increased the chances of a positive outcome of the case.

## LEADER OF THE OIL AND GAS INDUSTRY

The firm collected a debt of more than **RUB 10 bn** through bankruptcy procedure, having identified potential risks of economic agents. Lawyers conducted a full-scale financial investigation of the debtor's activities in order to identify suspicious transactions, recovery of losses from controlling persons of the debtor, bringing them to subsidiary liability.

## MAJOR RUSSIAN BANK

BGP Litigation provides consulting services in the interests of the Bank to ensure maximum satisfaction of the Bank's claims — oil depot belonging to the debtor is pledged by the Bank. The firm's lawyers ensure safety and profitable sale of the pledged property, controlling the process of coordination and compliance with the terms of regulations on the sale procedure of the oil depot.

## REGIONAL BANK

The firm's lawyers represent interests of a commercial bank members in the procedure of judicial liquidation. The task of BGP Litigation is to control actions of the liquidator related to the expenditure of current cash, conduction of tenders and distribution of the remaining property between the members.

## INTERNATIONAL BANK

Our firm represented a large international bank in a comprehensive case of RUB **1.5 bn** debt recovery against a leading Russian footwear retailer, its foreign branches, sureties and the beneficiary owner. The project included international commercial arbitration disputes, search of the debtors' assets, implementation of interim measures in Switzerland, foreclosure on the pledged assets of the company, as well as bankruptcy of the principal debtor's beneficiary. The case resulted in full recovery of the debt.

## GROUP OF COMPANIES OPERATING IN THE AREA OF NON-FERROUS METALLURGY AND MINING INDUSTRY

The firm represented the former head of the plant in **RUB 1.5 bn** dispute on his subsidiary liability for failure to execute his duties in respect of filing a bankruptcy petition against a debtor. BGP Litigation lawyers managed to prove that the client executed the duty in full accordance with the bankruptcy law. To establish these facts, we carried out an independent examination, collected and prepared evidence and developed legal stance in support of the client.

## PRODUCTION COMPANY

Representation of an asphalt-concrete mixes producer with more than **RUB 350 mn** of claims in the bankruptcy case of a large company engaged in road construction. The firm's lawyers acted for a client in a dispute on challenging of the transaction at the amount exceeding **RUB 120 mn**, resulting in a recovery of the said amount to the bankruptcy estate.

## MARKET LEADER IN INSURANCE SERVICES

The firm's lawyers represented the leader of the Russian insurance market in the bankruptcy of a large Russian Bank with claims of **RUB 1.5 bn**. The firm's lawyers analyzed the client's perspectives in the lack of information concerning bankruptcy procedure and Bank's assets, and developed a strategy for maximum satisfaction of customer requirements. The work resulted in full inclusion of the Client's claims into the register.

## RUSSIAN COMMERCIAL BANK

BGP Litigation represented a client being a creditor in the bankruptcy procedure against the borrower. The lawyers prevented inclusion of the debtor claims in the creditors' register — in the amount exceeding **RUB 150 mn** — arising on the basis of a forged assignment agreement.

# Comprehensive Business Protection

The firm BGP Litigation was founded in 2006. The firm is currently employing over 70 lawyers, litigation and criminal attorneys, as well as tax and investment experts. Experience of the Team enables the firm to work efficiently on global projects that require simultaneous support of a significant number of parallel proceedings at various levels and in multiple jurisdictions.

BGP Litigation team has a full range of competencies necessary to protect the interests of the clients, including the coordination of negotiations, support in Russian and cross-border courts, bankruptcy cases and arbitration proceedings, restructuring of the business, international tax advice, support of tax disputes and criminal law defense of business and beneficiaries.

A significant part of the implemented projects has a substantial cross-border element, which includes support during international arbitration disputes and courts, coordination of assets recovery and obtaining of interim measures in various jurisdictions. Global focus, together with Russian presence, allows the firm to find the most effective and cost-efficient solutions for the protection of clients.

## Our Practices



### Dispute Resolution

Support for complex disputes in Russia and cross-border proceedings



### Bankruptcy

Clients' representation in bankruptcy cases, including major cross-border disputes, as well as levying execution upon assets in the Russian Federation and abroad



### M&A and Corporate Restructuring

Comprehensive support of M&A transactions, corporate restructuring, and special situations projects resolution



### International Arbitration

Client's representation in international commercial arbitration proceedings mainly focusing on complex cross-border disputes



### Family Law

Support of family, inheritance and housing disputes, as well as in their settlement by way of mediation



### Life Sciences & Technology

Comprehensive support of businesses on all issues of legal regulation of the healthcare industry. Regulatory and transaction support of life science companies



### Tax Disputes

Identification and reduction of tax risks, support for field and desk tax audits



### International Tax Planning

Analysis of the existing asset holding structures concerning the tax efficiency and potential risks



### Antitrust/Competition

Representing clients during antitrust disputes, public procurement, within the frames of the advertising law and the investment in strategic enterprises law



### White Collar Criminal Defense

Represents clients in criminal proceedings, with a particular focus on white collar matters and in criminal proceedings against public interests



### Attorney investigations

Detection of violations and abuses on the part of the employees, partners, contactors, analysis of the company's risks (projects and transaction)



BGP Litigation



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