

Consumer & Retail

We counsel some of the world's largest consumer and retail companies on all aspects of their transactions and operations. We have an extensive track record of success helping them with mergers and acquisitions, product liability, trademark protection, patents and licensing, privacy and data security, complex litigation, restructuring, real estate, insurance recovery, and employment law. Our lawyers supply practical, efficient solutions that treat each engagement as a component of a larger growth strategy, positioning clients to achieve their objectives in an evolving market.

EXPERIENCE

- > Represented The Estée Lauder Companies Inc. in its \$1.45 billion acquisition of Too Faced, one of the fastest growing makeup brands in the specialty-multi and online categories.
- > Represented an international watch company in breach of contract action.
- > Represented Pamplona Capital Management in connection with Bass Pro Shops' acquisition of Cabela's Incorporated (NYSE: CAB).
- > Representations involving bankruptcy, restructuring, financial reorganization and creditors' rights issues include: Crumbs Bake Shop (UCC), Gander Mountain (UCC), Binder & Binder (debtors), Mountain Creek Resort (debtor) and International Paper (creditors' rights counsel).
- > Represented The Estée Lauder Companies Inc. in its acquisition of Luxury Brand Partners portfolio company BECCA Cosmetics, a high-growth prestige cosmetics brand offering innovative complexion products focusing on a diverse range of skin tones.
- > Defended numerous product manufacturers against putative class action claims under the New Jersey Consumer Fraud Act, including the manufacturers/sellers of the allergy drug Claritin and Coppertone sunscreen.
- > Represented The Estée Lauder Companies Inc., one of the world's leading manufacturers and marketers of quality skin care, makeup, fragrance, and hair care products, in its acquisition of By Kilian, a Paris-based prestige fragrance brand. The acquisition creates a strategic opportunity for Estée Lauder to enhance its leadership in the ultra-luxury fragrance market.
- > Represent third-party retailers in putative class action against global cosmetics manufacturer pending in the District of New Jersey.
- > Represent retailers evaluating credit insurance purchase or claims under credit insurance policies.
- > Represented Bai Brands LLC in Dr Pepper Snapple Group's minority investment in Bai Brands based on a \$500 million valuation.
- > Successfully defended the estate of the deceased inventor of the popular Super Soaker water gun against claims of theft of ideas and trade secret misappropriation, obtaining summary judgment dismissing all claims against our client.
- > Represented The Estée Lauder Companies Inc. in its acquisition of RODIN olio lusso, a luxury skin care brand founded by the iconic New York stylist Linda Rodin.
- > Represented Rush Fitness Corp. in connection with the sale of its regional chain of fitness centers to Gold's Gym, a California-based gym chain
- > Successfully defended a Fortune 500 retailer in parallel investigations brought by the Department of Justice, the Securities and Exchange Commission, and the Internal Revenue Service regarding alleged stock options backdating, as well as related civil suits brought by shareholders. No charges were brought against the company or any of its directors or officers, and all civil claims were dismissed at the pleadings stage.
- > Represented BirchBox in its acquisition of Paris-based JolieBox.
- > Represented Cambium Learning Inc., a provider of educational solutions, in its acquisition of Voyager Learning Company for \$520 million.
- > Represented Guilford Mills, a Cerberus portfolio company, in its sale to Lear Corporation.
- > Represented SoulCycle Holdings LLC in its sale to Equinox Holdings Inc.
- > Represented the stockholders of retailer Tourneau in its \$300 million sale to Leonard Green & Partners.
- > Represented lead investors in a \$10 million private offering by Crumbs Bake Shops.
- > Represented Insight Venture Partners in its \$270 million sale of Hautelook to Nordstrom.
- > Represented the State of New Jersey as special outside counsel in the State's lawsuit against Volkswagen, Audi, and Porsche for their role in a massive consumer fraud scandal known as "dieselgate." Successfully negotiated a settlement of all claims for a total of \$69 million for New Jersey.
- > 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.
- > Centivo, a new type of self-funded health plan, in its \$34 million Series A financing led by Bain Capital Ventures, with additional investments from F-Prime Capital Partners,

Maverick Ventures, Bessemer Venture Partners, Ingleside Investors, Rand Capital, Grand Central Tech Ventures, and Oxeon Investments.

- > Perch, the marketplace for buying and selling homes, in its \$30 million Series A financing led by FirstMark Capital, with Juxtapose and Accomplice also participating in the round.
- > Represented Compassionate Care Hospice, a community-based organization providing hospice care nationwide, in its \$340 million sale to Amedisys, Inc. (NASDAQ: AMED). This transaction makes Amedisys the third largest hospice provider in the U.S.
- > Represented Fenway Partners in its acquisition of Iconic Group, provider of photography services at university and college graduations. (August 2018)