

DEAL REPORT

April 2018

Renzenbrink & Partner successful on behalf of former member of WKN AG's Supervisory Board at Higher Regional Court of Schleswig

WKN AG, a subsidiary of the German wind farm developer PNE Wind AG, had asserted claims for damage in the millions against former members of its management: two former members of the management board and one former member of the supervisory board. The company alleged that the former members of its management had authorized, to the detriment of the company, the purchase of wind turbines at inflated prices from the Vestas Group, Europe's largest manufacturer of wind turbines. In addition, WKN AG brought a claim of "over-balancing"; alleging that projects reported in the company's 2012 annual financial statements had been overvalued in the double-digit million range. The Regional Court of Flensburg had previously dismissed the action brought by WKN AG in June 2015 in its judgment of 13 April 2017. The Higher Regional Court of Schleswig has now confirmed the decision of the court of first instance with its dismissal of the appeal on 4 April as well as the decision not to grant a right to further appeal.

The decision has not yet been made available, however the Higher Regional Court indicated at the hearing that the appeal was unlikely to succeed as it could not be established that the purchase price paid was higher than the "market price". Further, the annual financial statements were not deemed invalid and the management board had acted within the scope of its business discretion.

Renzenbrink & Partner represented the member of the supervisory board at both instances. The team consisted of partners Dr. Lars Kirschner (Lead, Litigation) and Dr. Gunnar L. Schmüser (Finance) as well as associate Annegret Spanka (Litigation).

Gubitz + Partner (Dr. Wolf Molkentin) and CausaConcilio (Dr. Dirk Unrau) represented the former members of the management board.

Contacts:

T +49 40 3501710-0

F +49 40 3501710-10

info@renzenbrink-partner.de