



David L. Goret

Partner
Co-chair, Fund Regulatory & Compliance

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David advises hedge fund and private equity clients on the full panoply of issues facing sophisticated, complex investment managers including various types of transactions (mergers, acquisitions and lending transactions), as well as a broad range of legal, compliance and operating concerns. Clients value his counsel, referring to David as “fabulous” and a “client relationship superstar” (*Chambers USA*).

He brings extensive hands-on operating experience and perspective to his legal work in global business as the former General Counsel and Chief Compliance Officer of GSC Group, a large multistrategy asset manager with operations in the U.S. and Europe. At GSC Group, David oversaw a legal and compliance infrastructure encompassing the formation, operation, and administration of U.S. - and Europe-based private equity funds; U.S. - and UK-based collateralized loan obligations; and primarily U.S.-based hedge funds, structured credit funds, and real estate funds.

David's direct knowledge of the inner workings of a complex investment management firm gives him unique insight into the judgment calls and operating decisions his clients must make on a daily basis. He has also worked extensively with his clients' portfolio companies on transactional and financing matters.

Throughout his legal career, David has conceptualized, implemented, and administered a broad variety of business relationships, transactions, and legal and compliance operating infrastructures. He has completed numerous private fund organizations, private placements, mergers, acquisitions, public offerings, securitizations and other corporate finance transactions, with values ranging from \$10 million to over \$1 billion. David has also worked extensively with business development companies (BDCs) on regulatory and compliance matters, as well as lending transactions.

A tech enthusiast and general counsel of several startups that went public or were sold early in his career, David also works closely with management of several early stage companies as a trusted legal and business consigliere.

David hosts the Lowenstein Sandler Investment Management Breakfast Series, a series of invitation-only quarterly programs in which senior legal and compliance professionals convene to compare notes on their approaches to key compliance concerns facing leading investment managers.

EXPERIENCE

- > Represented Market Performance Group Holding LLC, an innovative consulting and sales management services company, in connection with its sale to Insignia Capital Group.
- > Represented Topix Pharmaceuticals, a New Mountain Capital portfolio company and independent leader in skincare products, in connection with its acquisition of Think Operations, LLC, a developer and seller of sunscreen, baby feeding, baby hydration, body care and sports products.
- > Represented W20 Group, a New Mountain Capital portfolio company and provider of analytics-driven, digital-first marketing services and communications to the healthcare sector, in the acquisition of Elysia Group, LLC, a boutique consulting firm providing health economic modeling and related services to clients in the pharmaceutical and healthcare sector.
- > Represented Revint Solutions, LLC, a New Mountain Capital portfolio company and provider of revenue integrity and recovery services for health care providers, in connection with the acquisition of Praxis Healthcare Solutions, LLC, a provider of health care revenue recovery and integrity solutions.
- > Represented Ciox Health, a New Mountain Capital portfolio company and health care information management company, in connection with its acquisition of Medal, Inc., a health care information technology company that uses natural language processing and machine learning to harmonize health care information across large data sets on disparate platforms.
- > Represented W20 Group, a New Mountain Capital portfolio company and provider of analytics-driven, digital-first marketing services and communications to the health care sector, in the acquisition of Discern LLC, a strategic consulting firm that works with clients across the private and public sectors to improve health and health care.
- > Represented Revint Solutions, a New Mountain Capital portfolio company and provider of revenue integrity and recovery services for healthcare providers, in connection with the acquisition of a healthcare insurance billing and consulting service product from BPStrategies LLC, a healthcare revenue recovery consulting firm.
- > Represented Exchange Traded Managers Group, L.L.C., a provider of exchange-traded funds, in connection with a debt and equity investment made by Wedbush Securities, Inc., a Los-Angeles based financial services and investment firm.

- > Represented W2O Group, a New Mountain Capital portfolio company and provider of analytics-driven, digital-first marketing services and communications to the healthcare sector, in connection with the acquisition of all the issued and outstanding units of Symplur, LLC, a healthcare social media analytics company.
- > Represented W2O Group, a New Mountain Capital portfolio company and provider of analytics-driven, digital-first marketing services and communications to the healthcare sector, in connection with the acquisition of Radius Medical Animation LLC a scientific creative agency that designs interactive and immersive digital media for educational purposes within the healthcare and pharmaceutical industries.
- > Represented W2O Group, a New Mountain Capital portfolio company and provider of analytics-driven, digital-first marketing services and communications to the healthcare sector, in connection with W2O Group's acquisition of several businesses, including Arcus Global Media LLC, a medical communications consulting company with expertise in oncology, hematology, transplants and rare diseases and Radius Medical Animation LLC a scientific creative agency that designs interactive and immersive digital media for educational purposes within the healthcare and pharmaceutical industries.
- > Represented New Mountain Finance Corporation (NYSE: NMFC), a business development company, in connection with the restructuring and acquisition of National HME, Inc., a leading provider of medical equipment solutions to the hospice market.
- > Represented Lawfinance Limited, formerly JustKapital Limited (ASX: LAW), a leading Australian provider of litigation financing solutions, in connection with the acquisition of National Health Finance, a leading provider of financing solutions for personal injury victims in the U.S.
- > Represented Revint Solutions, a New Mountain Capital portfolio company and industry leader in revenue recovery and consulting services to the healthcare industry, in connection with the acquisition of each of AcuStream, a revenue assurance specialty company dedicated to the healthcare industry, and CloudMed, a revenue assurance company specializing in the inpatient coding and documentation side of the healthcare revenue cycle.
- > Represented Topix Pharmaceuticals, a New Mountain Capital portfolio company and independent leader in skincare products, in connection with the acquisitions of Derma E and Clarity Clinical Skin Care, Inc. (dba "ClarityRx"), two rapidly growing California-based natural skincare companies.
- > Represented AMP Capital, an Australia-based investment manager, in connection with its minority investment in United Capital, a Newport Beach, California-based investment manager.
- > Represented Medical Specialty Distributors, a New Mountain Capital portfolio company and provider of medical supplies, biomedical services, and technology solutions to the post-acute market, in the acquisition of medical supplies and biomedical service providers, First Choice Medical Holdings, Attentus Medical Sales, and Epic Medical.
- > Represent numerous fund managers in establishing leading Investment Advisers Act of 1940 compliance programs and in Securities Exchange Commission regulatory examinations.
- > Represented Presbia PLC (Nasdaq: LENS), a medical device company focused on the development of the presbyopia-correcting Presbia Flexivue MicroLens™, in connection with its restructuring and reorganization in Ireland, its initial public offering and subsequent financings in the U.S.
- > Represented Boulevard Arts, an early stage company that brings the arts to life through virtual, augmented and mixed reality, in connection with its formation, seed and subsequent financings, and its agreements with some of the world's leading museums and cultural institutions as well as VR, AR and MR suppliers.
- > Represented internet search company Teoma Technologies in connection with its formation, private financing, and ultimate sale to Ask.com (now part of IAC (Nasdaq: IACI).
- > Represented software company Mercator Software (Nasdaq: MCTR) in connection with its sale to Ascential Software Corporation (Nasdaq: ASCL), now part of IBM Corporation (NYSE: IBM).
- > Represented technology, infrastructure, and services company Icon CMT Corp. (Nasdaq: ICMT) in connection with its private financing transactions, initial public offering, and ultimate merger with Qwest Communications (NYSE: Q), now part of CenturyLink (NYSE: CTL).

HONORS & AWARDS

- > **The Legal 500 (2011)**
Recognized in the Investment Fund Formation and Management category

NEWS & INSIGHTS

Publications

- > March 12, 2021
"Translating SEC Exam Priorities Into Compliance Action Items," *Law360*
Rachel Maimin, H. Gregory Baker, Scott H. Moss, David L. Goret
- > January 22, 2021
"SEC Modernizes Investment Adviser and Solicitor Marketing Rules," *Investment Management Client Alert*
Scott H. Moss, David L. Goret, Brian Nistler, Manas Kumar
- > November 9, 2020
"The SEC Division of Enforcement Publishes 2020 Results," *Investment Management and White Collar Criminal Defense Client Alert*
H. Gregory Baker, David L. Goret, Rachel Maimin, Scott H. Moss,

- > July 14, 2020
"OCIE Risk alert: Key takeaways and practical applications for hedge fund managers," *Global Banking & Finance Review*
 David L. Goret, Scott H. Moss, Eileen Overbaugh
- > February 12, 2020
"SEC Exam Priorities Highlight Flexible, Holistic Compliance," *Law360*
 Scott H. Moss, David L. Goret, Brian Nistler
- > January 16, 2020
"SEC's OCIE Releases 2020 Examination Priorities for Investment Advisers, Broker-Dealers, and Other Financial Industry Professionals," *Investment Management Client Alert*
 Ethan L. Silver, Scott H. Moss, David L. Goret, Lauren A. Schwartz, Brian Nistler
- > November 13, 2019
"The SEC Division of Enforcement Publishes 2019 Results," *Lowenstein Sandler Client Alert*
 H. Gregory Baker, David L. Goret, Rachel Maimin, Scott H. Moss,
- > September 6, 2019
"SEC Further Clarifies Proxy Voting Responsibilities of Investment Advisers," *Investment Management Client Alert*
 Scott H. Moss, David L. Goret, Ethan L. Silver, Lauren A. Schwartz
- > December 21, 2018
"SEC OCIE Issues Guidance on Recordkeeping Requirements for Electronic Messaging," *Investment Management Client Alert*
 Peter D. Greene, David L. Goret, Scott H. Moss, Benjamin Kozinn, Joseph S. Hendricks
- > November 14, 2018
"SEC Division of Enforcement Announces 2018 Results," *Investment Management Client Alert*
 David L. Goret, Scott H. Moss, Joseph S. Hendricks

In the Media

- > November 9, 2019
 Lowenstein's representation of **W2O**, the leading independent provider of analytics-driven, digital-first marketing communications to the health care sector, in the acquisition of Arcus Medica, a recognized leader in medical and scientific communications, highlighted in the **Global Legal Chronicle**. The Lowenstein deal team included **David L. Goret, Marita A. Makinen, Andrew P. Erdmann, Matthew Tippy, Eugene R. Cheval, Tracy F. Buffer, Michael Walutes, Sophia Mokotoff, Megan Monson, Matt Savare, Bryan Sterba, Mary J. Hildebrand, Manali Joglekar, Carly S. Penner, Amy Komoroski Wiwi, and James C. Shehan**. [View Lowenstein's news announcement about this transaction.](#)
- > February 6-8; March 9, 2019
 Lowenstein Sandler's role as legal counsel to New Mountain Capital and portfolio company Topix Pharmaceuticals, Inc. in connection with the acquisition by Topix of ClarityRx Clinical Skin Care, Inc. is highlighted in **The PE Hub Network, Business Wire, the San Fernando Valley Business Journal, Cosmetics Technology,** and the **Global Legal Chronicle**. (Lowenstein deal team: **Marita A. Makinen, David L. Goret, Michael Walutes, Matt Savare, Vanessa A. Ignacio, Anthony W. Raymundo, Megan Monson, Bryan Sterba, and Jacob D. Unger.**) [View Lowenstein's news announcement about this transaction.](#)
- > May 30, 2018
Cosmetics Technology and **Business Wire** note Lowenstein Sandler as legal counsel to **New Mountain Capital** and portfolio company **Topix Pharmaceuticals, Inc.**, in their acquisition of **DERMA E**. (Lowenstein deal team: **Marita A. Makinen, David L. Goret, Matt Savare, Michael Walutes, Darren Goodman, Eric Jesse, Manali Joglekar, Marc S. Kurzweil, Kimberly E. Lomot, Justin Gindi, Tim Janas, Megan Monson, Leah Satlin, and Jacob D. Unger.**)

SPEAKING ENGAGEMENTS

- > Moderator, **Hot Topics in the Age of the Pandemic - SEC Examination/Enforcement Activity and Alternative Data**, Lowenstein Sandler's Investment Management Breakfast Series, Webinar, September 30, 2020
- > Moderator, **General Counsel / CCO Benchmarking – Compliance in Focus**, Lowenstein Sandler's Investment Management Breakfast Series, New York, NY, February 12, 2020
- > Moderator, **General Counsel / CCO Benchmarking – Where are we now?**, Lowenstein Sandler's Investment Management Breakfast Series, New York, NY, September 25, 2019
- > Panelist, **Emerging Manager Strategies & Manager Selection**, The Ivy Family Office Network (IvyFON), New York, NY, September 10, 2019
- > Moderator, **General Counsel / CCO Benchmarking – Compliance in an age of "de-regulation"**, Lowenstein Sandler's Investment Management Breakfast Series, New York, NY, February 26, 2019
- > Moderator, **CCO Benchmarking - A Mid-Year Compliance Update**, Lowenstein Sandler Investment Management Breakfast Series, New York, NY, May 2, 2018
- > Moderator, **CCO Benchmarking - The Outlook for 2018**, Lowenstein Sandler Investment Management Breakfast Series, New York, NY, January 23, 2018
- > Moderator, **Approaches to Key Compliance Concerns**, Investment Management Group Breakfast Series, New York, NY, September 12, 2017
- > Moderator, **CCO Benchmarking: A Discussion on Compliance Approaches**, Lowenstein Sandler's Investment Management Breakfast Series, New York, NY, May 23, 2017
- > Moderator, **CCO Benchmarking: An Opportunity to Compare Compliance Notes**, Lowenstein Sandler's Investment Management Breakfast Series, New York, NY, February 7, 2017

- > Speaker, **Not Just Another Day at the Office: Managing Compliance Red Flags and Avoiding Enforcement Actions**, Investment Management Breakfast Series, New York, NY, May 18, 2016

EDUCATION

- > University of Michigan Law School (J.D. 1988)
- > Duke University (B.A. 1985), magna cum laude

ADMISSIONS

- > New York
- > New Jersey