



David A. Barkus

Partner

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Related Practices: Mergers and Acquisitions | Private Equity | Insurance Transactions and Regulatory

David A. Barkus is a Miami business attorney who focuses his practice on mergers and acquisitions and private equity. He has experience in the aviation and aerospace, computer software and information technology, construction, consumer products, education, energy, food and beverage, franchising, gaming, healthcare, logistics, media and restaurant industries.

Mr. Barkus also represents both insureds and underwriters in connection with transactional risk products, including the issuance of representations and warranties insurance policies.

Experience

» Mergers and Acquisitions

- Represented IVAX Corporation in its approximately \$10 billion merger with TEVA Pharmaceutical Industries Ltd., which, at the time, created the largest generic drug company in the world
- Represented the Seminole Tribe of Florida and its subsidiary, Seminole Hard Rock Entertainment Inc., in the \$1 billion acquisition of Hard Rock International Inc. and other related entities from The Rank Group PLC, which was the first purchase of a major international corporation by a Native American tribe
- Represented MasTec Inc. in its 1) sale of DirectStar TV LLC to Red Ventures LLC; 2) purchase of Wanzek Construction Inc., an infrastructure and alternative energy contractor; 3) purchase of Precision Pipeline LLC and its related affiliate, Precision Transport Company LLC, providers of pipeline construction services; 4) purchase of Pumpco Inc., a midstream oil and gas pipeline construction company; 5) purchase of Nsoro LLC, a wireless infrastructure management and construction company; 6) purchase of Power Partners LLC, a wind, solar and other alternative energy construction company; 7) purchase of 3 Phase Line Construction Inc., which specializes in construction and maintenance of overhead and underground utility systems; 8) purchase of CAM Communications Inc., an equipment construction and network services company for telecommunications carriers; 9) purchase of Fabcor TargetCo Ltd. and its subsidiaries, Canadian pipeline and facility construction services companies for the oil and gas industry; 10) purchase of EC Source, an electric transmission and substation projects company; 11) purchase of Halsted Communications Ltd., a residential installation contractor; 12) purchase of Optima Network Services Inc., a network services company for

telecommunications carriers; 13) purchase of Culberson Construction Inc., an oil and gas services business; 14) purchase of Energy Erectors Inc., an electrical infrastructure construction company; 15) purchase of Bottom Line Services LLC, a provider of natural gas and petroleum pipeline infrastructure services; 16) purchase of Dynamic Tower Services Inc., a tower construction, installation and maintenance company; 17) purchase of Go Green Services LLC, an oil and gas services business; 18) purchase of Data Cell Systems Inc., a telecommunications services firm; 19) purchase of Big Country Energy Services Inc., a Canadian oil and gas pipeline, and facilities contractor; 20) investment in Cross Country Pipeline Supply, an Odyssey Investment Partners portfolio company; 21) purchase of Speed Wire Inc., a telecommunications services firm; 22) purchase of Dynis LLC, a telecommunications services firm; 23) purchase of Pacer Construction Holdings Corporation, a Canadian infrastructure construction company; and 24) purchase of WestTower Communications, a telecommunications services firm focusing on construction and maintenance of communications infrastructure related to wireless networks

- Represented Pine Tree Equity I LP in its 1) purchase of EnviroVac Holdings LLC, an environmental and industrial maintenance company, and its subsequent sale to RLJ Equity Partners LLC; 2) purchase of Hi-Tech Testing Services Inc., a nondestructive testing, inspection and consulting services company, and its subsequent sale to Professional Service Industries Inc., a portfolio company of Olympus Partners; 3) Hydrovac Industrial Services Inc., an environmental and industrial maintenance company, and its subsequent merger with EnviroVac Holdings LLC; 4) Celtic Capital Corporation, a provider of asset-based financing (i.e., revolvers and term loans) in the Western U.S., and its subsequent sale to Pacific Western Bank; and 5) Church Services, a provider of residential maintenance, repair and replacement services in the areas of heating, ventilation and air conditioning, electrical, plumbing and foundation repair, and its subsequent sale to Fort Point Capital
- Represented Pine Tree Equity II LP in its 1) purchase of Applied Consultants Inc., a provider of inspection services in the oil and gas pipeline industry, and its subsequent sale to Nautic Partners; 2) purchase of Federal National Payables Inc., Federal National Commercial Inc. and Federal National Services Inc., providers of factoring (i.e., accounts receivable financing) primarily for businesses with accounts receivable from federal, state and municipal governments; 3) purchase of Fast-Fix Jewelry and Watch Repairs, a franchisor of jewelry and watch repair centers with more than 150 corporate and franchised locations throughout the U.S.; 4) purchase of Northwest Plan Services, a third-party benefit plan administrator; and 5) purchase of Bradley-Morris Inc., a military-focused recruiting firm, and its subsequent sale to Thompson Street Capital Partners
- Represented Pine Tree Equity III LP in its 1) purchase of Community Medical Group, a provider of primary care physician services primarily to Medicaid-eligible patients, and its subsequent sale to Nautic Partners; 2) investment in BPI Sports, a developer, formulator and marketer of branded sports nutrition supplements; 3) repurchase of Celtic Capital Corporation, a provider of asset-based financing (i.e., revolvers and term loans) in the Western U.S.; 4) investment in Smile Design Dentistry, a provider of comprehensive dental care services; 5) purchase of All-American Safety & Training (CrossBridge Compliance), a provider of safety and training services (e.g., audit, consulting, inspection, training, etc.) required to meet safety regulations in the oil and gas pipeline and railcar industries; 6) investment in House Advantage, a provider of loyalty management software solutions for the casino and gaming industry; and 7) investment in InHealth MD Alliance, a provider of primary care physician services primarily to Medicare-eligible patients in Central Florida
- Represented Pine Tree Equity portfolio companies, including 1) Church Services' acquisitions of Eagle Air Conditioning Service Inc., 4 Seasons Service Company, Christian Brothers Air

Conditioning Inc., Southwest Plumbing Inc., Davis Service Company LLC and Mike's Plumbing; 2) Hi-Tech Testing Services Inc.'s acquisitions of Wilson Inspection X-Ray Services Inc., a provider of nondestructive testing and related services, and Western X-Ray Service LLC and Utah Inspection LLC, providers of nondestructive testing and related services; 3) Celtic Capital Corporation's acquisitions of loan portfolios from Sovereign Bank and Textron; 4) Applied Consultants Inc.'s acquisition of Central NDT Inc., a provider of inspection services to the oil and gas pipeline industry; 5) Northwest Plan Services' acquisition of CDM Retirement Consultants, a third-party benefit plan administrator; and 6) All-American Safety and Training's acquisition of C&R Compliance, a provider of safety and training services

- Represented Generation Partners in its 1) investment in ZirMed Inc., a health information and management company providing healthcare organizations with cloud-based financial and clinical performance management solutions; 2) purchase of Captivate Network, an IP-enabled digital place-based media network with more than 10,000 screens across more than 1,000 commercial office buildings in the U.S. and Canada, which was spun out from Gannett, as well as the subsequent add-on acquisition of Office Media Network Inc., which was a portfolio company of Lake Capital; 3) purchase of ReCept Holdings Inc., a provider of specialty pharmacy services; 4) investment in Donuts Inc., a leading domain name registry; 5) sale of its portfolio company Agility Recovery Solutions Holdings Inc., a provider of disaster recovery and business continuity solutions, to LLR Partners; 6) sale of its portfolio company MedVance Institute, a medical and allied health-related career training company to Education Affiliates Inc., a portfolio company of JLL Partners; 7) sale of its portfolio company Shopwiki Corp., an Internet shopping portal, to Oversee.net; and 8) investment in 3seventy, a provider of an enterprise class mobile messaging platform enabling businesses to dialog with their customers
- Represented Cross Country Pipeline Supply Co. Inc., a portfolio company of Odyssey Investment Partners in its 1) purchase of Sideline Specialty Equipment LLC and Sideline Specialty Canada Ltd., providers of specialty pipeline equipment in the U.S. and Canada; 2) purchase of Nitrogen Services LLC, a provider of nitrogen services to the oil and gas industry; and 3) purchase of Stone Pump and Trench, a provider of rental equipment to the oil and gas industry
- Represented Providence Apparel in its acquisition of Gerber Childrenswear LLC, a leading marketer of infant and children's apparel and related products, from Sun Capital Partners
- Represented Pernix Group Inc. in its purchase of the BE&K Building Group from KBR
- Represented Sentry Data Systems Inc., a provider of healthcare information technology solutions, including 340B solutions for contract pharmacies, in its sale to ABRY Partners
- Represented Image International Holding Company LLC, a clinical skin care company, in the sale of a majority interest to MidOcean Partners
- Represented Noven Therapeutics LLC, formerly known as JDS Pharmaceuticals LLC, in its sale of all rights related to the drug Lithobid to ANI Pharmaceuticals Inc.
- Represented Sandow Media LLC and Fred Segal in connection with an equity investment in Fred Segal by Evolution Media Partners, a joint venture between Evolution Media Capital, an entertainment, media and sports merchant bank formed in partnership with Creative Artists Agency; TPG Growth, the middle market and growth equity investment platform of global investment firm TPG; and Participant Media, the global entertainment company founded in 2004 by Jeff Skoll
- Represented Rupari Foods, a supplier of ready-to-eat ribs and other barbecue products, in its sale to Wind Point Partners
- Represented Ship Supply of Florida Inc. and its affiliates, global suppliers of high-quality goods and services to the maritime industry, including military vessels, cruise lines and other

commercial vessels, in its sale to HIG Capital

- Represented the owners of North Star Seafood, a leading distributor of premium fresh and frozen seafood products, in its sale to Trivest Partners
- Represented Fortissimo Capital, an Israeli private equity firm, in its sale of Advanced Answers on Demand Holdings, a company providing integrated software and technology solutions for health care providers to Primus Capital
- Represented Hencorp Becstone L.C. in its sale of Coffee Network LLC. to FCStone Group Inc., a subsidiary of INTL FCStone Inc.
- Represented shareholders of Community Asphalt Corp. and related entities in their sale to Obrascón Huarte Lain S.A. for approximately \$170 million
- Represented QPay Inc., a payment processing systems company serving the cellular telephone industry, in its sale to InComm Holdings Inc.
- Represented Europ Assistance Group, a global automobile, health, travel and family insurance company based in France, in its purchase of Global Medical Management Inc.
- Represented Miami Research Associates, a multitherapeutic provider of clinical research services for drug development, to QPS LLC, a worldwide provider of preclinical and clinical research services to pharmaceutical and biotechnology clients
- Represented World Fuel Services Corporation in connection with its investment in Amsterdam Software B.V., a Netherlands company that develops, sells and licenses aviation software
- Represented the sole shareholder of Heritage Manufacturing Inc., a manufacturer of firearms, in the sale of 100 percent of the equity interests of heritage to Taurus Holdings Inc.
- Represented a major public utility in the acquisition of approximately \$80 million of wind power projects from Enron Corp.
- Represented Live Nation Inc. and its affiliates in their approximately \$79 million purchase of Signatures SNI Inc., a private company specializing in marketing and licensing of artists, celebrities and entertainment properties
- Represented shareholders of Planning Group International Inc. in its sale to Sapient Corporation for \$42 million
- Represented a purchaser in a \$42 million acquisition of a homebuilder
- Represented Velocitude LLC, a mobile services platform company, in the sale of substantially all of its assets to Akamai Technologies Inc.
- Represented Premier Healthcare Services LLC in the sale of its nurse staffing and allied business units to Advantage on Call LLC, a subsidiary of Advantage RN LLC
- Represented Quality Transportation Services Inc., an international transportation and logistics firm, in its sale to Kuehne + Nagel Group
- Represented Federal Aviation Administration (FAA) repair station High Standard Aviation Inc. in its sale to AMETEK Inc., a global manufacturer of electronic instruments and electromechanical devices
- Represented a major consumer products company in the sale of a small appliance and personal care products division
- Represented Room Service LLC, a furniture and accessories rental company, in the sale of substantially all of its assets to American Furniture Rentals Inc.
- Represented Elite Aerospace Inc. in the acquisition of the membership interests of an aviation company
- Represented Life Fitness Holdings Inc., operator of physical therapy centers, in the formation of a holding company and sale of a majority interest therein to U.S. Physical Therapy Inc.

- Represented major franchisor and provider of child daycare services with facilities throughout the U.S. in connection with its sale to a competitor
- Represented the purchaser in the acquisition of a boatyard in Miami, Fla.
- Represented FRX Polymers Inc. in a round of equity financing from Israel Cleantech Ventures and Capricorn Venture Partners

Honors & Awards

- » *The Best Lawyers in America* guide, Corporate Law, 2011-2016
- » Top Lawyer, *South Florida Legal Guide*, 2015-2016
- » Finalist, Top Dealmaker of the Year – Corporate Finance Category, *Daily Business Review*, 2015
- » Top Dealmaker – Domestic Corporate Category, *Daily Business Review*, 2010
- » Top Dealmaker Finalist, *Miami Daily Business Review*, 2009
- » *Chambers USA – America's Leading Business Lawyers* guide, 2009-2015
- » *Florida Super Lawyers* magazine, 2013-2015
- » Top Up and Comer, *South Florida Legal Guide*, 2013-2014
- » *The Legal 500 USA*, 2008
- » Legal Elite, *Florida Trend* magazine, 2007
- » Order of the Coif
- » Phillip J. MacLennan Academic Scholarship, University of Florida Levin College of Law
- » Parker Prize for Top Management Student, University of Miami
- » J.F.W. Pearson Academic Scholarship, University of Miami
- » Undergraduate Business School Academic Scholarship, University of Miami

Memberships

- » United Way of Miami-Dade, Board of Directors
- » American Bar Association
- » Easter Seals of South Florida, Vice Chair, Board of Directors; Chair, Program Committee; Executive Committee; and Development and Marketing Committee
- » Miami Finance Forum

Education

- » University of Florida Levin College of Law, J.D., *high honors*
- » University of Miami, B.B.A., Management and Entrepreneurship, *cum laude*

Bar Admissions

- » Florida