

# WACH UND MECKES



## Harsen, Momme Matthias

### Associate

Qualifications	<ul style="list-style-type: none"><li>• Admission to bar in Germany (<i>Rechtsanwalt</i>), 2024.</li><li>• Law studies, University of Hamburg, Germany.</li></ul>
Professional	<ul style="list-style-type: none"><li>• Associate at WACH UND MECKES since June 2024.</li><li>• Legal trainee (<i>Rechtsreferendar</i>) at WACH UND MECKES, January 2024 to May 2024.</li><li>• Legal trainee (<i>Rechtsreferendar</i>) at Allen &amp; Overy LLP, April 2023 to December 2023</li></ul>
Memberships	<ul style="list-style-type: none"><li>• German Initiative of Young Arbitrators (<i>Deutsche Initiative junger Schiedsrichter, DIS40</i>).</li><li>• FORUM Young Lawyers in the German Lawyers' Association (<i>FORUM Junge Anwaltschaft im DAV</i>).</li></ul>
Expertise	<ul style="list-style-type: none"><li>• Advising and representing German and international clients in complex commercial disputes, in particular in the area of insolvency law and in relation to German and international M&amp;A transactions as well as in commercial and capital market disputes.</li></ul>
Languages	<ul style="list-style-type: none"><li>• German</li><li>• English</li><li>• Spanish</li><li>• French</li></ul>
Publications	<ul style="list-style-type: none"><li>• Permanent member of the publishing team at Beck's Specialized Service for Insolvency Law (<i>Beck'scher Fachdienst Insolvenzrecht</i>)</li><li>• Comment on BAG, judgement of 20 February 2025 – 6 AZR 32/24 „Zu den Anforderungen an eine ordnungsgemäße Sammelanmeldung bei unsicherer Forderungshöhe“ („<i>On the requirements for a valid multiple claim registration in cases of uncertain claim amounts</i>“), FD-InsR 2025, 808704</li></ul>

- Comment on OLG Frankfurt a. M., judgement of 15 January 2025 – 4 U 137/23 „Zur Anfechtung der Zahlung einer Geldauflage an eine gemeinnützige Einrichtung (*“On the contesting of a payment of a monetary fine to a charitable organization*)”, FD-InsR 2025, 807828
- Comment on AG Munich, judgment of 3 January 2025 – “Zur Anfechtung von Auszahlungen auf gepfändete Lohnforderungen” (*On the contesting of payments on seized salary claims*), FD-InsR 2025, 806198
- Comment on OLG Celle, judgment of 13 February 2025 – 7 W 2/25 “Zur Kostenentscheidung nach § 93 ZPO bei vorangegangenen „vorläufigen“ Bestreiten einer Forderung wegen fehlender Nachweise” (*On the ruling on costs under Section 93 German Code of Civil Procedure in the event of a previous “provisional” dispute of a claim due to a lack of supporting documents*), FD-InsR 2025, 805245
- Comment on BGH, judgment of 19 December 2024 – IX ZR 120/23 “Zum Einwand fehlender Gläubigerbenachteiligung aufgrund ausreichender Masse bei strittigen, aber festgestellten Insolvenzforderungen” (*On the objection of lack of creditor disadvantage due to sufficient assets in the case of disputed but determined insolvency claims*), FD-InsR 2025, 803578
- Comment on BGH, judgment of 23 January 2025 – IX ZR 229/22 “Zur Berücksichtigung von strittigen Forderungen bei der Beurteilung der Zahlungsunfähigkeit” (*On the consideration of disputed claims when assessing illiquidity*), FD-InsR 2025, 802725
- Comment on BGH, judgment of 5 December 2024 – IX ZR 122/23 “Nicht bereits unlauteres Handeln im Rahmen von § 142 Abs. 1 InsO, wenn der Schuldner fortlaufend Verluste erwirtschaftet” (*Not already unfair acting within the scope of Section 142 (1) German Insolvency Code if the debtor continuously generates losses*), FD-InsR 2024, 827025
- Comment on BGH, judgment of 19 September 2024 – IX ZR 173/23 „Zur Inanspruchnahme aus § 135 Abs. 2 InsO, wenn der Anspruchsgegner nicht selbst Sicherheit geleistet hat “ (*On claims under Section 135 (2) German Insolvency Code when the opposing party has not provided security itself*), FD-InsR 2024, 824144

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#### Recent Matters

##### Insolvency matters

- Representing one of the German Federal States as a member of the creditors' committee in the insolvency of a subsidiary belonging to a Dutch transport group which operates internationally, with filed claims exceeding EUR 1 billion.
- Representing one of the German Federal States as a creditor in the insolvency proceedings of a subsidiary of an internationally operating Dutch transport group, involving claims in the high nine-figure euro range.
- Representing an insolvency administrator of several companies of a group in the sports and sports fashion sector in the identification and assertion of eight-figure liability claims of the insolvency estate against the former managing directors based on payments after insolvency.
- Advising and representing the shareholder of an international group of companies from the Asian region in the field of plant construction in the

context of a EUR 9 billion insolvency in the investigation and enforcement of claims for damages in the multi-digit million range.

- Drafting an expert opinion to assess the prospects of success in a lawsuit initiated by an insolvency administrator, concerning a double-digit million-euro claim based on the contestation of the satisfaction of a shareholder-secured claim.
- Defense of a parent company in the freight, transport, and logistics sector against claims brought by its subsidiary based on various contestation claims.
- Advising and representing the owner of one of Germany's leading service providers in relation to his investments in multiple companies, with a particular focus on the sale of certain stakes and insolvency-related issues.

#### Corporate disputes

- Representing the owner of one of Germany's leading service providers in the defense against claims arising from various guarantees and letters of comfort, amounting to tens of millions of euros.
- Representing a shareholder-managing director of a real estate and parking space management company in a dispute with the co-shareholders regarding managing director liability.
- Advising and representing the CEO in a corporate law dispute with the supervisory board in connection with an M&A transaction involving a foreign subsidiary.

#### Technology sector

- Advising an international technology company in a multi-million dollar cross-border dispute with a DAX company over software and license agreements.