

Daniel R. Avery

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Dan Avery is a senior corporate and M&A attorney counseling companies across a wide variety of industries in their strategic transactions and operational matters. During his tenure at the firm, Dan has overseen the acquisition or disposition of more than 100 different businesses located throughout the world. In his M&A practice, Dan represents both buyers and sellers, private equity and strategic parties, domestically and internationally. He also assists operating companies in contracting, financing, employment, IP, governance, and general legal matters.

Dan is nationally known as a leading expert on M&A deal terms. He was for many years a member of the Publishing Committee for the American Bar Association's private company M&A Deal Point Studies, which are the most influential and established market studies in this area. Dan is also the creator and author of a 25-article series published by Bloomberg Law which looks at market trends in M&A deal points. These articles are relied upon by M&A professionals, including lawyers, accountants, and investment bankers, as well as for academic and legal training purposes. The articles can be accessed on our What's Market blog by [clicking here](#). Dan regularly speaks and writes on other M&A and corporate law developments and topics.

Dan is resident in the firm's DC office but has a national and international practice.

Accolades

- 2021 *JD Supra Readers' Choice Award* (for thought leadership on mergers and acquisitions, based on top 10 (of 3,200) international readership ranking)
- Martindale Hubbell Peer Review Rated AV Preeminent™
- Massachusetts Super Lawyer, 2004, 2008 - 2016, 2019 - 2020

Admissions

- Massachusetts
- District of Columbia
- Virginia

Education

- University of Massachusetts at Amherst (B.A., 1985)
- Boston University School of Law (J.D., 1988)

Representative Matters

Major Restaurant Franchisee Product Rollout to Supermarkets

Representation of major restaurant franchisees in connection with the rollout of K-Cups and other products to supermarkets. Also negotiated a groundbreaking collaborative franchisee profit sharing program for the overall brand.

Audax Private Equity Sale of Chesapeake IRB

Representation of Audax Private Equity in connection with the sale of Chesapeake IRB to Linden Capital Partners.

Private Equity Acquisition and Disposition Transactions

Representation of a private equity firm in connection with acquisition and disposition transactions relating to real estate-related assets throughout the United States. Counsel includes drafting and reviewing purchase agreements and their underlying property leases so that the client may assess investments for purchasing portfolios.

Alternative Energy Projects

Handled the structuring, negotiation and financing of alternative energy projects located in retail shopping centers and on military installations across the United States.

Hotel Management Company Leveraged Investment Transaction

Representation of a hotel management company in connection with a leveraged investment transaction. Representation included negotiation of the Purchase Agreement and related disclosure schedules; executive employment agreements; Phantom Unit Grant Agreements for senior employees; consents of multiple third parties, and amendments to the loan documents; the spin-off of various assets not being acquired; the Senior Secured Credit Facility and various organizational documents.

Taj Boston Hotel Acquisition

Representation of a joint venture in connection with the acquisition of 100% of the membership interests in the owner of the Taj Boston Hotel and subsequent conveyance to a wholly-owned subsidiary of the joint venture.

Foreign Retailer North America Expansion

Representation of a wide range of foreign retailers in connection with their expansion into North America.

Private Equity Acquisition and Dispositions

Representation of private equity firm in multiple acquisitions and dispositions, and of their portfolio companies in general corporate matters.

Boston Culinary Group Merger with Centerplate

Representation of Boston Culinary Group, a leading provider of food and beverage concessions services, in its merger with Centerplate, Inc., a Kohlberg & Co., portfolio company.

Restaurant Chain Acquisitions

Representation for various restaurant chain acquisitions.

Audax Group Acquisition

We represented Audax Group, a leading private equity firm, and its portfolio company AI Fire, LLC, in the sale of the company to Snow Phipps Group, LLC.

Sale of Romanow Container to SupplyOne, Inc.

Represented Romanow Container, a leading independent corrugated and protective packaging supplier, in its sale to SupplyOne, Inc., a portfolio company of Wellspring Capital Management.

Blog Posts: What's Market?

This blog keeps you connected to trends in M&A Provisions and informed of shifting developments in the M&A world.

April 13, 2022

Alternative Dispute Resolution Provisions

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Points Studies: Overall, alternative dispute resolution provisions are becoming less common in private company merger and acquisition (M&A) transactions...

April 13, 2022

Compliance with Laws Representations

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Points Studies: Compliance with laws representations are almost always, barring highly unusual circumstances, present in merger and acquisition (M&A...

April 13, 2022

Insurance Reduction Provisions

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Points Studies: Insurance reduction provisions were included in 94% of the merger and acquisition (M&A) deals reported in the...

June 9, 2021

Representations & Warranty Insurance

Published by Bloomberg Law

Market Trends: What You Need to Know RWI is an increasingly important feature of private company M&A transactions. Every other year since 2005 the ABA has released its Private Target Mergers and Acquisitions Deal Point Studies (the "ABA studies&rdquo...

June 3, 2021

Indemnity Escrows

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Indemnity escrows are consistently seen in 75% or more of reported transactions. The level of indemnity baskets...

May 21, 2021

Indemnity Baskets

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Over the time period covered by the eight studies (2005-2019), the level of indemnity baskets as a...

May 13, 2021

Indemnity Caps

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Over the eight ABA studies (2005-2019), indemnity caps have declined as a percentage of transaction value (whether...

May 10, 2021

After-Tax Indemnity Limitations

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Since 2011, the use of after-tax indemnity limitations has steadily decreased, appearing in 32% of deals reviewed...

April 28, 2021

Separate Escrows for Purchase Price Adjustments

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: The use of separate escrows for purchase price adjustments has been increasing on a steady basis since...

April 21, 2021

Earnout Provisions

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Earnout provisions were included in 27% of the deals reported in the 2019 study. The previous six...

April 15, 2021

Insurance Reduction Provisions

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Insurance reduction provisions were included in 90% of the merger and acquisition ("M&A") deals reported in the...

April 9, 2021

Exclusion of Consequential Damages

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Only 2% to 9% of the merger and acquisition purchase agreements covered by the studies expressly included...

March 29, 2021

Non-Reliance and NOR Provisions

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Express non-reliance provisions are increasingly common in merger and acquisition transactions, and have tripled in prevalence over...

March 23, 2021

Damage Mitigation Provisions

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Inclusion of damage mitigation provisions in merger and acquisition agreements continue to trend upward over the seven...

March 15, 2021

Compliance with Laws Representations

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Compliance with laws representations are almost always, barring highly unusual circumstances, present in merger and acquisition (M&A...

March 3, 2021

Alternative Dispute Resolution Provisions

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Overall, alternative dispute resolution provisions are becoming less common in private company merger and acquisition (M&A) transactions...

February 23, 2021

10b-5 and Full Disclosure Representations

Published by Bloomberg Law

Market Trends: What You Need to Know As shown in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Inclusion of either 10b-5 or "full disclosure" representations in merger and acquisition purchase agreements is becoming less...

February 18, 2021

No Undisclosed Liabilities Representations

Published by Bloomberg Law

Market Trends: What You Need to Know As reflected in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Mergers and acquisitions (M&A) purchase agreements almost universally include a "no undisclosed liabilities" (NUL) representation. Specifically, across...

February 11, 2021

Use of Knowledge Qualifiers for Representations and Warranties

Published by Bloomberg Law

Market Trends: What You Need to Know As reflected in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: "Knowledge" is now almost always defined in private company transaction agreements. For example, in the 2019 study...

February 4, 2021

Waiver of Jury Trials

Published by Bloomberg Law

Market Trends: What You Need to Know As reflected in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies, over the past twelve or so years, inclusion of jury trial waivers in mergers and acquisitions (M&A...

January 11, 2021

Financial Statement Reps

Published by Bloomberg Law

Market Trends: What You Need to Know According to the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies, financial statement representations are universally required from sellers in private company M&A deals, included in 100% of transactions...

January 5, 2021

Indemnification as an Exclusive Remedy

Published by Bloomberg Law

Market Trends: What You Need to Know As reflected in the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Over the time period covered by the eight ABA studies (2005-2019), the inclusion of exclusivity of remedies...

December 16, 2020

Purchase Price Adjustments

Published by Bloomberg Law

Market Trends: What You Need to Know Based on the American Bar Association's Private Target Mergers and Acquisitions Deal Point Studies: Purchase price adjustments continue to be commonplace in M&A agreements. In the 2019 study, they were included in...

December 10, 2020

Sandbagging Provisions

Published by Bloomberg Law

Market Trends: What You Need to Know "Sandbagging" concepts are often the subject of intense negotiation in M&A transactions. Inclusion of pro-sandbagging clauses within M&A purchase agreements has been on the decline, and more often, the parties are deciding...

December 1, 2020

Stand-Alone Indemnities

Published by Bloomberg Law

Market Trends: What You Need to Know According to the American Bar Association's eight Private Target Mergers and Acquisitions Deal Point Studies, the use of stand-alone indemnities in reported private company M&A transactions has increased from 69% in its...

November 16, 2020

Target Counsel Legal Opinions

Published by Bloomberg Law

Market Trends: What You Need to Know One of the most pronounced practice-related trends in private company merger and acquisition transactions is the near-disappearance of target legal opinions as a closing deliverable. Though they were not long ago a...

November 12, 2020

The 'Materiality Scrape' Provision

Published by Bloomberg Law

Market Trends: What You Need to Know Over the past almost 15 years covered by the ABA studies, materiality scrapes have morphed from being a somewhat uncommon provision, seen in about 14% of transactions in 2005, to something near-ubiquitous...

November 5, 2020

Trends in M&A Provisions: Disclosure Schedule Updating

Published by Bloomberg Law

Market Trends: What You Need to Know Over the past several years, an express right, or obligation, of sellers to update disclosure schedules between signing and closing is becoming less common. Instead, more M&A agreements are staying silent on...

October 27, 2020

Evolving Private Company M&A Considerations in the COVID-19 Era

Introduction The virus that causes COVID-19 has ushered in unprecedented times for our country and our global community. Certainly, the pandemic is impacting the way M&A transactions are looked at, papered, implemented, and even priced. This article identifies some...

August 11, 2020

COVID Impact as a Standalone Indemnity in M&A Transactions

Introduction The COVID virus has ushered in unprecedented and challenging times for our country and the global community. From the deeply personal pain and suffering caused by the virus as a health pandemic to behavioral adjustments in the consumer population...

August 4, 2020

COVID and M&A Earnouts

The COVID-19 virus has ushered in unprecedented and challenging times for our country and our global community. From the deeply personal pain and suffering caused by the virus as a health pandemic to behavioral adjustments in the consumer population...

March 26, 2020

M&A Trends: COVID-19 As A Material Adverse Change

As COVID-19 has proliferated throughout the United States, the resulting health-related government actions - in the form of school and business closures, emergency declarations, shelter in place requirements and the like - along with the behavioral adjustments in the...

March 23, 2020

Ten Things You Need to Know About Force Majeure Now

In the social and economic fallout from the Coronavirus, businesses are assessing how best to address their commercial relationships, especially where potentially insurmountable barriers to performance loom large. One clause that concerns performance impossibility has gained increasing recognition in...

October 30, 2018

Trends in M&A Provisions: Indemnity Caps

In merger and acquisition ("M&A") transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains representations and warranties made by the seller with respect to the target company. [i] The scope and...

August 27, 2018

Trends in M&A Provisions: After-Tax Indemnity Limitations

In merger and acquisition ("M&A") transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains representations, warranties, and covenants, along with related indemnification obligations. [2] One issue often negotiated is whether the...

July 26, 2018

Trends in M&A Transactions: Separate Escrows for Purchase Price Adjustments

In mergers and acquisitions ("M&A") transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains provisions for post-closing purchase price adjustments . [2] Generally, these adjustments are intended to reconcile changes in...

July 10, 2018

Trends in M&A Provisions: Alternative Dispute Resolutions Provisions

In merger and acquisition ("M&A") transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains representations, warranties, and covenants, along with related indemnification obligations. The purchase agreement may also stipulate certain agreed...

July 10, 2018

Trends in M&A Provisions: Earnout Provisions

In merger and acquisition ("M&A") purchase agreements (whether asset purchase agreement, stock purchase agreement, or merger agreement), provisions addressing the purchase price, and how it is to be paid, are, understandably, amongst the most critical to get right. The...

May 24, 2018

Trends in M&A Provisions: Exclusion of Consequential Damages

In merger and acquisition (“M&A”) transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains representations and warranties and related indemnification covenants. [2] Buyers and sellers often negotiate the scope and types...

May 16, 2018

Trends in M&A Provisions: Insurance Reduction Provisions

In merger and acquisition (“M&A”) transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains representations, warranties, and covenants, along with related indemnification obligations. [2] One common limitation to the parties’ indemnification obligations...

May 14, 2018

Trends in M&A Provisions: Express Non-Reliance Provisions

In merger and acquisition (“M&A”) transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains representations, warranties, and covenants, along with related indemnification obligations. An M&A purchase agreement includes representations from the seller...

May 9, 2018

Trends in M&A Provisions: Waiver of Jury Trials

Jury Trial Waiver Provisions The Seventh Amendment of the U.S. Constitution guarantees the right to a jury trial for civil litigants in federal court. Most waivers of constitutional rights at the federal level must be knowing, voluntary, and intelligent...

May 9, 2018

Trends in M&A Transactions: Use of Knowledge Qualifiers for Representations and Warranties

In merger and acquisition (“M&A”) transactions, the definitive purchase agreement typically contains representations and warranties made by the seller with respect to the target company. [ii] The scope and detail of these representations and warranties are often heavily negotiated and...

May 8, 2018

Trends in M&A Provisions: Financial Statement Representations

U.S.-based merger and acquisition (“M&A”) agreements (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contain a seller representation relating to the target company’s financial statements. [2] This article examines trends in financial statement representations in private company...

April 22, 2018

Trends in M&A Provisions: Compliance with Laws Representations

In merger and acquisition (“M&A”) transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains

representations, warranties, and covenants, along with related indemnification obligations. One common representation that the seller gives [ii] is...

April 16, 2018

Trends in M&A Provisions: Damage Mitigation Provisions

In merger and acquisition ("M&A") transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains representations, warranties, and covenants, along with related indemnification obligations. The scope of the parties' respective indemnification obligations...

April 2, 2018

Trends in M&A Provisions: No Undisclosed Liabilities Representations

In merger and acquisition ("M&A") transactions, the definitive purchase agreement contains representations and warranties made by the seller with respect to the target company.[1] The scope and detail of these representations and warranties are often heavily negotiated and tailored...

March 26, 2018

Trends in M&A Provisions: Indemnification as an Exclusive Remedy

In merger and acquisition ("M&A") transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains representations and warranties made by the seller with respect to the target company. [2] The scope and detail...

March 16, 2018

Trends in M&A Provisions: Disclosure Schedule Updating

Disclosure schedules are a common component of an M&A purchase agreement (whether a stock purchase agreement, asset purchase agreement, or merger agreement). The disclosure schedules provide fact-specific disclosures (or exceptions to specific statements) relating to the representations and warranties...

March 5, 2018

Trends in M&A Provisions: Sandbagging and Anti-Sandbagging Provisions

A "sandbagging" provision (sometimes referred to as a "pro-sandbagging" provision) in an M&A agreement (asset purchase agreement, stock purchase agreement, or merger agreement) states that a buyer's remedies against the seller under the agreement are not impacted regardless of...

February 7, 2018

Trends in Private Company M&A Transactions: "10b-5 Representations"

In merger and acquisition ("M&A") transactions, the definitive purchase agreement (e.g., asset purchase agreement, stock purchase agreement, or merger agreement) typically contains representations and warranties that the seller makes with respect to the target company.[2] The scope and detail of...

February 7, 2018

Trends in Private Counsel M&A Transactions: Target Counsel Legal Opinions

In all types of business transactions, the parties rely heavily on their own counsel to negotiate business and legal points, and to draft the transaction documentation to reflect the agreed upon terms. In addition to relying on due diligence...

February 1, 2018

Trends in M&A Provisions: Stand-alone Indemnities

In private company mergers and acquisitions ("M&A") transactions, the indemnification provisions of a definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) stand out in importance for both buyers and sellers. [ii] Standard indemnification provisions in...

January 24, 2018

Trends in Private Company M&A Provisions: The "Materiality Scrape"

In terms of apportioning responsibility for a target company's liabilities as between buyer and seller in an M&A transaction, a "materiality scrape" can be one of the most important provisions within the transaction documents. And yet this provision?and its significance to...

Blog Posts: Retail Law Advisor

This blog keeps you connected to timely developments and emerging issues in retail law and covers a wide range of topics related to the retail, restaurant and consumer industry. We invite you to learn more about Goulston & Storrs and our Retail, Restaurant & Consumer Group.

August 5, 2020

Court Partially Excuses Tenant's Rent Obligations During COVID Shutdown

In the social and economic fallout from COVID, businesses are assessing how best to address their commercial relationships, especially where potentially insurmountable barriers to performance loom large. One clause that concerns performance impossibility has gained increasing recognition in this...

February 11, 2015

What's on the Menu? A Look at the New FDA Quick Serve Restaurant (QSR) Labeling Requirements

We recently reported in to our clients about a little-known element of the Affordable Care Act ("Obamacare") that will require many QSRs (Quick Serve Restaurants) to provide specific calorie and nutrition information to their customers and on their menus...

Publications

October 21, 2020

Evolving Private Company M&A Considerations in the COVID-19 Era

ABA Business Law Today

August 31, 2020

How Contract Provisions and Common Law Principles Will Impact the Sports Business

August 5, 2020

Court Partially Excuses Tenant's Rent Obligations During COVID Shutdown

April 8, 2020

Disclosure Schedule Updating for COVID-19 Effects

April 3, 2020

COVID-19 Impact on Rep and Warranty Insurance in Private Company M&A

March 26, 2020

M&A Trends: COVID-19 As A Material Adverse Change

March 26, 2020

COVID-19 Considerations In Private Company M&A Transactions

March 23, 2020

Ten Things You Need to Know About Force Majeure Now

November 30, 2018

Private Equity and Venture Capital: A Roundtable Discussion

Lawyers Weekly

November 2018

Private Equity and Venture Capital: A Roundtable Discussion

Massachusetts Lawyers Weekly

October 30, 2018

Trends in M&A Provisions: Indemnity Caps

Bloomberg Law

August 27, 2018

Trends in M&A Provisions: After-Tax Indemnity Limitations

Bloomberg Law

July 26, 2018

Trends in M&A Transactions: Separate Escrows for Purchase Price Adjustments

Bloomberg Law

July 10, 2018

Trends in M&A Provisions: Alternative Dispute Resolutions Provisions

Bloomberg Law

July 10, 2018

Trends in M&A Provisions: Earnout Provisions

Bloomberg Law

May 2018

Trends in M&A Provisions: Exclusion of Consequential Damages

Bloomberg Law

May 2018

Trends in M&A Provisions: Insurance Reduction Provisions

Bloomberg Law

May 14, 2018

Trends in M&A Provisions: Express Non-Reliance Provisions

Bloomberg Law

2018

Trends in M&A Provisions: Waiver of Jury Trials

Bloomberg Law

2018

Trends in M&A Transactions: Use of Knowledge Qualifiers for Representations and Warranties

Bloomberg Law

2018

Trends in M&A Provisions: Financial Statement Representations

Bloomberg Law

April 22, 2018

Trends in M&A Provisions: Compliance with Laws Representations

Bloomberg Law

April 16, 2018

Trends in M&A Provisions: Damage Mitigation Provisions

Bloomberg Law

March 26, 2018

Trends in M&A Provisions: Indemnification as an Exclusive Remedy

Bloomberg Law

March 16, 2018

Trends in M&A Provisions: Disclosure Schedule Updating

Bloomberg Law

March 5, 2018

Trends in M&A Provisions: Sandbagging and Anti-Sandbagging Provisions

Bloomberg Law

February 23, 2018

Trends in M&A Provisions: Purchase Price Adjustment Provisions

Bloomberg Law

February 7, 2018

Trends in Private Counsel M&A Transactions: Target Counsel Legal Opinions

Bloomberg Law

February 7, 2018

Trends in Private Company M&A Transactions: "10b-5 Representations"

Bloomberg Law

February 2018

Trends in M&A Provisions: Stand-alone Indemnities

Bloomberg Law

January 2018

Trends in Private Company M&A Provisions: The "Materiality Scrape"

Bloomberg Law

January 2018

Risk Mitigation Tips for Foreign Retailers Rolling Out New Products in the U.S.

2015

Intentional Breach Exclusions in Private Transactions

Bloomberg Law

October 2015

What's Market? Update: Delaware Corporate and M&A

October 2015

What's Market? Update: Tax

2015

Alternative Dispute Resolutions (ADR) Provisions

Bloomberg Law

September 2015

NLRB Issues Significant Ruling on "Joint Employer" Issue

May 4, 2015

"No Other Representations" and Non-Reliance Provisions

Bloomberg Law

2015

Target Types

Bloomberg Law

2015

After-Tax Indemnity Limitations

Bloomberg Law

February 2015

FDA Finalizes Chain Restaurant Menu Labeling Rules

February 2015

Oregon Court Calls Delaware By-Law Forum Selection Provisions Into Question

February 2015

Biochemics, Inc. v. Axis Reinsurance Co.: When Does a D&O "Claim" Occur?

January 2015

"Trends in M&A Provisions: Insurance Reduction Provisions," Bloomberg BNA Mergers & Acquisitions Law Report

January 2015

In re Family Dollar Stores, Inc.: No Revlon Duty to Seek Better Terms From Competing Bidder; Shareholders Approve Lower Bid Offer on January 22

January 2015

When is a Confidentiality Agreement Not Enough to Keep Information Confidential?

2015

Insurance Reduction Provisions

Bloomberg Law

December 2014

NLRB Claims McDonalds Is "Joint Employer" of Franchisee Employees

June 2014

"Trends in M&A Provisions: Stand-alone Indemnities," Bloomberg BNA Mergers & Acquisitions Law Report

May 2014

"Trends in M&A Provisions: Purchase Price Adjustment Provisions," Bloomberg BNA Mergers & Acquisitions Law Report

March 2014

"Trends in M&A Provisions: Exclusion of Consequential Damages," Bloomberg BNA Mergers & Acquisitions Law Report

2014

Exclusion of Consequential Damages

Bloomberg Law

January 2014

"Trends in M&A Provisions: Waiver of Jury Trials," Bloomberg BNA Mergers & Acquisitions Law Report

January - February 2003

"Impact of Sarbanes-Oxley on non-US Foreign Private Issuers", Financier Worldwide