



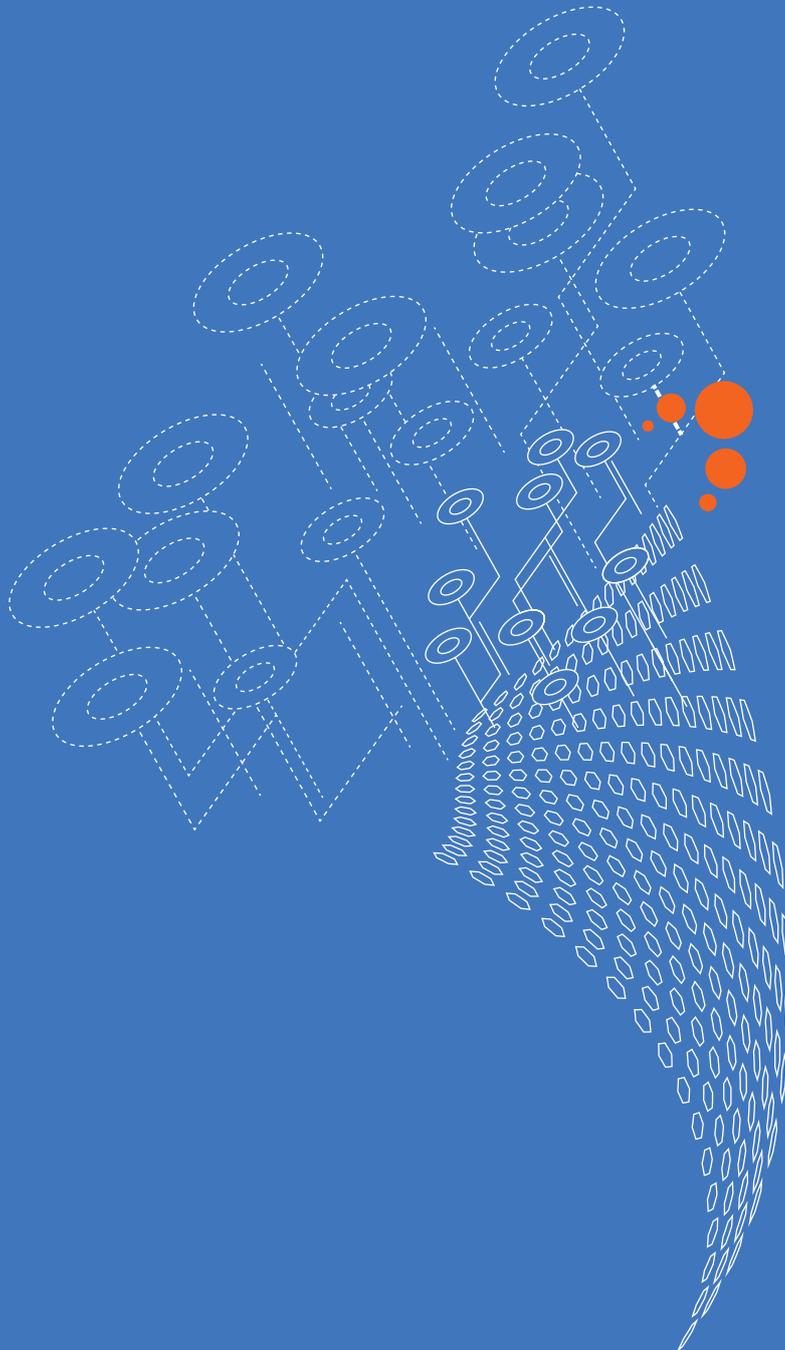
Class & Mass Action Defense



**We defend your
company against
multi-party legal
actions so that you
can concentrate
on your future
business.**

Hans Christian Kirchner





Companies are increasingly exposed to attacks by a commercial litigation industry and professionally drafted claims brought by consumer associations – this both at an international level and at home. Business activities in the past can lead to extensive legal disputes, some as mass proceedings consisting of thousands of individual legal actions, but increasingly also by pooling claims into litigation vehicles and as part of collective redress (“class actions” in the widest sense). Antitrust damages, data privacy, incorrect capital markets information, diesel emissions, consumers’ cancellations rights, the legislation on general terms and conditions and interest adjustment clauses are topical issues that are of great commercial significance for companies.

These kinds of legal proceedings are gaining new momentum as a result of the entry of German and foreign litigation financiers into the market, use of legal tech and specialisation on the part of legal advocates who actively recruit claimants and concentrate claims worth many millions of euros in structured litigation vehicles. Besides this, European and German legislators are increasingly turning to private enforcement and instruments for collective redress. Group actions under the German Capital Markets Model Case Act combine legal actions by disappointed investors, consumer associations use European “representative actions” to attack general terms and conditions clauses, and the new German

action for a collective declaratory (“model” or “test”) judgment brought by consumers is the legislator’s reaction to the diesel affair. With the representative action, the new legal development towards collective forms of legal action will continue across borders.

To be able to defend your company effectively, it is necessary to devise a customised strategy. A clear view of the key legal points is vital for an economically successful defence against claims. Top-quality legal work forms the basis for a successful defence in the particular case. Moreover, practical experience of averting class actions is required, irrespective of whether they are filed as a litigation vehicle or by collective redress. Efficient legal project management, scalable structures and targeted use of legal tech are powerful tools that can be used to handle large-scale multi-party actions efficiently.

Noerr is a pioneer when it comes to defending against class and mass actions. With a specialist team of over 40 legal experts, Noerr’s Class & Mass Action Defense practice group advises regularly on defending against actions for a model judgment brought by investors, model declaratory proceedings and representative actions by consumer groups and associations as well as defending against claims by structured litigation vehicles and mass actions.

/YOUR CHALLENGES



Our services and expertise include:

- outstanding experience and industry knowledge in major damages cases (diesel affair, trucks cartel, closed-end funds, swaps, certificates, financing under tax-saving schemes, cancellation rights, bank charges)
- document review and assessment in highly complex matters (including technical and economic matters, pre-trial and in discovery proceedings)
- broad-based experience in appeal proceedings
- preparing and assisting in landmark decisions before the German Federal Court of Justice; representing clients in landmark cases before the German Federal Social Court and the Federal Administrative Court

Services relating to mass actions

- managing and defending against large-scale multi-party proceedings involving thousands of parallel legal actions
- six offices in Germany located close to all regional and higher regional courts
- bespoke reporting and case management systems
- legal tech
- legal project management

Special expertise in class actions

- extensive experience in proceedings under the German Capital Markets Model Case Act (KapMuG)
- successfully defending against the first German “model declaratory proceedings” for issue of a declaratory judgment by consumers
- broad-based experience in defending against European representative actions involving GT&C clauses
- successfully defending against litigation vehicles in assignment models
- providing support during discovery in Europe, e.g. in connection with US class actions

Legal disputes are not your company's business and should ideally have little impact on your business activities. Nevertheless, your company may face legal proceedings on a massive scale. If such a situation arises, we will work with you to decide on a strategy after weighing up all legal, economic and tactical factors. If the chosen strategy is court defence, we will argue with a toughness that only comes from many years of litigation experience. This applies equally to defending against German model declaratory proceedings by consumers that is of fundamental importance for your business model or to pan-European antitrust damages proceedings involving billions of euros.

We know from experience that the outcome of in-court and out-of-court disputes is never one hundred per cent predictable. In order to still be able to offer the greatest possible degree of security, we take a forward-looking approach when analysing and assisting in the case at court and beyond. This enables us to continually adapt the litigation strategy to changing conditions and to anticipate and effectively counter possible moves by opponents. In individual and multi-party actions this includes performing a thorough investigation and analysis of the facts. We use a range of creative solutions, picking out the combination that promises to be most advantageous for your company. Our experienced advocacy specialists also guide you safely through complex taking of evidence and appeal proceedings. Efficient structures, which are scalable as needed, use of legal tech and uniform standards are a matter of course for us.

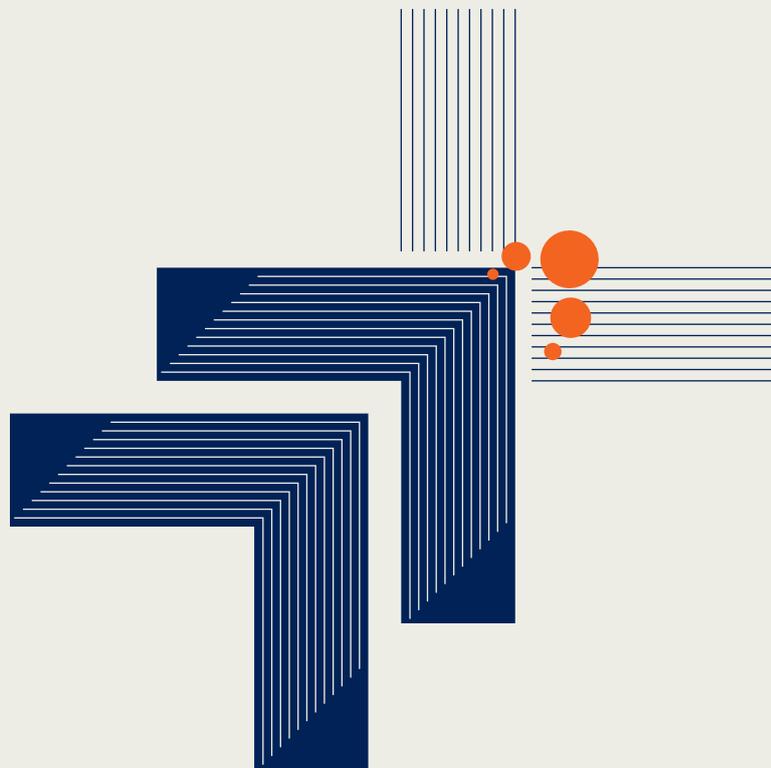
The same goes for competitive and transparent fee models and the highest possible levels of quality in every individual case. And if a dispute is not financially worthwhile despite a high degree of efficiency, we will clearly advise you of this. We ultimately give you clear and practical recommendations on how to act – tailored to your specific situation or strategic goals.

Whatever method we choose, we always put together efficiently tailor-made litigation teams consisting of strong, experienced advisors. Procedural law and collective redress, banking and investment, bankruptcy and consumer law and antitrust damages are key specialisations of our practice group. Wherever required, we also draw on specialists from our other practice groups, such as product liability, corporate, capital markets, data protection, insurance and criminal law or public law. In this way, the best line-up of experts works reliably on each individual case.

Noerr often takes on the role of international lead counsel, taking control when actions across multiple countries and jurisdictions are needed. We know what is important to you as our client in cross-border disputes, give you security with our structured and well thought-out courses of action and take your national interests into account in international disputes. Where necessary we can involve the most suitable local top law firms in your project through our established relationships and memberships, e.g. at Lex Mundi. This means that we can guarantee legal advice matching Noerr's high quality standards throughout the world.







Noerr stands for excellence and an entrepreneurial approach. With highly experienced teams of strong characters, Noerr devises and implements solutions for the most complex and sophisticated legal challenges. United by a set of shared values, the firm's 500+ professionals are driven by one goal: our client's success. Listed groups and multinational companies, large and medium-sized family businesses as well as financial institutions and international investors all call on the firm.

Entrepreneurial thinking

Noerr's advisors make their clients' challenges their own and are always thinking one step ahead. In doing so, they assume responsibility and are at liberty to make their own decisions. The firm is committed to always going the extra mile for its clients and to resolving complex matters with the perfect mix of experience, excellence and sound judgement.

Innovative solutions

In complex and dynamic markets new approaches are regularly required – and delivered by experts who bring both the know-how and the necessary passion. This is precisely what Noerr excels at: implementing integrated and innovative solutions in the most efficient way.

Global reach

As one of the leading European law firms, Noerr is also internationally renowned. With offices in eleven countries and a global network of top-ranked "best friends" law firms, Noerr is able to offer its clients truly cross-border advice.

In addition, Noerr is the exclusive member firm in Germany for Lex Mundi, the world's leading network of independent law firms with in-depth experience in 100+ countries worldwide.

Capacity in Central and Eastern Europe

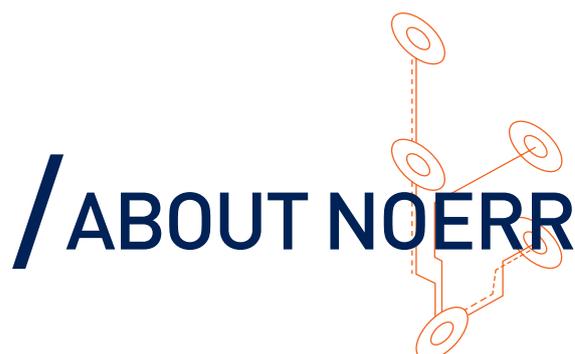
Noerr has long had its own offices in all major Central and Eastern European capitals. The firm regularly advises on greenfield investments, joint ventures, acquisitions and divestments in Central and Eastern Europe by investors from all over the world. With more than 100 professionals, Noerr is one of the leading law firms in the region.

Noerr Group

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New forms of collective legal action and a growing litigation industry are serious challenges. With our experienced team at your side, you're perfectly equipped to face them.

Henner Schläfke



Law Firm of the Year



Juve Awards
2021

Law Firm of the Year
for Banking & Finance
and Corporate



Juve Awards
2021

Germany M&A Legal
Adviser of the Year



Mergermarket Europe M&A Awards
2020

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2020

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Juve Awards
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of the Year und Law Firm
of the Year: Germany



The Lawyer European Awards
2019

/LEGAL AWARDS

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