

Daniel R. Avery

Director

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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 over 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 is 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 at our What's Market web page by [clicking here](#). Dan regularly speaks and writes on other M&A and corporate law developments and topics.

Dan splits his professional time between the firm's Boston and Washington DC offices.

Accolades

- Martindale Hubbell Peer Review Rated AV Preeminent™
- Massachusetts Super Lawyer, 2004, 2008 - 2016

Admissions

- Massachusetts

Education

- University of Massachusetts at Amherst (B.A., 1985)

- Boston University School of Law (J.D., 1988)

Representative Matters

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.

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.

Foreign Retailer North America Expansion

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

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.

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.

Private Equity Acquisition and Dispositions

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

Restaurant Chain Acquisitions

Representation for various restaurant chain acquisitions.

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.

Audax Private Equity Sale of Chesapeake IRB

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

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.

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.

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

November 30, 2018

Private Equity and Venture Capital: A Roundtable Discussion

Lawyers Weekly

November 26, 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 24, 2018

Trends in M&A Provisions: Exclusion of Consequential Damages

Bloomberg Law

May 16, 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

May 9, 2018

Trends in M&A Provisions: Waiver of Jury Trials

Bloomberg Law

May 9, 2018

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

Bloomberg Law

May 8, 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 1, 2018

Trends in M&A Provisions: Stand-alone Indemnities

Bloomberg Law

January 24, 2018

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

Bloomberg Law

January 10, 2018

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

November 16, 2015

Intentional Breach Exclusions in Private Transactions

Bloomberg Law

October 19, 2015

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

October 19, 2015

What's Market? Update: Tax

October 5, 2015

Alternative Dispute Resolutions (ADR) Provisions

Bloomberg Law

September 15, 2015

NLRB Issues Significant Ruling on "Joint Employer" Issue

May 4, 2015

"No Other Representations" and Non-Reliance Provisions

Bloomberg Law

March 25, 2015

Target Types

Bloomberg Law

February 23, 2015

After-Tax Indemnity Limitations

Bloomberg Law

February 11, 2015

FDA Finalizes Chain Restaurant Menu Labeling Rules

February 5, 2015

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

February 2, 2015

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

January 30, 2015

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

January 22, 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 21, 2015

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

January 12, 2015

Insurance Reduction Provisions

Bloomberg Law

December 23, 2014

NLRB Claims McDonalds Is "Joint Employer" of Franchisee Employees

June 30, 2014

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

May 30, 2014

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

March 17, 2014

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

March 17, 2014

Exclusion of Consequential Damages

Bloomberg Law

January 13, 2014

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

January 1, 2003

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