



Nicholas J. Hoffman

Member

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Profile

Nick strives to provide timely and practical advice that exceeds client expectations.

Nick represents domestic and international clients in many different types of business transactions, including mergers and acquisitions and financing transactions.

Nick also has considerable experience in antitrust and consumer protection, including matters under the Sherman Act, the Clayton Act, the Federal Trade Commission Act, the Robinson-Patman Act, and other federal and state antitrust and consumer protection statutes. Nick's experience includes:

- Analyzing the competitive effects of proposed transactions
- Presenting materials to and negotiating with the U.S. Federal Trade Commission and state regulators with respect to pending transactions
- Analyzing various business transactions under the Sherman Act and the Clayton Act
- Analyzing pricing structures under the Robinson-Patman Act
- Reviewing proposed business practices for compliance with the Federal Trade Commission Act

Nick also has substantial experience with import and export compliance matters, including with respect to:

- U.S. Export Administration Regulations (EAR)
- U.S. International Traffic in Arms Regulations (ITAR)
- U.S. Department of the Treasury Office of Foreign Assets Control (OFAC)
- NAFTA
- U.S. import duties
- U.S. antidumping and countervailing duty matters
- Developing and implementing import and export compliance programs

Additionally, Nick regularly advises clients on complex business contracts, confidentiality agreements, government contracts, corporate governance, document retention, and other general corporate matters.

His non-legal experience includes serving in the U.S. Marine Corps for four years.

Education

- University at Buffalo School of Law (J.D. 2010)
- State University of New York at Geneseo (B.A., *cum laude*)

Bar/Court Admissions

- New York

Practices

- Business and Transactions
- Mergers and Acquisitions
- Manufacturing

Representative Matters

Mergers & Acquisitions Representative Matters:

- Advised a public-company manufacturer on all aspects of the \$70 million acquisition of a Seattle-based electronics manufacturer.
- Advised a private U.S. telecom company on the \$66 million sale of its software development business to a global software company.
- Represented a leading public-company manufacturer on all aspects of a freeze out merger with a high precision motors business.
- Advised on the multi-jurisdictional sale of an Israeli public company's situational intelligence solutions business to a Canadian acquirer for \$47.5 million plus a performance based earnout.
- Represented a global defense contractor with respect to the acquisition of a manufacturer of specialty aviation surveillance equipment.
- Advised a leading public-company manufacturer on all U.S. aspects of the acquisition of a Canadian defense contractor.
- Represented a publicly-traded global company with respect to the acquisition of an analytics hiring platform.
- Represented a regional restaurant franchisee with respect to the sale of franchised restaurants to a third party.

Other Representative Matters:

- Represented a global manufacturer with respect to its \$280 million revolving credit facility.
- Advised a Canadian borrower with respect to creation and perfection of security interests in U.S. assets.
- Represented a local distributor with respect to Hart-Scott-Rodino antitrust compliance matters.
- Represented a U.S. medical device designer with respect to the negotiation of U.S. government contracts.
- Represented a regional distributor with respect to minimum advertised pricing and related competition law matters.
- Advised a U.S. pharmaceutical manufacturer with respect to foreign distribution.
- Represented a U.S. manufacturer of electronic testing products with respect to the establishment of a U.S. export compliance program.

Honors & Affiliations

- Listed in:
 - *Best Lawyers®: Ones to Watch*, Antitrust Law; Mergers and Acquisitions Law, 2021-2024
 - *New York Super Lawyers®*, Upstate New York Rising Star, Business and Corporations, 2015-2021
- American Bar Association
- New York State Bar Association

- Editor, Buffalo Law Review, 2009-2010
- Second-Place Oralist, Albert R. Mugel National Moot Court Competition, 2010

Representative Publications

- "Antitrust Law and Emerging Business Models," *Buffalo Law Journal*, July 16, 2018

Other Activities

- Orchard Park Co-Operative Preschool, Board Member