

BENJAMIN M. SMITH

PARTNER

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Benjamin Smith is a partner in the corporate practice group of Bartlit Beck, where his practice is focused on mergers and acquisition transactions, including the representation of private equity funds and their portfolio companies in leveraged transactions, finance and securities related transactional matters, and representation of hedge funds, private equity funds, portfolio companies, and other businesses in a variety of fund and general corporate matters. Prior to joining Bartlit Beck, Benjamin practiced in the corporate department of Cravath, Swaine & Moore LLP in New York City, where he advised financial institutions and private equity funds in a wide range of transactional matters, including lenders in connection with origination, amendment, refinance and termination of various credit facilities, debtor in possession financing, and distressed borrower and borrower restructuring matters.

Prior to beginning his legal career, Benjamin provided consulting and strategic services to a variety of software and Internet development companies for nearly a decade. He served as Vice President of Avalon, Inc., a NASDAQ listed Internet software and marketing services provider, and founded and managed Smith Martin Group LLC, an information technology consulting and implementation services firm.

EDUCATION & HONORS

J. Reuben Clark Law School, Brigham Young University, J.D., *magna cum laude*

Brigham Young University, B.A.

ADMISSIONS

Colorado

New York

Utah (inactive)

NOTABLE EXPERIENCE

M&A Counsel to Platte River Equity. Serves as outside counsel to Platte River Equity in numerous M&A transactions, including—

- Acquisition of Sherrill, Inc., the largest distributor of arborist tools and equipment in North America, from Generation Equity Capital
- Sale of Profile Products, a leading erosion control, vegetative establishment, mulch and soil amendment products manufacturer, to Incline Equity Partners

- Sale of ACT Independent Turbo Services, a gas and steam turbine repair company, to Doosan Heavy Industries & Construction (KRX:000150)
- Sale of Wildcat Minerals, a provider of oilfield consumables transloading and distribution services, to Eagle Materials Inc. (NYSE: EXP)
- Acquisition of Tiger-Sul Products, a manufacturer of sulfur fertilizers and crop performance products
- Acquisition of In-Place Machining Company, an industrial on-site machining and measurement services provider
- Acquisition of CTS Engines, a provider of maintenance, repair, and overhaul services for jet aircraft engines

Sale of Mortara Instrument. Represented Mortara Instrument, Inc., a Wisconsin-based medical diagnostic and monitoring device company, in its \$330 million sale to Hill-Rom Holdings, Inc. (NYSE: HRC)

Sale of Permian Basin Sand Company. Represented Permian Basin Sand Company, a Texas-based frac sand supplier, in its \$275 million sale to Hi-Crush Partners LP (NYSE: HCLP)

Acquisition of Offshore Cleaning Systems. Represented Lariat Partners in its acquisition of Offshore Cleaning Systems, LLC, a provider of cleaning and maintenance solutions to the oil and gas industry.

Acquisition of Borders Intellectual Property. Represented Barnes & Noble, Inc. in its acquisition of the intellectual property assets of Borders Group, Inc. and its subsidiaries, including litigation over privacy concerns raised by the Consumer Privacy Ombudsman and state attorneys general in connection with the acquisition.

Corporate and M&A Counsel to Profile Products. Serves as outside corporate counsel to Profile Products, a leading erosion control, vegetative establishment, mulch and soil amendment products manufacturer, and represents Profile in a variety of strategic acquisition transactions, including Central Fiber and Southern Athletic Fields.

M&A Counsel to Vertical Solutions Group. Represents Vertical Solutions Group, a leading provider of arborist and other at-height products, in strategic acquisition transactions, including Bishop Company and Sterling Rope.

Corporate Counsel to DarkOwl Cybersecurity. Serves as outside corporate counsel to DarkOwl Cybersecurity, a leading provider of cybersecurity software and consulting services.

Corporate and M&A Counsel to Spartaco. Serves as outside corporate counsel to Spartaco, a leading provider of industrial-grade tools, and represented Spartaco in its strategic acquisitions of Huskie Tools, Jameson, and Tiiger Tools.

Madoff Claim Private Placement Auction. Represented the selling agent in private placement auctions and sales of equity securities in an offshore special purpose vehicle representing nearly \$1.4 billion in claims against the estate of Bernard L. Madoff Investment Securities LLC.

FGIC Chapter 11 Plan Sponsorship. Represented Financial Guaranty Insurance Company in connection with its plan sponsorship of its parent's Chapter 11 plan of reorganization.

ACKNOWLEDGEMENTS, PRESENTATIONS, AND PUBLICATIONS

Co-author, *The Antitrust Boundaries of Nonsolicitation Agreements*, Business Law Today, 2018

NEWS

Bartlit Beck's corporate team authors Chambers USA Private Equity Practice Guide
10.28.2019

PUBLICATIONS

2020 Chambers USA Private Equity Practice
10.08.2020

2019 Chambers USA Private Equity Practice Guide
2019