



Dispute Resolution

Litigation and Lawyers

1. The Court System in Germany

With our lawyers and tax advisers in Berlin, Chemnitz, Düsseldorf, Frankfurt am Main, Hamburg, Cologne, Munich, Stuttgart and Zurich, Heuking Kühn Lüer Wojtek has proven expertise in litigation and arbitration proceedings.

There are state and federal courts in Germany. Contrary to the U.S. system, these courts do not work independently from each other, but in a hierarchical order. The local, district and regional appellate courts are state courts, the highest appellate courts are federal courts. There are three different types of courts which are subdivided into different branches:

- general courts for civil, commercial and criminal matters;
- specialized courts in certain areas of the law, such as public administration, labor, social security, tax, or patent matters. Ordinary and specialized courts have their own tracks for appeals;
- constitutional courts review judgments or legislative acts for possible violations of a state or federal constitution.

Local or magistrate courts (*Amtsgerichte*) deal with civil disputes involving amounts of up to 5,000.00 Euros, and criminal offences that result in a fine or imprisonment of up to four years.

Disputes with a subject value of more than EUR 5,000.00 are handled by district courts (*Landgerichte*). Its panels consist of three professional judges who are usually specialized in particular areas of the law. Commercial matters between business corporations are decided by one professional judge and two lay judges.

Judgments rendered by a district court can be appealed at a regional appellate court (*Oberlandesgericht*). The regional appellate courts review law and facts of the lower courts' decisions. Appeals against rulings of magistrate courts are dealt with by the district courts.

The highest ranking court in civil and criminal matters is the Federal Court of Justice (*Bundesgerichtshof*). It only reviews questions of law in legal matters of general importance to assure uniform application of the law throughout Germany.

The specialized courts for public administration, labor, social security, tax and patent matters are also organized hierarchically with a federal court at the top level.

2. The Costs of Litigation in Germany

Court fees depend on the amount in dispute and are collected in advance. For example, the fee for an amount in dispute of EUR 100,000.00, is EUR 2,568.00.

The fees of attorneys involved in litigation are set by the Law on Attorneys' Compensation (*Rechtsanwaltsvergütungsgesetz*). The compensation also depends on the amount in dispute and, additionally, on the kind of action and the level of the court. The compensation on the appellate level is higher than on the entry level. The losing party bears the court's and the attorney's fees. Clients and attorneys are permitted to agree hourly rates.

Attorneys can receive hourly rates or a lump sum compensation. Contingency fees are only permitted in limited circumstances, particularly if the party is indigent and would otherwise not be able to afford an attorney.

3. Lawyers in Germany

The German attorney (*Rechtsanwalt*) is both, serving in and out of court. A German attorney is admitted to all courts except for the Federal High Court of Justice in civil matters. To that court, only some 40 attorneys are admitted.

4. Procedures and Duration of Proceedings

Complaints must contain a comprehensive statement of facts that support the claims raised in the proceedings. The German Code of Civil Procedure (*Zivilprozessordnung*) further requires that both claimant and defendant list the evidence they wish to present to the court to prove the disputed facts. Evidence can include documents, objects such as pictures, witnesses, as well as expert opinions. No pre-trial discovery takes place.

Following the exchange of legal briefs (which is the main part in German civil procedure), the judge will set a hearing date. The main purpose of the hearing is to see whether a case can be settled, and to discuss disputed questions of law and fact. There is rarely an extensive oral presentation or a lengthy closing argument. In civil matters, the court generally delivers its ruling four to six weeks after the hearing. This ruling can be an order to hear witnesses or an expert, a request for further submissions on certain issues of the case, or a final judgment if the facts are clear or undisputed.

Each year, the German court system handles about two million law suits. On the entry level, about 60 to 80 % of all cases are heard within six months after filing. The local and district courts deliver their judgments usually within 12 to 18 months. Appellate proceedings may take longer, depending on the workload of the panel. If injunctive relief is sought, the courts make a decision within one or two business days. However, if all permissible appeals are filed or the issues in dispute are complicated, it may take more than five years until a final order is made.

Arbitration

The German Code of Civil Procedure ("ZPO") incorporates in Chapter 10 (Sec. 1025 et seqq. ZPO), a set of arbitration rules which, in principle, correspond to the UNCITRAL Model Law on International Commercial Arbitration ("Model Law"). A reference to the provisions of the United Nations Convention on the Recognition and Enforcement of Arbitral Awards 1958 ("New York Convention") is incorporated in Section 1064 ZPO. Germany is a signatory to the Geneva Protocol dated September 24, 1923, and to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States of 1965.

The provisions of the German ZPO apply to any place of arbitration in Germany or any arbitral award to be enforced in Germany.

A fundamental rule of German civil law is the principle of freedom of contract. This also applies to arbitration agreements. The rules of civil procedure combine the principle of freedom of contract with the supremacy of arbitration over regular court proceedings.

Concerning the formal requirements of an agreement to arbitrate, it must be in writing, and signed by both parties on one or several counterparts of the agreement. The counterparts can be exchanged via telefax or electronic data transmission. Arbitration agreements that involve consumers are subject to additional form requirements.

The German Constitution states that judges have to be independent and are bound by the law only. This principle applies to arbitrators as well. Potential arbitrators in an arbitration must disclose, prior to their appointment, any facts or circumstances which may give rise to doubts regarding their impartiality or independence.

The appointment of an arbitrator can be challenged if there are justifiable doubts with respect to his/her impartiality or independence. A party appointing or agreeing to the appointment of an arbitrator may challenge the appointment only for reasons discovered after the appointment.

The arbitral tribunal determines the procedural rules at its own discretion, unless the parties have agreed otherwise or an overriding statutory rule prevails. The parties have the burden of introducing all facts, circumstances and supporting evidence relevant to the case into the proceedings. Concerning the fact-finding and evidence, the ZPO, like the Model Law, provides for a few basic rules only. The civil law-style procedure grants the tribunal the power actively to manage and monitor the proceedings, instead of passively observing the adversarial actions of the parties.

The parties' options to investigate facts are rather limited in German civil procedures. The available facts must be presented in detail. The court will not take evidence to investigate facts that were not previously presented by a party. Generally, however, an arbitral tribunal is not required to observe the locally applicable procedural rules on evidence and can conduct the evidentiary proceedings at its reasonable discretion.

Arbitral tribunals do not have the power to require the attendance of witnesses or production of documents. The arbitral tribunal, or a party with the approval of the arbitral tribunal, may therefore request the assistance of the public courts to take evidence or adopt procedural measures which are not within the competence of the arbitral tribunal. The court may execute the request within its competence and according to its rules on taking evidence.

An arbitration agreement does not prevent a party from seeking injunctive relief from the public courts, either before or during arbitral proceedings. The arbitral tribunal may also order any appropriate measures after having heard both parties. The arbitral tribunal cannot, however, enforce its interim order. It is the public court on request of either party that orders the enforcement of the arbitral order. It may change the arbitral order and is entitled to rescind or change the enforcement order on request of a party. If the interim order turns out to be unjustified, the detrimentally affected party is entitled to claim damages in the pending arbitration or at court.

After an award has been rendered in the arbitral proceeding, any party can request the arbitral tribunal to correct calculation defects, typographical or similar errors, to interpret parts of the award or to render an additional award on claims presented in the arbitration but omitted in the award. The correction or interpretation of an award is not a separate award but part of the initial award. An award on claims which were presented in the arbitral proceeding but omitted in the initial award, however, constitutes a new final award that can be enforced separately.

Recourse against an arbitral award at the public courts is possible only if the petitioner shows that: (i) the arbitration agreement is invalid, (ii) the party was not given proper notice or was otherwise unable to present its case, (iii) the award deals with a dispute not contemplated by the terms of the submission to arbitration, or (iv) the composition of the arbitral tribunal or the procedure was not in accordance with the agreement of the parties. Further, an appeal is possible if the court finds that the subject matter of the dispute was not arbitrable or if the award was in conflict with the *ordre public*. This option to appeal only applies to awards rendered in a German place of arbitration proceeding. The appeal judgment can set the award aside, either in full or in part, with *ex tunc* effect. It may not modify the award. There are deadlines for the appeal to be observed.

With respect to the enforcement of arbitral awards, German law distinguishes between domestic and foreign awards. The enforcement of a domestic arbitral award requires a request to the appellate court (*Oberlandesgericht*) designated in the arbitration agreement or to the appellate court of the district in which the arbitration took place. The enforcement of foreign awards in Germany is set out in Section 1061 ZPO, which incorporates the rules of the New York Convention.



You have a dispute – we have the expertise.

With more than 300 lawyers and tax advisers in Berlin, Brussels, Chemnitz, Düsseldorf, Frankfurt am Main, Hamburg, Cologne, Munich, Stuttgart and Zurich, Heuking Kühn Lüer Wojtek has proven expertise in litigation and arbitration proceedings.

Commercial disputes are characterized by a high degree of complexity and have a substantial impact on all individuals and companies involved. This is why skilled, experienced and efficient representation is required at every stage.



We provide comprehensive advice and support to German and foreign clients in any disputes and related areas. Our services range from the detailed assessment of complex economic, legal and procedural issues to the development of conflict resolution strategies and the successful enforcement of our clients' interests in or out of court.

We cooperate with reknown litigation funders that finance legal actions and potentially cover the litigant's legal costs against a contingency fee.

In everything we do, we aim to provide the highest quality of services to our clients. Our focus on quality has established valuable long-term relationships with our clients. This is why today more than 90 % of our mandates are either follow-ups or referrals.

Practice Areas

We provide advice and represent our clients – regardless of the applicable procedural rules – in a variety of sectors and different areas of dispute resolution:

Arbitration

Banking and Capital Markets Law

Corporate Law / Post-M&A

Enforcement of Judgment

Economic Criminal Law / Tax Criminal Law

Inheritance Law

Liability, Insurance and Reinsurance Law

Machine Construction and Plant Engineering / Product Liability Law

Private Construction Law, Planning Law, Real Estate and Brokerage Law

Trade and Distribution Law

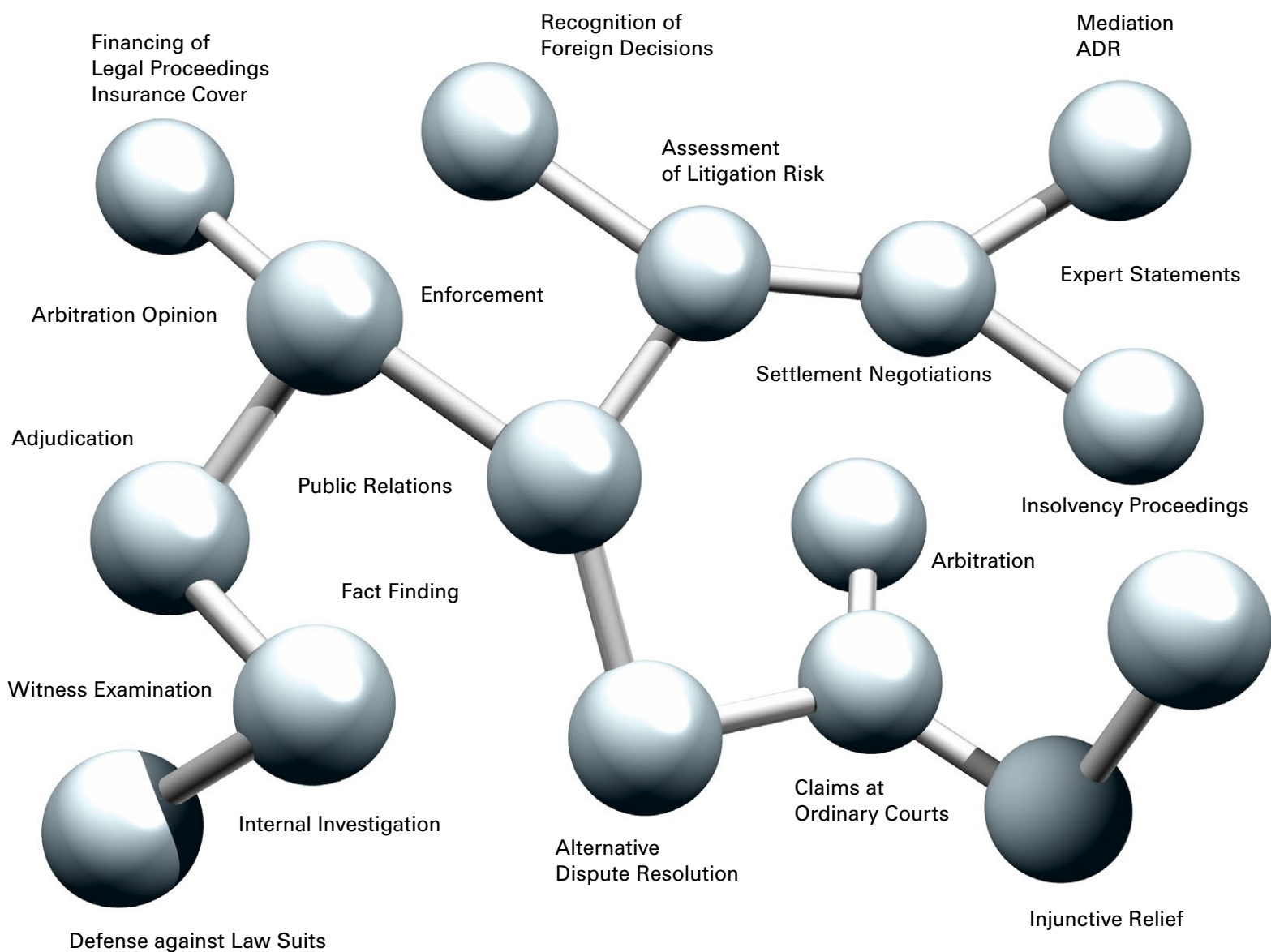
Transport and Logistics

Other practice areas

Employment Law

Intellectual Property Rights

Insolvency Law



Our focus is not only on the resolution of legal disputes but also on providing a practical and commercially viable solution to our clients.

We work efficiently across our offices in specialized small teams and with in-depth knowledge of our clients' areas of business.

Our approach has proven itself. The Practice Group Dispute Resolution is among the most successful Practice Groups of Heuking Kühn Lüer Wojtek.

Arbitration

We have represented clients in national and international arbitration proceedings for many years. Partners of our firm are also regularly appointed as arbitrators. We have a wide range of experience in both ad-hoc proceedings and administered arbitration proceedings (e.g. DIS, ICC, LCIA, Swiss Rules). We assist our clients with the enforcement of domestic and international arbitral awards or help them to avoid enforcement of awards issued against them.



Major German shipyard

Defense of major German shipyard against damage claims filed by a supplier (GMAA)

Lumber plant

Defense of a lumber producer against damage claims filed by a shipping company for alleged violations of a framework agreement for the transportation of goods (GMAA)

Large-scale construction project in Berlin

Representation of a defendant against large construction project in Berlin. Claims with a value of some 130 million Euros for alleged delay of construction due to difficulties with the underground engineering (Arbitration Code for Construction, SGO-Bau)

Wood-based products industry

Representation of a German defendant against a U.S. buyer for breach of contract under the Arbitration Rules of the American Arbitration Association (AAA)

Infrastructure project (new railway line construction)

Representation of a claimant in a claim for additional compensation against the developer of an infrastructure project (Arbitration Code for Construction, SGO-Bau)

Proceedings involving Danish Party

Party-appointed arbitrator in a dispute between Dutch and Danish parties regarding payment, restitution, and damages under a licence/patent assignment agreement (Ad hoc)

Ad-hoc arbitration proceedings

Party-appointed arbitrator in a dispute between two automotive suppliers regarding the interpretation of contractual terms

Ad-hoc proceedings

Party-appointed arbitrator in ad-hoc proceedings dealing with compensation claims raised by an agent in the consumer goods industry

Post-M&A dispute

Party representation in a post-M&A dispute relating to antitrust violations, and – at the same time – representation in EU administrative proceedings to avoid fines for alleged violations of European Antitrust Law (Ad hoc)



Disputed company purchase

Party-appointed arbitrator in a matter concerning the publishing and advertising industry

Plant construction company

Enforcement of claims under a share purchase agreement in a “fast-track” procedure

DIS arbitration

Enforcement of indemnity claims and claims for reimbursement of expenses against a fellow consortium member in an eastern European infrastructure project

DIS arbitration

Sole arbitrator in proceedings under DIS rules involving the cancellation of an industrial plant purchase agreement and reversal of related transactions

Chemical industry

Representation of a German party in arbitration proceedings under ICC rules in a dispute with its Arabic joint venture partners

Steel industry

Chairman of an arbitral tribunal under ICC rules dealing with recourse claims arising from a purchase agreement

Plant engineering

Party representation of a foreign consortium member in an ICC arbitration dealing with a tunnel construction project

Telecommunication industry

Representation of Italian and German parties in an ICC arbitration against a U.S. company and its subsidiary concerning a share purchase agreement

Lifestyle company

Sole arbitrator in an ICC arbitration concerning a dispute about the compensation of a commercial agent

Food industry

Sole arbitrator in an ICC arbitration concerning the cancelation of a joint venture

ICC proceedings

Arbitrator in proceedings between British and German parties dealing with claims for commissions, compensation, and damages under commercial agency agreements

Arbitration proceedings before the Czech Chamber of Commerce and Agriculture

Representation of a leading Czech steel manufacturer in the enforcement proceedings of payment claims under supply agreements

Banking and Capital Markets Law

Due to the recent financial crisis, public awareness of legal disputes in connection with banking and capital markets has increased.

Our excellent knowledge and understanding of banking regulations enables us to successfully represent our clients and offer the best possible solution for each one of them.



Major German bank

Representation of a banking pool and pursual of banks' claims for repayment of a loan and payment of a guarantee

Bank specialized in loan processing

Presentation of a bank's insolvency claims in Swiss bankruptcy proceeding at Swiss cantonal court in cooperation with local counsel

Independent investment broker

Defense against an investor protection complaint based on an alleged failure to disclose risks

Credit institution

Defense of banking syndicate against damage claims filed by a real estate group

German bank

Enforcement of claims against shareholders of a real estate fund

Real estate investor group

Enforcement of loan payment installments against a banking syndicate

German bank

Defense against damage claims for repayment of a loan prior to maturity

Credit institution

Cross-border enforcement of a loan on behalf of a German credit institution

Corporate Law / Post-M&A

Cases of manager liability, disputes among shareholders and post-M&A disputes (for example, due to violations of warranties or duties to disclose material information) have increased significantly in the last few years. We have special expertise in corporate litigation, enabling us to successfully pursue our clients' interests in this area.



German entrepreneur

Defense against a U.S. claim for punitive damages under a joint venture agreement valued at 1.2 billion Euros

Nationwide retailer

Contest of an acquisition agreement on the basis of fraudulent misrepresentation

Hamburg-based internet company

Defense of an internet trading company against a misrepresentation claim, a claim for damages, and preliminary attachment proceedings

Automotive Supplier

Representation in the takeover of a German automotive supplier by a U.S. company, including squeeze-out and arbitration proceedings

Renewable energies company

Representation in a dispute about the validity of the cancellation of a company share and the amount of settlement

Listed stock corporation in Darmstadt

Defense against claims raised by U.S. hedge funds, including preliminary injunction proceedings

Listed manufacturer of construction machines

Defense against annulment of shareholder resolutions after a squeeze-out and control agreement, including approval procedures

DAX group company

Defense of a DAX-listed corporation against a damage claim based on alleged fraudulent misrepresentation in the course of an acquisition

Board member

Defense against damage claims based on an allegedly prohibited financing commitment in the course of a leveraged buyout

Tax consultancy firm

Petition for a temporary injunction preventing the execution of shareholder resolutions and contest of shareholder resolutions

Limited partner of a hotel company

Action for repayment of unduly paid compensation and contest of shareholder resolutions

Engineering company

Enforcement of seller's post-M&A performance claims against buyer under the transaction agreement

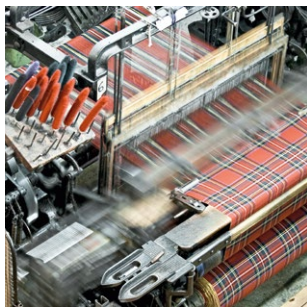


Enforcement of Judgment

In many cases litigation does not end merely with the judge’s or arbitrator’s ruling. Further steps are necessary to enforce the judgment. Having obtained a judgment in one’s favor is not the same as actually receiving the relief granted.

Our lawyers have decades of experience in the enforcement of court orders and arbitration awards. They are particularly skilled in tracing hidden assets. Whenever necessary, they will accompany and instruct the bailiffs in taking possession of such assets.

The circumstances often require quick action to secure assets or to collect property seized by public prosecutors. This is one of our specialties.



Textile manufacturer

Recognition and enforcement of a French preliminary injunction order pursuant to European Council Regulation (EC) No. 44/2001

British furniture designer

Enforcement of a judgment against a German shopping center operator following the transfer and hiding of assets

Cardboard manufacturer

Recognition and execution of a Belgian arbitral award in Germany

German shipyard

Enforcement of a claim for damages against former employees and suppliers, including re-possession proceedings of embezzled corporate funds



Swiss airline

Seizure of a private jet on the basis of an European enforcement order against a Polish company

Automotive supplier

Enforcement of a claim for damages by sequestration of company shares

Automotive importer

Enforcement of a Japanese judgment against an exporter of luxury automobiles

Mineral oil company

Enforcement of a judgment for the partial sale of real estate by public auction, realization of collateral mortgages, and attachment of credit card claims

Writ of attachment against savings bank

Enforcement of a statutory estate share entitlement for a beneficiary through the seizure of a German bank account inherited by the beneficiary's Latin American stepmother

Auction house

Garnishment and seizure of bank card claims, cash register and auction items at debtor's auction house on the day of a public auction

Consulting firm

Enforcement of claims for fees by seizure of Lufthansa frequent traveler miles



Economic Criminal Law / Tax Criminal Law

Being active in business exposes entrepreneurs to a certain level of criminal liability risk. Criminal law has been an instrument of economic policy for some time, and more than ever, the criminal police, tax authorities, public prosecutors, and courts are sensitive to and severe in their response to illegal behavior in the world of business.

As one of Germany's leading law firms, we have proven expertise in criminal defense work in cases of white collar crime and tax evasion. Our specialized lawyers help companies and individuals to avoid criminal investigations by working with them on compliance and regulatory aspects of their business practice. We support clients, both during and after criminal proceedings, and advise them on every aspect of compliance with criminal and tax law.

Euro Stoxx company

Development and implementation of a compliance program, as well as continued compliance consulting

Large bank (Luxembourg)

Compliance audit to ensure conformity with the criminal law against tax evasion

Managing director of an import company

Defense against allegations of evasion of import duties and anti-dumping levies

Planning company

Advise to a planning company during preliminary investigations after great losses in a large construction project

DAX 30 company

Defense against charges of foreign corrupt practices and tax evasion

Chemical company

Representation of client in customs penalty proceedings based on an alleged violation of export regulations

Board of a major bank

Defense in criminal proceedings against allegations of market manipulation

Funds manager of a large bank

Defense in criminal proceedings based on market manipulation, insider trading, and embezzlement

Chairman of a supervisory board

Defense against charges of embezzlement and acceptance of bribes

Inheritance Law

Succession frequently triggers disputes amongst possible beneficiaries. If a settlement is not reached, the succession has to be decided by a court.

We are one of a few commercial law firms that provides advice in this area of law.



Heirs of a family company

Claims for statutory shares in the estate of a deceased family business owner involving an assessment of the company's value

Provision of distribution with preferential legacy

In-court determination of whether or not a beneficiary in a will has to compensate a joint heir

Liability of heirs

Promotion of liability limitations for estate beneficiaries against claims brought forward by the descendant's creditors

Proportional bequest

Defense against a claim of proportional bequest in consideration of a loan

Expense reimbursement of joint heirs

Reimbursement of expenses incurred by a joint heir against the assets of another joint heir despite an existing group of heirs

Disputes among co-beneficiaries

Assertion of claims for an additional share in the estate as compensation for gifts made to prior to descendant's death

Joint beneficiaries' rent

Enforcement of beneficiaries' claims for rent against another joint beneficiary

Residence transfer

Defense against an action based on a disputed right to a condominium transferred by way of anticipated succession

Dismissal of an executor

Defense against a request for dismissal of an executor filed by an heir

Certificate of inheritance due to a "Berliner Testament"

Request for a certificate of inheritance despite the challenged validity of a previous "Berliner Testament", a special form of a joint will

Illegitimate heir

Defense against the challenge of a will

Trust Fund in Liechtenstein

Defense against claims for information about estate shares in a Liechtenstein trust fund based on a beneficiary's right to a statutory share in the estate

Liability, Insurance and Reinsurance Law

We provide advice in the area of insurance law for major domestic and foreign insurance groups, insurance brokers, and insurance broker associations.

In addition, we represent companies from a variety of sectors in matters of insurance law.



Professional liability insurance

Defense of tax advisers, auditors, lawyers, public notaries, patent lawyers, physicians, architects and engineers against malpractice suits

Product liability insurance

Representation of manufacturers in product liability cases

Building insurance

Litigation in connection with claims covered by building insurance, including: actions against the party that caused the damage

Liability insurers

Representation of corporations and individuals in liability actions based on duty of care violations

German insurance company

Defense against a multi-million Euro claim arising out of the cancellation of an event covered by cancellation insurance

Reinsurers

Enforcement of direct insurers' and reinsurers' claims in international arbitration proceedings

Credit insurers

Representation of credit insurers in credit insurance cases

Transport insurers

Litigation in connection with claims about an insurance policy for valuable goods

D&O insurance

Litigation in D&O liability and insurance coverage actions (including mediation and arbitration)

Life insurance

Litigation in life and disability insurance cases

Insured parties

Actions on behalf of the insured against insurance providers in all types of national and cross-border insurance matters

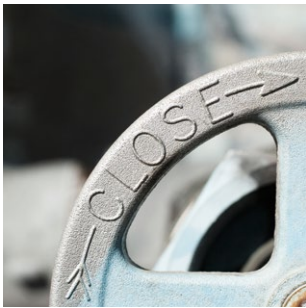
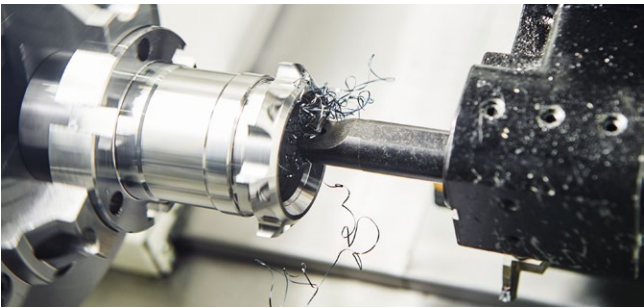
German insurance company

Pursual of claims for repayment of commissions paid to insurance brokers

Machine Construction and Plant Engineering / Product Liability Law

New technologies in plant engineering and in production increase the risk of claims relating to product liability and product defects.

Detailed knowledge of the industry, an understanding of technical processes and general engineering are key for our ability to successfully represent our clients in and out of court in this area.



**Biogas power
plant builder**

Defense against a claim for damages based on an allegedly insufficient energy output

**Institute for
applied research**

Defense of an expert against malpractice claim after a biomass power plant failed to generate the projected output

Danish plant builder

Representation in a separate action for disclosure regarding a refinery in eastern Germany

International plant builder

Enforcement of contractors' remuneration and defense against unjustified warranty claims

Product liability insurer

Defense against claims for damages based on alleged product defects in rigid-flexible printing circuit boards, including prior separate action for disclosure

German shipyard

Dissolution of contract for the construction of an off-shore platform

Automotive supplier

Advice in product liability matters

**Petrochemical
industry/refinery**

Pursual of an action for damages based on delay in the construction of a desulfurization plant

**Plastics processing
company**

Defense against claims relating to the production of prototypes by laser sintering

**Producer of plastic
extrusion products**

Defense against damage and recourse claims in a liability action filed with a District Court in Colorado, USA

Power plant operator

Enforcement of claims against plant builders due to a faulty turbine system, and defense against claims for damages of multi-million Euros after construction delays



**Private Construction Law,
Planning Law,
Real Estate and Brokerage Law**

The areas of private construction law as well as tenancies, condominium ownership and real estate are typically susceptible to claims.

Our experienced litigation lawyers support our clients in all of these areas. We are equally familiar with the specifics of the Regulation for Professional Fees of Architects and Engineers (HOAI), Construction Contract Rules (VOB), and the law governing brokerage firms, as well as the procedural aspects of claims by third parties or separate actions for the disclosure of documents.

International brokerage firm

Enforcement of a commission claim based on a real estate brokerage contract against the buyer's parent company

Large German financial services provider

Defense against performance guarantees for a multi-million Euro construction project in Hamburg

Restoration company

Pursual of separate actions for taking evidence and payment after contract termination for cause, related to the removal of old and installation of new fire protection in the Elbe Tunnel in Hamburg

International convention center in Dresden

Pursual of contractor's remuneration based on a guaranteed maximum price agreement, and defense against claims for defects and contractual penalties with a volume of 10 million Euros

Gas station operator

Representation in enforcement of lease payment claims based on commercial lease that included tenant obligation to operate a gas station

International mineral oil company

Contest of a real estate purchase contract based on fraudulent misrepresentation as a result of suspected but undisclosed explosives in the ground

Shipping company

Enforcement of claims for defects against the developer of the company's headquarters

Condominiums, service residence and luxury hotel in North-Rhine Westphalia

Promotion of defect claims in court including a separate action for taking evidence against the construction companies, engineers, and project management

Food company

Pursual of commission claims following the brokerage of an acquisition of a corporation

Infrastructure company

Representation in commercial lease disputes and defense against construction law claims resulting from large infrastructure projects (railway, road, and building construction)

Construction of University of Applied Sciences

Representation of a general contractor in an action for additional remuneration including claims based on the delayed award of the construction contract

Hospital

Enforcement of damage claims against architects based on planning and construction malperformance

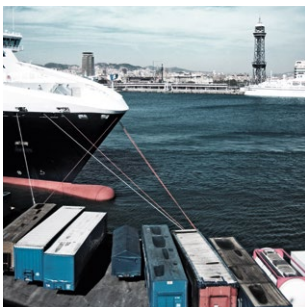
Owner of a rehabilitation center

Representation of a rehabilitation facility owner in a documentary action for payment of outstanding rent and in a preliminary action after breach of contract

Trade and Distribution Law

The area of trade and distribution law has always been highly prone to claims, especially when it involves commercial agents and authorized dealers.

We have years of experience, are familiar with the typical interests of the parties involved and possess extensive know-how in this area.



Commercial agency within the EU

Enforcement of compensation claims after a commercial agency termination

Computer hardware wholesaler

Defense against a violation of exclusivity rights by a Japanese supplier

French manufacturer of women’s wear

Representation in several actions dealing with wind-down and restructuring of the German distribution organization including motions for preliminary injunction

German trading company

Enforcement of claims against a brewery for the violation of distribution rights

German automotive supplier

Defense against compensation claims for the untimely termination of a dealership agreement

International automotive supplier

Pursual of warranty claims under a German-Italian supply agreement

Financial service provider in Frankfurt

Enforcement of damage claims against a contract broker for violation of a non-competition clause

Mineral oil company

Representation of a mineral oil company in all commercial agency matters against gas station operators, including model cases at the German High Court and the European Court of Justice

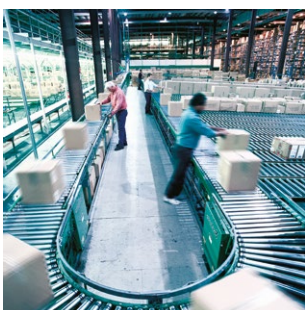
European manufacturer of wood-based materials

Pursual of an action for damages against a supplier for the violation of contractual supply obligations

Transport and Logistics

As our world becomes more connected, transport and logistics present numerous new challenges and there is growing potential for disputes.

We support our clients and their interests with our comprehensive know-how in this area.



International logistics service provider
Defense against damage claims and enforcement of recourse claims against subcontractors and subsequent carriers

International logistics company
Defense against damage claims raised by an automotive supplier under a logistics agreement (outsourcing)

International chemical company
Enforcement of maritime claims for damages against shipper by preliminary injunctive relief in the U.S.

International building materials company
Defense in maritime arbitration proceedings against a shipping company's claim for damages for alleged violation of a high-volume contract

Foreign transport company
Defense against forwarder's claim for violation of a cooperation agreement for land and air transport in an arbitration proceeding

International parcel service
Defense of client against claims for transport loss damages



Other practice areas

Heuking Kühn Lüer Wojtek has dedicated practice groups in the following practice areas. Our specialized lawyers in these practice areas also work in dispute resolution.

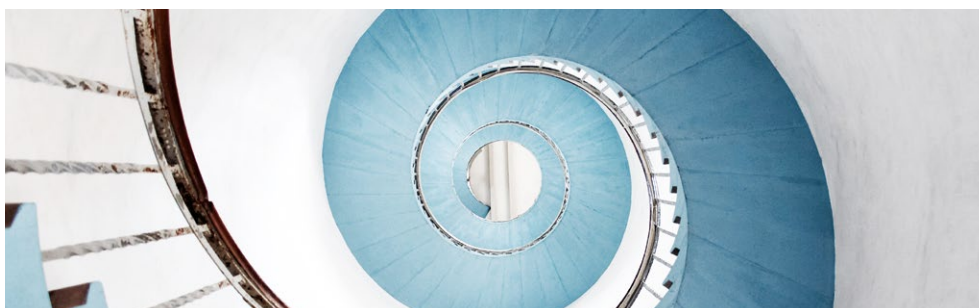
Employment Law

We advise our clients in all labor law matters and represent them at all employment tribunals on the local, regional and federal level, as well as the European Court of Justice.

We help our clients resolve disputes at all stages of dismissal protection proceedings. This entails the representation before administrative courts when applying for required dismissal approvals or in employment contract disputes filed by company officers in civil courts. We also assist in salary disputes and preliminary injunction proceedings, such as the enforcement of or defense against continued employment or in strike matters.

In addition, we have extensive experience in disputes about the participation of employees in supervisory boards, and submission to and handling of conciliation proceedings, for example in connection with the implementation of management or ownership changes.

Our in-depth knowledge of specific regional interpretations of the law gives our clients a significant advantage.



Intellectual Property Rights

The protection and defense of brands, designs, product names, internet domains, information, communication, and entertainment technologies as well as inventions and technical know-how have become increasingly important for companies in a globally competitive environment.

Working across our different offices and relying on years of experience, our experts advise our clients in all matters of intellectual property infringement and competition, pursuing litigation when necessary. In particular, we apply for preliminary relief on our clients' behalf or file protective briefs with courts in order to avoid temporary injunctions against our clients.

Insolvency Law

If a client's business partner becomes insolvent, we protect our client's interests as creditor in the enforcement of claims against debtors, receivers, and third parties. In addition, we represent shareholders, managing directors, and management boards in disputes with receivers or creditors.

We also act on behalf of well-known receivers in pursuing claims against third parties or the defense against claims filed against the receiver both in and out of court, nationally and internationally.

www.heuking.de

Berlin
Chemnitz
Cologne

Düsseldorf
Frankfurt
Hamburg

Munich
Stuttgart
Zurich