



Henry Hutten

Senior Associate

Disputes, litigation and arbitration, Restructuring and insolvency

Primary practice

Disputes, litigation and arbitration, Restructuring and insolvency

About Henry Hutten

Henry services clients' litigation needs arising out of complex cross-border mandates, including commercial disputes, securities litigation and bankruptcy proceedings.

Henry represents individuals, companies, financial institutions and private credit investors in a wide variety of complex cross-border litigation matters pending before federal district, bankruptcy and appellate courts in the United States, and has experience in criminal, regulatory and internal investigations. A substantial part of Henry's practice consists of representing foreign representatives and defendants in adversary proceedings brought under Chapters 15 of the Bankruptcy Code. Henry also represents creditors in contested Chapter 11 cases.

Henry has extensive experience prosecuting and opposing 28 U.S.C. § 1782 applications for discovery in support of non-US litigation, as well as taking and opposing discovery in civil and bankruptcy litigation in the United States.

Henry's *pro bono* experience consists of representing defendants in criminal cases in state and federal court, including appeals and capital cases. Before joining Freshfields, he was a litigator at Sullivan & Cromwell.

Recent work

Henry's recent matters include advising:

- Volkswagen Group, in connection with ongoing civil, criminal and regulatory proceedings worldwide, including opposing multiple Section 1782 applications seeking US-style discovery for use in lawsuits against Volkswagen Group companies in Germany and throughout Europe;
- Porsche Automobil Holding, SE, in its attempt to obtain discovery in the United States pursuant to 28 U.S.C. § 1782 for use in model case proceedings in Germany;
- Reward Science and Technology Group, in its successful attempt to obtain a stay of all US litigation against the company or its property through initiating a case under Chapter 15 of the United States Bankruptcy Code;
- Structured Finance Industry Group, in connection with Lehman's attempt to recover collateral that was liquidated and distributed to dozens of swap counterparties as a result of Lehman's bankruptcy-related defaults under its various swap agreements;
- liquidators of a major oil-and-gas exploration holding company in adversary proceedings brought pursuant to Chapter 15 of the United States Bankruptcy Code;
- Whirlpool Corporation in successful defense of a case initiated under Chapter 15 of the United States Bankruptcy Code seeking discovery from Whirlpool for use in an insolvency proceeding in Germany;
- a major Chinese cement and construction materials producer in connection with a cross-border shareholder litigation;
- JPMorgan, in connection with an adversary proceeding brought by the liquidating trustee of Constellation Healthcare Technologies, which sought to avoid and recover shareholder redemption payments made in connection with the leveraged buyout of CHT;
- Barings LLC, in a successful attempt to appoint an examiner in the Chapter 11 reorganization of Parker Drilling Company and in a challenge to Parker Drilling's proposed Chapter 11 plan of reorganization;
- Barings LLC, in defense of a lawsuit challenging the capital restructuring of Serta Simmons Bedding; and
- a German financial institution reorganizing certain balance sheet positions triggering, among others, Section 1782 applications in the US.

Qualifications

- JD, New York Law School, *summa cum laude*
- BA, Vassar College, honors

Professional Qualifications

- Henry is admitted to practice in the State of New York, the Southern and Eastern Districts of New York, and the Second Circuit Court of Appeals.

Contact Henry

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