

## Mark L. Heimlich

Partner

Denver

### Biography

Mark Heimlich provides clients with hands-on advice in key transactions. He has closed more than 115 mergers and acquisitions, 325 venture capital financings, 30 private equity fund formations, and many joint ventures.

Noted for his negotiating skills, Mark takes a leading, active role in virtually all aspects of every transaction. Prior to law school, Mark worked as a CPA in Deloitte Haskins & Sells' New York office. Applying his experience with Deloitte, Mark resolves road blocks while providing practical legal and business solutions.

Mark takes the initiative in learning his clients' strategies and business in order to customize a deal structure, identify key deal points, and detect and break down complex legal and deal issues. Mark increased the net sales price for a few of his clients by millions of dollars by simply structuring the working capital adjustment at the term sheet stage to exclude deferred revenue.

Mark represents companies across many different industries, with an emphasis on technology, energy, engineering, health care, and life sciences. His clients range from technology startups to Fortune 500 companies, as well as private equity and venture capital firms and family offices.



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### Practices

Business Structures

Capital Markets

Corporate

Corporate Governance

Investment Funds

Joint Ventures

Mergers and Acquisitions

Private Equity

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### Industries

Consumer

Energy and Natural Resources

Life Sciences and Health Care

In addition to leading legal teams for issuers in several initial and follow-on public offerings, Mark assists publicly and privately held clients in formation and capitalization, executive compensation and employment agreements, equity incentive plans, joint ventures, and other corporate work.

Mark writes and lectures on current topics regarding fund formation, M&A, securities law, and venture capital. He has spoken in many distinguished forums, including the 3rd Annual Private Equity Conference, where he gave a CLE presentation on fund formations; lectures on M&A and Sarbanes-Oxley at the National Business Institute; and appearances at the Colorado Venture Forum and CFO Forum, where he discussed private equity and venture capital developments.

## Representative experience

Regularly advises venture capital firms, private equity firms, the Colorado Venture Capital Authority, and family offices in their acquisitions, investments, and fund formations.

Represented a Fortune 500 engineering company in its acquisition of the transportation business of another Fortune 500 company.

Represented energy-focused private equity firm in sales of seven portfolio companies to strategic and private equity buyers.

Represented two Fortune 500 technology companies in their acquisitions of other technology companies.

Represented family office in five platform acquisitions since 2014 and their "bolt on" acquisitions.

Represented Acero Capital (as the sole institutional investor) in the sale of Bitzer Mobile to Oracle.

Represented Colorado Impact Fund and its sponsors in the formation of the Rocky Mountain Region's (and Colorado's) first social impact fund.

TMT

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## Areas of focus

Buy-ins and Buy-outs

Buy Outs

Capital Markets and Tax

Co-investments

Company Formation

Convertible Debt Offerings

Corporate and Commercial Transactions

Emerging Companies and Venture Capital

Fund Structuring and Establishment

Governance

Investment Funds and Tax

M&A and Joint Ventures

Organizational Governance and Insurers

Private Equity and Venture Capital

Raising Equity Capital

Real Estate Funds

Real Estate Private Equity

Cross-border Mergers and Acquisitions

Special Committee and Independent Director Representations

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## Education and admissions

Represented one of the two family offices that sponsored a US\$600m international private equity fund.

Represented a "top 10" worldwide company in its investment in a U.S.-based company.

Has led several acquisitions of, and investments in, companies located in the UK, France, Spain, the Netherlands, and Brazil.

## Awards and rankings

- Corporate/M&A (Colorado), *Chambers USA*, 2013-2020
- Acritas Star, *Acritas Stars Independently Rated Lawyers*, 2017-2020
- Colorado Super Lawyers, 2012-2013
- Corporate Counsel Black Book, 2008

## Education

J.D., University of Virginia School of Law, 1990

B.S., The State University of New York, Binghamton University, magna cum laude, 1985

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## Bar admissions and qualifications

Colorado

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## Accolades

"Clients praise [Mark Heimlich's] 'keen attention to detail,' his 'superior negotiation ability' and his 'outstanding written and verbal communication ability.'"

*Chambers 2013*

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"He is absolutely outstanding, and by far our number one choice for a corporate attorney. He devotes complete focus and attention to the transactions that he is working on, and is very experienced and extremely diligent in high pressure situations — as a result, I have more confidence in the quality and completeness of his advice than I do in that of any other senior attorney. He uses more junior resources as appropriate, but it is truly impressive how much he's always on top of the issues, and able to jump in with top notch advice

and analysis when needed. His thoughtfulness and focus make a truly important difference in the outcome of deals — other senior attorneys might have under-analyzed similar situations."

*Chambers*

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"Mark provides 'very senior and experienced advice' and 'excellent responsiveness.'"

*Legal 500 2014*

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