

ALLAN CHEN

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PRACTICE AREA

MR. CHEN SPECIALIZES IN COMMERCIAL DISPUTE RESOLUTION (ESPECIALLY CORPORATE DISPUTES AND FINANCIAL DISPUTES) AND IN INSOLVENCY AND RESTRUCTURING.

Education

- Fudan University (Shanghai), LL.B

Professional Qualification

- Admitted to practice in the PRC (2007)

Work Language

- Mandarin
- English

REPRESENTATIVE MATTERS AND CASES

Investment and M&A Disputes

- Acted for a major Japanese construction material company in a complex, high-value, trans-jurisdictional dispute arising from the financial manipulation by the founders of a domestic sanitary ware company indirectly acquired by the company, included representing the company in filing tort litigation against the founders of the target company before the High Court of Fujian, assisting the company in successfully obtaining a Mareva injunction in Hong Kong in support of parallel German litigation proceedings, assisting the company in related litigation and arbitration proceedings in other jurisdictions, and participating in the bankruptcy restructuring proceedings of the target company on behalf of the company as the largest creditor as well as the largest debtor
- Acted for a well-known private equity fund when the management of an acquired Japanese company's Chinese subsidiary refused to be replaced, involved restoring control over the PRC subsidiary, releasing the management from their duties, removing the legal representative from the subsidiary's registration, filing a criminal complaint against the former management, and acting in related legal proceedings including a derivative action to recover the subsidiary's properties, administrative litigation brought by the former management to dispute the change of registration by the AIC, labor arbitration and litigation with the former management and other employees over wrongful termination, a defamation lawsuit brought by the former management, and tort litigation brought against the former management
- Represented a domestic large-scale investment fund in a series of disputes with its joint venture partner arising from an RMB 10 billion investment in companies incorporated in mainland China, Hong Kong and Japan, included defending two mainland China lawsuits filed by the joint venture partner over the validity of board resolutions and obtaining an injunction in Hong Kong to restrain the directors appointed by the joint venture partner from acting on behalf of the Hong Kong company
- Represented a listed real estate group affiliated with a central state-owned company in its dispute with the 49% shareholder of an acquired project company arising from the minority shareholder seeking to terminate the original SPA, involved acting in a series of disputes over management and control of the target company and in HKIAC arbitration
- Represented an A-share listed company in a dispute arising from its acquisition of a Korean apparel brand,

included defending the company in a lawsuit brought by the seller and filing counterclaims

- Represented a Chinese entrepreneur in an appellate proceeding before the Supreme Court of PRC to successfully overturn the first instance judgment rendered by the High Court of Guangxi in a dispute arising from the acquisition of a real estate project company
- Represented a Hong Kong-listed company in defending against a dispute arising over the value adjustment mechanism in the sale of a domestic company to a domestic listed company as one of the sellers
- Represented a major French pharmaceutical company in its disputes with a group of nationwide distributors of an acquired domestic pharmaceutical company
- Represented a Hong Kong PE fund in its dispute with the founder of a forestry portfolio company over accounting fraud, involved filing a criminal complaint against the founder and litigating the shareholder's right to company information
- Advised companies in various transactions on various PRC legal issues, such as dispute resolution venue selection, insolvency, corporate governance, exit mechanisms, non-competes, compliance and employment

Financial disputes

- Represented a policy bank in recovering a project loan extended to a domestic company's power generation project in Europe, involved participating in litigation and bankruptcy proceedings in Italy, Luxembourg, Hong Kong and mainland China
- Represented a well-known US non-performing asset disposal fund in a long-lasting financial loan litigation involving criminal fraud
- Acted for a major central state-owned company in a series of trade financing disputes with a Fortune 500 private conglomerate, with the disputed amount exceeding RMB 2 billion
- Acted for a well-known securities company in the legal proceedings against JIA Yueting and JIA Yuemin arising from defaults of stock collateral loans, included participating in litigation and enforcing notarized debt instruments
- Represented a major European financing lease company in successfully recovering the company's full RMB 40 million claim in a SHIAC arbitration and in the subsequent judicial arbitral enforcement action against an equipment manufacturer that provided a payment guaranty for lessees
- Provided daily legal advice to the fund trusteeship department of a well-known securities company in its various disputes with investors and fund managers
- Acted for a policy bank in the reorganization of defaulted aircraft financing loans
- Acted for a well-known multinational investment bank in a series of contentious transactions of equity interests in a public fund management company in which the bank is the majority shareholder, included acting in an auction of another shareholder's equity interests in the bankruptcy proceedings, a competitive bidding of another state-owned shareholder's equity interests at CBEX, and a court-sponsored auction of another shareholder's equity interests
- Represented the general partner of a successful PE fund in a dispute with the limited partners arising from the liquidation of the PE fund

Corporate governance disputes

- Acted for a red chip software company in its decade-long-USD-100-million dispute arising from its joint venture with a well-known Hong Kong company, included: representing the company in several CIETAC arbitrations, in litigation before the Supreme Court of PRC and the High Court of Jiangsu, and in compulsory liquidation proceedings of the joint venture company; and advising the company on PRC law issues in several Hong Kong litigation proceedings
- Advised China Resources in dealing with the disputes arising from corporate control of Vanke
- Acted for Danone in disputes with Wahaha on a trademark and their joint venture companies

- Represented a European shipping company in litigation before the High Court of Hubei against its Chinese joint venture partner on the termination of their joint venture contract
- Represented a Hong Kong industrial company in the petition for compulsory liquidation of a joint venture company and in the subsequent CIETAC arbitration against its Chinese partners of the joint venture company
- Acted for a Hong Kong real estate developer in its joint venture dispute in a project company with its joint venture partner, a local state-owned company, which involved litigation raised by the joint venture partner against the developer and the general manager of the project company
- Acted for a major French advertising company in its dispute with the founders of an acquired company retained to act as management, involved removing the legal representative from the company's registration, filing a criminal complaint against and conducting settlement negotiations with the founders, defending the company against a lawsuit brought by the founders' affiliate claiming breach of fiduciary duty, and defending the company against a lawsuit brought by the founders to challenge the board resolution that removed them
- Acted for a Chinese entrepreneur in a dispute with a well-known US company that had acquired the office supply company established by the entrepreneur and that had retained the entrepreneur as the chairman of the board of directors, included representing the entrepreneur in litigation with the acquired company for wrongful termination, breach of fiduciary duty and control of the corporate seal
- Acted for a US fitness equipment company in its dispute with the managing director–legal rep of its PRC subsidiary, involved removing the legal representative from the subsidiary's registration, filing a criminal complaint against the legal representative, conducting a mass layoff in the subsidiary, and representing the company in corresponding legal proceedings including an administrative reconsideration and lawsuit against the AIC and the related labor arbitration and litigation with the ex-employee for wrongful termination and recovery of the subsidiary's properties
- Represented a Japanese listed company in petitioning for compulsory dissolution and liquidation of a joint venture company due to its dispute with the local partner
- Represented a German industrial company in litigation against the general manager of its Chinese subsidiary for breach of fiduciary duty
- Advised on corporate governance issues, such as contentious replacement of directors and officers, resignation of directors, board meetings and shareholders' meetings, and director and officer liabilities

Insolvency, restructuring and liquidation

- Acted as a core member of the bankruptcy administrators or liquidators appointed by various courts in Shanghai in bankruptcy and compulsory liquidation proceedings for private, foreign-funded and state-owned companies
- Represented various companies as creditors or shareholders in bankruptcy and compulsory liquidation proceedings before courts in China
- Acted for ABN AMRO as a major creditor in participating in the bankruptcy proceedings of several Taizinai Group companies
- Assisted Ernest & Young, PwC, KPMG, Deloitte and Grant Thorton acting as receivers, liquidators and trustees of various Hong Kong, BVI and Cayman Island companies in the takeover and disposal of the companies' domestic assets
- Assisted a major US multinational company in the dissolution and liquidation of several domestic joint venture companies and in the related disputes with the respective Chinese partner
- Advised KSS on its acquisition of Takata out of cross-border bankruptcies in the US and Japan

Family law disputes

- Acted for the executors of a deceased entrepreneur in execution of the entrepreneur's will and in the disputes with the foreign joint venture partner of a joint venture company in which the entrepreneur held minority equity interests
- Represented a founder of an apparel company going public in defending the founder against a claim by the

founder's former spouse over the founder’s shares in the company and in litigating over undisclosed assets

- Acted for an heir to an entrepreneur, the actual controller and founder of a listed company, in a series of disputes with other heirs and other shareholders of the company
- Acted for the widow and the eldest son of a Taiwanese entrepreneur in disputes with the entrepreneur's other offspring in several mainland China courts over control of a manufacturing company owned by the entrepreneur and valued at RMB 1 billion

General commecial disputes

- Represented a leading European industrial gas company in CIETAC arbitration against a gas purchaser regarding a long-term gas supply contract
- Represented a European industrial company in several CIETAC arbitrations and court litigations against buyers in connection with disputes under equipment sales contracts
- Represented a county government in a central province of China in a PPP project dispute brought before the provincial High Court and the Circuit Court
- Represented a victim of the Qingdao port fraud in the enforcement proceedings of the civil part of the criminal judgment
- Assisted a subsidiary of a major central state-owned enterprise to enforce as the injured party the civil part of a criminal judgment, file an insurance claim against the insurance company, and deal with the civil claim against the criminal’s employer
- Represented a distributor of a luxury car brand in a series of lawsuits before the courts in Guangzhou and Shenzhen arising from an insurance cooperation
- Represented a TMT unicorn company in a defamation lawsuit against an independently operated social media account
- Represented a new energy company in a product liability litigation with its supplier
- Represented a top media and entertainment company in a series of lawsuits initiated by a “professional consumer”
- Represented a well-known theme park in a premises liability claim brought by a customer
- Represented a well-known theme park to defend a claim raised by a customer challenging park policy

Honors and Awards

- Selected by the Ministry of Justice for listing among China’s 1000 Lawyer Talents Handling Foreign-related Matters