

# Krijn Hoogenboezem

## Partner



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Amsterdam

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## Overview

Krijn Hoogenboezem specialises in complex litigation, restructuring and corporate law. He is a trusted advisor of boards in and out of crisis situations and he has advised several multinational companies on restructurings and international financing arrangements.

His litigation work includes banking (enforcement) and corporate litigation. Krijn frequently represents the interests of insurers in complex, usually international, coverage issues.

He acts for clients in a wide range of sectors, including the energy, insurance and financial sectors.

Krijn is regularly appointed as a bankruptcy trustee.

## Experience

- **ZED+:** Acting for the trustee of the shares in ZED+, a Russian/Spanish joint venture in the telecoms industry.
- **Confidential client:** Acting as counsel to one of the D&O insurers of the insolvent company Royal Imtech N.V.
- **OSX Leasing Group and OSX3 Leasing:** Acting as administrator for several Dutch companies in the OSX group. The OSX group was active in the production of ships and oil platforms for offshore oil extraction, particularly in Latin America. In addition, OSX leased ships, oil platforms and other works to customers. The burden of debt amounts to well over €2 billion.
- **Central Industry Group:** Acting as an advisor to an industrial conglomerate engaged in shipbuilding, construction design and production for complex architectural projects as well as the renewable energy industry.
- **Isolux Corsan Finance:** Appointed by the District Court as receiver in the moratorium ("suspension of payments") of a financing company of Grupo Isolux, a Spanish construction company. Grupo Isolux proposed a composition in the suspension of payment implementing a refinancing agreement regarding a €350 million bond debt, to be concluded in conjunction with a court approved composition in Spain and Chapter 15

proceedings in the US. The composition was accepted.

- **The Gores Group:** Advising US private equity firm Gores - the shareholder and the most important financier of international fashion retail chain Mexx - as lead counsel in relation to the bankruptcy of Mexx.
- **Estro:** Acting as bankruptcy trustee for Estro, the largest child care organisation in the Netherlands with approximately 3600 employees and €180 million turnover just prior to its insolvency. Estro was acquired by private equity house Providence in 2010 for a purchase price in excess of €500 million.
- **Confidential clients:** Acting as counsel to several insurers on the London market in respect of the BBB policy of a large Dutch financial institution.
- **Confidential client:** Acting as counsel to one of the D&O insurers of Fortis SA/NV.
- **Confidential client:** Advising one of the larger Dutch strategy and management consulting companies on a successful pre-pack transaction.
- **Schoeler Arca:** Representation of an interested party in the court supervised enforcement of the shares in the Schoeller Arca group.

## Recognition

- *Legal 500 2020:* Krijn Hoogenboezem is "exceptionally intelligent, yet practical. Also, he is a pleasure to work with in general." Krijn Hoogenboezem "stands out for his can-do approach and practical attitude. High pace thinker." Krijn "combines his extensive knowledge on domestic and international insolvency law with his partnership approach."
- *Chambers 2020: Restructuring and Insolvency:* Krijn Hoogenboezem is "incredibly valuable," according to one client who praise him for being "composed, practical and convincing, in a very modest and humble way."
- *Legal 500 2018: Restructuring and Insolvency:* Krijn Hoogenboezem is "a pragmatic, commercial, well-regarded liquidator."
- *Legal 500 2018: Insurance:* Krijn Hoogenboezem is mentioned as "rock-steady"
- *Legal 500 2017:* Krijn Hoogenboezem is mentioned as "practical and reliable"
- *Litigation & International Arbitration 2016-2017: Insurance Litigation:* Krijn Hoogenboezem is recommended

## Insights

- Co-author, "Wat als de economie tot eind 2020 op slot zit?," M&A Community, April 2020
- Co-author, "Insolvency Coronavirus update," Dentons alert, March 2020
- Co-author, "COVID-19 and material adverse effect clauses in finance documents - a Dutch perspective," *Commercial Real Estate Newsletter - The real estate industry during COVID-19 times*, March 2020
- Co-author, "Omzetzdaling vanwege het coronavirus - een reden voor uitstel van betaling?," *Commercial Real Estate Newsletter*, March 2020 (Dentons)
- Co-author, "Aansprakelijkheid als bestuurder of als adviseur?," *Nieuwsbrief Beroepsaansprakelijkheid & Tuchtrect*, September 2017 (Dentons)
- Explanatory note on HR 16 February 2017, JIN 2017/55
- Explanatory note on Appeals Court of Amsterdam 26 July 2016, JOR 2017/47 (Curatoren Midreth/Black Box Real Estate)

- "De risicoverzwaringsregeling in de polisvoorwaarden prevaleert boven artikel 293 (oud) WvK," *Nieuwsbrief Beroepsaansprakelijkheid & Tuchtrect*, March 2017
- Explanatory note on HR 31 October 2014, JOR 2015/30 (Eurostrip/Velenturf q.q.)
- Co-author, "Het verbod tot erkenning van aansprakelijkheid," *WPNR* 2014/7025, p. 638 et seq
- Explanatory note on District Court Gelderland, JOR 2014/148 (Rabobank/Gevi Gorssel)
- Explanatory note on HR 29 June 2012, JOR 2013/287 (Yukos) and HR 15 February 2013, JOR 2013/288
- Co-author, "Wie is de stille bewindvoerder?," *FIP* 2013/6, p. 194 et seq
- Explanatory note on HR 15 March 2013, JOR 2013/189 (Van Schijndel/Hoppenbrouwers q.q.)
- Explanatory note on Appeal Court Arnhem 18 December 2012, JOR 2013/87 (Hakvoort/Geurink q.q.)
- Co-author, "Appelleren en failleren," *FIP* 2012/8, p. 279 et seq
- Co-author, "Failure is not an option, it is a standard feature. Overdracht van aandelen ten titel van beheer in het zicht van faillissement," *FIP* 2011/6 p. 152 et seq
- Co-author, "Non-concurrentiebedingen in overname-overeenkomsten en de burgerlijke rechter," *AM* 2006/3, p. 63 et seq

## Activities and Affiliations

### Memberships

- Fellow, Insol International
- Member, Vereniging *Corporate Litigation*
- Member, Vereniging Insolventierecht Advocaten "INSOLAD" (Dutch Association for Insolvency Law Advocates)

### Prior and Present Employment

- Partner, Dentons (formerly Boekel), 2015 - present
- Associate, Boekel, 2005-2015
- Legislative draftsman, Ministry of Justice, 2004
- The Netherlands Authority for Consumers and Markets (ACM), 2003

## Areas of focus

### Practices

- Litigation and Dispute Resolution
- Restructuring, Insolvency and Bankruptcy

### Industry sectors

- Insurance

# Education

- Grotius Academy, 2012, INSOLAD specialist course insolvency law, *cum laude*
- Erasmus University Rotterdam, 2002, Business Administration, Strategic Management
- Utrecht University, 2001, Law, Civil law and Economic public law
- University of Sydney, 2000, Law, Exchange program University of Utrecht
- Magdalen College, University of Oxford, Magna Charta, specialist course insurance law, Sep 2012-April 2013

# Languages

- Dutch
- English
- French