

# Richard Fagerer

## Partner



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Munich

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## Overview

Richard Fagerer is a corporate partner in Dentons' Munich office. As a US qualified attorney (member of the New York state bar), he has extensive experience representing German and other international businesses, financial institutions, investment funds and individuals in their US corporate, regulatory and compliance matters, including with respect to mergers and acquisitions, secured and unsecured lending transactions, the establishment and maintenance of US subsidiaries, corporate governance issues, investment management regulatory matters, fund formations and private placements.

Richard Fagerer has worked for international law firms in both Germany and New York, and he is fluent in both German and English.

## Experience

### Corporate / Mergers & Acquisitions

- **Zellkraftwerk GmbH:** Advising shareholders on the sale to the leading biotech company Canopy Biosciences.
- **German automotive supplier:** Advising in a series of merger & acquisition transactions, including reverse-triangular merger-, stock- and asset- structured transactions, distressed M&A deals and competitive auctions, with acquisitions and dispositions involving businesses based in the United States, Europe and Asia.
- **Multinational electronics company:** Advising in connection with a joint venture based in Saudi Arabia.
- **German food processing company:** Advising in connection with the acquisition of a fruit preparations company based in the United States.
- **German tool manufacturer:** Advising in connection with the acquisition of a tool manufacturer based in the United States.
- **German automotive company:** Advising in connection with a joint venture with a South Korean electronics company.

- **German Mittelstand companies:** Advising in connection with the establishment and maintenance of US subsidiaries (corporations, partnerships, LLCs, etc.), including corporate governance issues.
- **German engineering company:** Advising in connection with a corporate restructuring.

## Investment Management and Funds

- **Venture capital and private equity funds:** Advising on compliance with US private placement rules, the US Investment Advisers Act, the US Investment Company Act, the Commodities Exchange Act and other US securities laws.
- **Swiss fund managers:** Advising in connection with the establishment of a private equity fund.
- **German fund managers:** Advising in connection with the establishment of a private equity fund.
- **Swiss fund managers:** Advising in connection with several lever events.
- **Polish fund managers:** Advising in connection with a fund restructuring.
- **Multinational bank:** Advising on compliance with the Dodd-Frank Act and related regulations.
- **Swiss bank:** Advising on Volcker Rule compliance.
- **European M&A advisors:** Advising in connection with applicable US Exchange Act restrictions and exemptions.

## Banking

- **German bank:** Advising on a series of secured and unsecured financing transactions.
- **International real estate fund:** Advising in connection with several real estate financing transactions.
- **German bank:** Advising in connection with supply chain finance and forfaiting/factoring products.
- **Spanish bank:** Advising in connection with the sale of accounts receivable.

## Recognition

- Best Lawyers, 2022 recommends Richard Fagerer for Corporate Law
- Young Leader, Atlantik-Brücke e.V. (initiated 2013)

## Insights

- Co-Author, "2d Circuit dismisses listing theory under Morrison," *NRF Article*, May 2014
- Co-Author, "SEC Staff Provides Limited Relief for M&A Advisory Firms," *NRF Article*, August 2013
- Co-Author, "The Euro Zone Crisis: Managing the Risks," *Corporate Counsel Newsletter*, Fall 2012 Edition
- Co-Author, "New Developments in U.S. Litigation: Morrison and Texas HB 274," *NRF Client Alert*, September 2011
- Co-Author, "From Guano to Morrison, an Examination of the Extraterritorial Application of US Laws," Working Paper for the ABA-DAV Conference "Successfully Navigating Hazardous Waters: The Second Annual Conference on Transatlantic Deals and Disputes," June 2011
- Co-Author, "Changes to the U.S. Advisers Act set forth in the Dodd-Frank Act May Require Many German and Other Non-U.S. Investment Advisers to Register with the SEC," *NRF Client Alert*, May 2011

- Co-Author, "The 2010 Tahawwut Master Agreement: Paving the Way for Shari'ah-Compliant Hedging," *Credit Risk Chronicles*, September 2010

## Activities and Affiliations

### Presentations

- Co-Presenter, "Permitted Activities of German Banks in the US without Registration," Munich, 17 February 2015
- Co-Presenter, "The Application of the Volcker Rule to Banks in the German-Speaking Area," Munich, 9 October 2014
- Co-Presenter, "The Concept of the Ultimate Beneficial Owner - Recent Developments," Munich, 24 July 2014
- Co-Presenter, "International Secured Lending Transactions," Munich, Luxembourg and Frankfurt, 20 September 2013
- Co-Presenter, "The Foreign Corrupt Practices Act and its implications for German Businesses," Stuttgart, 4 April 2011
- "Implications of the Dodd-Frank Wall Street Reform and Consumer Protection Act for Foreign Banks, Businesses and Persons - New Regulations Affecting Banks, Bank Holding Companies, Fund Advisers and OTC Derivatives," web seminar, September 2010
- "New Regulations for Banks, Fund Advisers and OTC Derivatives," web seminar, September 2010

### Memberships

- New York Bar Association
- ABA Section of International Law Conference: Successfully Navigating Hazardous Waters: The Second Annual Conference on Transatlantic Deals and Disputes," Member of the 2011 steering and planning committees
- American Chamber of Commerce in Germany

### Prior and Present Employment

- Partner, Dentons Europe LLP, 2016 to present
- Associate, King & Wood Mallesons, 2015-2016
- Associate, Norton Rose Fulbright, 2008-2015
- Associate, Cadwalader, Wickersham & Taft, 2005-2008

## Areas of focus

### Practices

- Corporate
- Corporate in Germany

### Region

- Global presence
- Europe
- Germany

## Education

- Boston College Law School, 2005, Juris Doctor
- University of Florida, 2002, Bachelor of Arts, Political Science (with honors), Bachelor of Science in Business Administration, Finance (with honors)

## Admissions and qualifications

- Admitted to the bar, New York

## Languages

- English
- German