



Marc S. Kurzweil

Partner

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Marc's clients include international and U.S.-based lenders and borrowers from a range of industries, including insurance, paper and forest products, pharmaceuticals, real estate, financial services, telecommunications, manufacturing, health care, art, technology, and diamonds and jewelry.

Marc represents agent banks, lenders, corporate borrowers, private equity funds, hedge funds, real estate investment trusts (REITs), and high-net-worth individuals in a variety of complex financing transactions, including:

- Syndicated and bilateral term and revolving credit facilities
- Acquisition financings
- Asset-based and cash flow financings
- Capital call subscription credit facilities
- Working capital facilities
- First and second lien financings
- Subordinated debt facilities
- Unitranche and mezzanine financings
- Recapitalization and other leveraged financings
- Real estate financings
- Letter of credit facilities

EXPERIENCE

- > Represented Mill Point Capital and its portfolio company Anexinet in the acquisition of Light Networks, a Georgia-based telecommunications management company.
- > Represented Traub Capital, an investment firm specializing in building value in consumer companies using its unique combination of strategic, operational, and financial expertise, in its purchase of MANA Products, a premier beauty contract manufacturer based in Long Island City, New York.
- > Represented NexPhase Capital, LP and its portfolio company, KnowFully Learning Group, leading provider of end-to-end professional education, in the acquisition of ChiroCredit.com and OnlineCE.com from OnlineContinuingEd, LLC.
- > Represented Solamere Capital in the sale of a controlling interest in Vensure Employer Services, a leading provider of PEO and other human resource services, to affiliates of Stone Point Capital.
- > Represented InSite Wireless Group, LLC, a privately owned tower and wireless infrastructure company, in connection with its \$3.5 billion sale to American Tower Corporation (NYSE: AMT).
- > Represented NexPhase Capital, LP, an operationally-focused, independent private equity firm, and its portfolio company, Knowfully Learning Group, a leading provider of end-to-end professional education, in their investment in CME Outfitters, LLC, a leader in the delivery of Continuing Medical Education for community-based primary and specialty audiences, with a reputation for providing innovative, expert accreditation, outcomes measurement, and logistics services for non-accredited organizations.
- > Represented NexPhase Capital in its \$193.5 million sale of Flexible Architecture & Simplified Technology, LLC ("FAST"), a leading software company for the life insurance and annuity industry, to Verisk Analytics, Inc.
- > Represented NexPhase Capital, LP, an operationally-focused, independent private equity firm, in its acquisition of Surgent Professional Education, a leading provider of continuing professional education and exam preparation courses to accounting, finance and healthcare professionals.
- > Represented Catalyst Investors and its portfolio company, Fusion Risk Management, Inc., in connection with Vista Equity Partners' acquisition of Fusion.
- > Represented Aceto Corporation (NASDAQ:ACET) in its \$462 million acquisition of the generic drug-related assets of Citron Pharma LLC and its affiliate, Lucid Pharma LLC.

- > Represented the U.S. Bank National Association as administrative agent in connection with a \$180 million senior secured term loan facility to Basic Energy Services Inc.
- > Represented Pamplona Capital Management LLP and Beacon Rail Leasing in the sale of Beacon Rail to institutional investors advised by JPMorgan Asset Management.
- > Represented the U.S. Bank National Association as administrative agent in connection with a \$450 million senior secured term loan facility to Essar Steel Minnesota LLC.
- > Represented Pamplona Capital Management LLP - backed Beacon Rail Leasing Inc. in its acquisition of Ascendos Rail Leasing Sarl.
- > Represented Moelis Capital Partners in its investment in Flexible Architecture and Simplified Technology (FAST), a leading provider of core software solutions to the life insurance industry.
- > Represented Tiger Infrastructure Partners in connection with its acquisition of Hudson Fiber Network, a premier data transport provider for financial, carrier, and enterprise clients.
- > Represented Pernix Therapeutics in its acquisition of the Zohydro ER® Franchise from Zogenix.
- > Represented Moelis Capital Partners in its acquisition of Insurance Technologies, a provider of software and technology-enabled sales automation platforms to insurance and financial services companies.
- > Represented American Achievement Corporation, a portfolio company of Fenway Partners and a leading yearbook and affinity company, in its private placement of \$467 million aggregate principal amount of new revolving credit facility, first lien term loan, senior subordinated notes and preferred stock.
- > Represented Tower International Inc. (NYSE: TOWR) and its subsidiaries in a \$561.5 million refinancing consisting of a \$361.5 million term loan facility agented by Citibank N.A. and a \$200 million revolving credit facility agented by JPMorgan Chase Bank N.A.
- > Represented **mParticle**, the leading customer data infrastructure company, in raising \$150 million in Series E funding to support its continued global go-to-market expansion, as well as significant R&D investment as demand for customer data infrastructure continues to accelerate.

HONORS & AWARDS

- > **Super Lawyers: Rising Star (2015)**

NEWS & INSIGHTS

Publications

- > March 27, 2020
"Emergency Relief Legislation for Businesses and Individuals: CARES Act-Loan Programs," *Debt Financing Client Alert*
 Lowell A. Citron, Michael A. Buxbaum, Marc S. Kurzweil, Theodore C. Sica, Kimberly E. Lomot, Bryan D. LaPlant,
- > March 2019
"Trade Creditor's Risk-Mitigation Tools and Remedies Manual," *American Bankruptcy Institute*
 Bruce S. Nathan, Scott Cargill, Eric Chafetz, Lowell A. Citron, Theodore C. Sica, Marc S. Kurzweil

In the Media

- > November 5-10, 2020
 Lowenstein's representation of longtime client **InSite Wireless Group, LLC** in its definitive agreement to be acquired by **American Tower Corporation** (NYSE: AMT) is noted in ***StreetInsider.com, The Deal, Reuters (November 5, 2020: 1; November 5, 2020: 2), Westlaw Today, Law360 (November 5, 2020; November 6, 2020), citybizlist, Netscape, the Global Legal Chronicle, ICLG, and Business Wire.*** Lowenstein has represented InSite on a number of transactions, most recently in its **acquisition of Repeater Communications Group, LLC**. The Lowenstein deal team included **Michael A. Brosse, Eugene R. Cheval, Traci M. Tomaselli, Eric Swartz, Sabrina Cua, Timothy J. Nichols, Michael Walutes, Megan Monson, Darren Goodman, Jeffrey Blumenfeld, Lowell A. Citron, Marc S. Kurzweil, Andrew E. Graw, Nicholas G. Mehler, Jeffrey M. Shapiro, Julie Levinson Werner, Norman Spindel, Jack Sidorov, and Matthew P. Hintz. View Lowenstein's news announcement about this transaction.**
- > September 4, 2020
 Lowenstein's representation of **Traub Capital**, an investment firm specializing in building value in consumer companies using its unique combination of strategic, operational, and financial expertise, in the company's purchase of MANA Products, a premier beauty contract manufacturer based in Long Island City, New York, is noted in the **Global Legal Chronicle**. The Lowenstein deal team included **Michael A. Brosse, Lauren M. Troeller, Lowell A. Citron, Doreen M. Edelman, Darren Goodman, Ted Hunter, Marc S. Kurzweil, Gavin J. Rooney, Jeffrey M. Shapiro, Michael Walutes, James C. Shehan, Norman W. Spindel, Daniel A. Suckerman, David Toma, Stuart S. Yusem, Abbey E. Baker, Eric Jesse, Stacey C. Tyler, Naomi D. Barrowclough, Matthew P. Hintz, Manali Joglekar, Kimberly E. Lomot, Kathleen A. McGee, Megan Monson, Zachary L. Berliner, Christian C. Contardo, Mark S. Heinzelmann, Amanda C. Lutick, Michael T. Melchiorre, Joshua A. Rabinovits, Stephen Tanico, Jenna-Marie Tracy, Joseph Mignone, and Keith Janowitz. View Lowenstein's news announcement about this transaction.**
- > December 4-6, 2019
 Lowenstein's representation of **NexPhase Capital, LP** in its agreement to sell Flexible Architecture & Simplified Technology, LLC, to Verisk Analytics, Inc., is noted in **Cision PR Newswire, Law360, Bloomberg Law – Big Law Business, TMCNet.com, and the Global Legal Chronicle. Law360** specifically mentions **Christopher C. Henry, Michael Walutes, and Kimber Hargrove**. The Lowenstein deal team included **Christopher C. Henry, Zarema A Jaramillo, Marc S Kurzweil, Jack Sidorov, Michael Walutes, Julie Levinson Werner, Bianka V. Barraza, Bettina C. Elstroth, Katie R. Glynn, Kimber Hargrove, Amanda C. Lutick, Stefanie Manna, and Megan Monson. (subscription required to access certain content) View Lowenstein's news announcement about this transaction.**

- > January 2-7; May 8, 2019
Lowenstein's 2019 promotion of seven lawyers to partner and six to counsel (including three women in each category) is noted in **Bloomberg Law – Big Law Business**. These promotions are also highlighted in **LawFuel**, **The Deal**, and the Commerce and Industry Association of New Jersey's (CIANJ) **Business Beat** newsletter, with **Lesley P. Adamo**, **Dmitry Andreev**, **Marc S. Kurzweil**, **James B. O'Grady**, **Eileen Overbaugh**, **Peter Slocum**, and **Julie Levinson Werner** highlighted as newly elected partners and **Brandon Fierro**, **Joseph G. Jones**, **Robert Lynn**, **Brianne Perlman**, **Nedda N. Salehi**, and **Leah Satlin** listed as promoted to counsel. **Gary M. Wingens** is quoted regarding the critical role these lawyers will play in the firm's continued success. **Law360** notes our partner elevations in an article highlighting firms' Q1 promotions. (*subscription required to access certain content*) **View Lowenstein's news announcement about these promotions.**
- > May 30-June 1; September 4-7, 2018
Capacity Media, **The PE Hub Network**, **Fiber Optics Online**, **TMCNet.com**, **PR Newswire** (May 30, 2018; September 4, 2018), and **TeleGeography** note Lowenstein Sandler's representation of Hudson Fiber Network, portfolio company of Tiger Infrastructure Partners, in its all-cash merger agreement with ExteNet Systems, Inc. (Lowenstein deal team: **Michael A. Brosse**, **Eric Swartz**, **Justin Gindi**, **David Leit**, **Michael Walutes**, **Megan Monson**, **Darren Goodman**, **Alexandra S. Droz**, **Eric Jesse**, **Lesley P. Adamo**, and **Marc S. Kurzweil**.)
- > July 30, 2018
The PE Hub Network and **Mergers & Acquisitions** note Lowenstein Sandler as counsel to **NexPhase Capital, LP** in its equity stake investment in **Brandt Information Services, LLC**.
- > 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**.)

EDUCATION

- > Fordham University School of Law (LL.M 2006), Staff Member, *Journal of Corporate and Financial Law*
- > New York Law School (J.D. 2005), Staff Editor, *Media Law and Policy Journal*
- > The George Washington University (B.B.A. 2002), Dean's List

ADMISSIONS

- > New York
- > New Jersey