

ALVIN XIAO

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PRACTICE AREA

MR. XIAO'S PRACTICE FOCUSES ON COMMERCIAL DISPUTE RESOLUTION, INCLUDING PRC LITIGATION AND ARBITRATION, INTERNATIONAL ARBITRATION, REGULATORY COMPLIANCE AND GOVERNMENT ENFORCEMENT. MR. XIAO ALSO ADVISES ON COMPLEX RESTRUCTURINGS, REORGANIZATIONS AND PACKING SALES OF NON-PERFORMING LOANS RELATED TO DISTRESSED ASSETS AND SPECIAL SITUATION INVESTMENTS.

Education

- Sun Yat-sen University, LL.B, 2004
- Yale University, Visiting Scholar (Yale-China Law Fellow), 2012

Professional Qualification

- Admitted to practice in the PRC

Professional Background

- Mr. Xiao joined Fangda as a partner in August 2017. Before that, he worked with the cross-border dispute resolution practices at two top-tier PRC firms as an associate and a partner for 10 years.
- After graduation from law school, Mr. Xiao served in a county legal aid center in Northwest China as volunteer for two years.

REPRESENTATIVE MATTERS AND CASES

Corporate, joint venture and investment disputes

- Representing the shareholders of a PRC manufacturing company in an RMB 2.18 billion litigation before the PRC Supreme People's Court over the termination of a share purchase agreement
- Representing the shareholders of an RMB 3 billion PRC company in litigation over the right to be informed, invalidation of corporate resolutions, judicial dissolution, etc
- Represented the shareholders of an A-share listed company in an RMB 500 million arbitration at the South China International Economic and Trade Arbitration Commission concerning termination of a share purchase agreement
- Represented a leading PRC airline in seven lawsuits concerning RMB 2.62 billion in investment disputes before the provincial high courts of Beijing, Liaoning and Guangdong, as well as the Shenzhen Intermediate Court
- Advised a world-leading Italian company and a world-leading British company in the exhibition industry in a dispute arising from a joint venture contract with their PRC shareholder

Finance and securities

- Representing an offshore subsidiary of a PRC central government-owned financial enterprise in a USD 77 million arbitration concerning disputes over cross-border financing and guaranties in multiple jurisdictions including mainland China, Hong Kong and Macau
- Advising an offshore subsidiary of a PRC central government-owned financial enterprise on cross-border legal proceedings in a EUR 130 million loan dispute arising from an A-share company's outbound M&A, in multiple

jurisdictions including mainland China, Hong Kong and Germany

- Representing an offshore subsidiary of a PRC central government-owned financial enterprise in two PRC lawsuits in an RMB 230 million dispute arising from a capital increase and share repurchase
- Representing a PRC central government-owned enterprise in an RMB 215 million PRC litigation arising from cross-border financing and guaranties
- Represented a national commercial bank in successfully recovering through mediation all outstanding principal and interest in an RMB 300 million litigation before the Guangdong High Court over the term-loan for a real estate development against Kaisa Group, a major PRC real estate developer
- Represented a national commercial bank and a state-owned finance and investment group in CIETAC arbitration against a Hong Kong company over the packing sale of NPLs worth over RMB 2.5 billion
- Represented multiple foreign banks including Development Bank of Singapore, Bank of America, Bank of India, Hang Seng Bank, Sumitomo Mitsui Financial Group, and Nanyang Commercial Bank in various PRC legal proceedings over disputes on trade finance, term loans, knock-out discount accumulators as well as financial fraud

Trade and insurance

- Represented Sinosure, a PRC state-owned export credit insurance agency, in a USD 12 million CIETAC arbitration over the export credit insurance policy for special equipment and in the court proceedings to set aside the arbitral award. The case was the very first one of a series, which in total are the highest claims made in the history of Sinosure
- Represented Sinosure in dozens of lawsuits and arbitration proceedings concerning credit insurance and trade finance disputes
- Represented Foxconn in a product liability lawsuit
- Represented a multinational pharmacy company in negotiating the compensation clause for Severe Adverse Events in the liability insurance for new drug clinical trials
- Represented an A-share listed company in a series of CGAC arbitrations over an RMB 180 million supply chain financing dispute+I10
- Represented a Hong Kong electric power group in a Singapore International Arbitration Commission arbitration over the sale of power plant equipment and services to an Indonesian listed company

Real estate and infrastructure

- Represented a Hong Kong-listed property developer in an RMB 430 million lawsuit over the joint development of a real estate project argued before the Sichuan High Court in the first instance and the PRC Supreme People's Court in the second instance
- Represented a Guangdong-based port operator in an RMB 700 million administrative lawsuit over disputes related to land expropriation and compensation. The case was retried twice and heard in six instances before the Chaozhou Intermediate Court, the Guangzhou Maritime Court and the Guangdong High Court
- Represented the founder of a leading NASDAQ-listed internet company in an RMB 88 million CIETAC arbitration and related asset preservation court proceedings over disputes arising from the transfer of the building housing the company's headquarters

Regulatory and compliance and government enforcement

- Advising a Hong Kong-listed company, an indirect subsidiary of a US-listed multinational, on a complex internal forensic investigation into its PRC subsidiaries over an alleged misappropriation of over 800 million, on the criminal complaint to multiple PRC public security bureaus and the related criminal investigation and litigation, as well as on the response to the enquires and investigations by offshore regulators including the Hong Kong SFC, the US SEC and the US DOJ

- Advised an Austrian Fortune 500 manufacturer of heavy machinery on the criminal investigation and litigation against its PRC subsidiary's sales director for alleged embezzlement of corporate funds. The litigation was brought by the director's former employer, a major competitor of the client in the China market
- Advised a leading PRC airline on crisis management, internal investigation, and government enforcement matters after several executives, including the CEO, CFO and general counsel, were detained on charges of misappropriation and embezzlement of over RMB 3 billion
- Advised senior executives and controlling shareholders of an A-share listed company in response to an investigation and an administrative penalty order by the China Securities Regulatory Commission concerning a share transfer and allegations of breach of shareholder commitments and disclosure requirements
- Advised a US Fortune 500 food manufacturer on the internal investigations and civil litigation against senior executives for internal fraud and on the termination of the executives' employment
- Advised a German manufacturer on internal investigations, criminal complaints and investigations related to a cross-border embezzlement

Restructuring, reorganization and winding-up

- Advising a state-owned policy bank on parallel bankruptcy proceedings in multiple jurisdictions, including mainland China, Italy, and Luxemburg, arising from EUR 80 million in loan defaults in an overseas energy project
- Advised the then-largest private-owned coal importer in China on a RMB 4.4 billion debt reorganization
- Advised the controlling shareholder of Jade Cargo International, one of the then largest international cargo airlines in the world, on restructuring RMB 4 billion in shares and debts

Distressed opportunities

- Advising an offshore subsidiary of a central government-owned financial enterprise on two cross-border purchases of NPL packing loans worth hundreds of millions of RMB
- Advising an Australian logistics and industrial real estate developer on two cross-border investments of distressed assets related to PRC judicial procedures
- Advised Morgan Stanley on public bidding for 5.495% shares of a public fund management company through judicial auction at Taobao
- Advised Guangdong Finance & Investment Holdings on its acquisition of a RMB 59 billion NPL package from Guangdong Development Bank
- Advised China Construction Bank on the sale of a RMB 1.8 billion package of securitized NPLs
- Advised Shenzhen Development Bank on the sale of two NPL packing loans during the withdrawal of TPG Newbridge Capital

Professional Affiliations

- Arbitrator, China Guangzhou Arbitration Commission and Zhuhai Arbitration Commission, since 2015
- National Leading Lawyer on Foreign-related Practices, PRC Ministry of Justice (2019) and All China Lawyers Association (2015)
- National Outstanding Legal Aid Volunteer, China Legal Aid Foundation (2006)