

PATRICK XIAO

Partner

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PRACTICE AREAS

MR. XIAO SPECIALIZES IN DISPUTE RESOLUTION AND COMPLIANCE MATTERS

Mr. Xiao handles complicated and sophisticated commercial disputes for listed companies, private equity firms, hedge funds, financial institutions and foreign invested corporations in China. His cases include disputes involving merge and acquisition, restructuring, investment and financing, joint-ventures, corporate governance, right of control contest, commercial contracts and hybrid cases involving both criminal and civil liabilities, etc. Mr. Xiao also has extensive experience in compliance matters in the realm of securities laws, anti-corruption investigations and customs laws.

REPRESENTATIVE MATTERS AND CASES

Disputes Involving Listed Companies

- Represented an A-share listed company in handling a series of disputes against the former shareholders of the target company arising from the asset restructuring transaction and the valuation adjustment arrangements
- Advised an A-share listed company on the dispute of the asset restructuring transaction and the valuation adjustment arrangements and on the contest for right of control
- Advised a state-owned company on the equity acquisition of the parent company of an A-share listed company
- Advised an A-share listed company on the dispute of the asset restructuring transaction and the valuation adjustment arrangements

- Represented a private equity firm in taking legal actions against an A-share listed company for its unilateral termination of the asset restructuring plan

Investment and Financing/Joint-venture/Contest for Control Right

- Represented a renowned medical device company in handling a series of disputes against its Chinese business partner arising from the transaction of capital increase and equity transfer (the total value in controversy exceeds RMB 2.1 billion)
- Advised an affiliated company of financial group on the joint venture dispute (the total value in controversy exceeds RMB 150 million)
- Represented a well-known fashion brand in handling the joint venture dispute against its business partner
- Represented a family trust fund in handling the contest for right of control of the five subsidiaries in China
- Represented a large corporation group in handling the dispute in China as a part of the cross-border dispute of an equity acquisition deal

Other Types of Commercial Disputes

- Represented the multi-national automobile, fast-moving consumer goods and healthcare companies in filing lawsuits or arbitrations for termination of distribution contracts
- Represented the leading retail companies in filing lawsuits against the landlords for the lease termination disputes
- Represented the trading companies in the international sales disputes of industrial machinery and commodities
- Defended the start-ups in the high-tech industry in handling disputes involving stock incentive plans
- Defended a renowned automobile seat company in dealing with the dispute of the logistic service contract

Securities Law and Government Enforcement

- Defended an investment institution in the administrative investigation of the CSRC for the market manipulation charge
- Advised a private equity firm on the trade restriction order placed by the exchanges and the later CSRC's investigation

Anti-corruption Investigation

- Assisting international pharmaceutical companies in conducting internal investigation, preparing investigation report and providing legal advice
- Representing an American company's subsidiary in China in handling the collusion and corruption case involving finance department and the IT department, filing the criminal case to the police and dealing with the labor and commercial lawsuits
- Representing a European company's subsidiary in China in handling the corruption case involving sales persons and providing legal advice
- Representing a Japanese company's subsidiary in China in handling the corruption case involving sales persons and providing legal advice
- Assisted the multi-national companies in conducting internal compliance investigation (including the industry of retailing, motor films, construction films, machinery and motor sales) and represented the clients in filing civil lawsuits and/or criminal cases

Customs Laws and Trade Compliance

- Assisted a U.S.-invested logistic company in the investigation on the discrepancy between the book number and the inventory number of bonded goods, determined the possible reasons and advised the client on the customs law risk
- Assisted a European luxury company in the investigation on the potential incorrect HS code declaration and provided legal analysis on customs law risk
- Assisted a leading automobile company in the internal investigation on the potential under-declaration of the freight and advised on customs law risk
- Defended a leading FMCG company against the smuggling charge relating to the import price under-declaration
- Advised an international food company on the customs laws and trade compliance issues in connection with an equity purchase transaction
- Advised a leading cross-border e-commerce company on the regulatory matters regarding cross-border e-commerce
- Advised an international manufacturing company on the regulatory matters regarding the voluntary disclosure to the customs

OTHER INFORMATION

Education

- Shanghai University of Finance and Economics, School of Law, LL.B.

- Shanghai University of Finance and Economics, School of Law, J.M.
- University of Virginia, School of Law, LL.M.

Professional Qualification

- Admitted to practice in the People's Republic of China
- Admitted to practice in the New York State, the United of States

Articles

- Valuation Adjustment Mechanism in Asset Restructuring involving Listed Companies I – how to defend and attack in a corporate governance dispute?
- Valuation Adjustment Mechanism in Asset Restructuring involving Listed Companies II – how to diagnose a dispute early and involve lawyers timely?
- Valuation Adjustment Mechanism in Asset Restructuring involving Listed Companies III– how to read a risk arising from stock pledge
- Valuation Adjustment Mechanism in Asset Restructuring involving Listed Companies IV– the prevailing solutions
- Analysis on the Identification of False Declaration and Misclassification in the Classification Disputes
- A Case Study of the Identification of False Declaration in the Transfer Pricing Arrangement

Professional Background

Mr. Xiao joined Fangda in 2011. Before that, Mr. Xiao worked with two Chinese top law firms.