

# DAVIES



## Marc A. Berger

Partner

### Office

New York

### Tel

212.588.5515

### Email

mberger@dwpv.com

### Expertise

Corporate  
Mergers and Acquisitions  
Commercial Real Estate

### Bar Admissions

New York, 1995  
New Jersey, 1995

Clients turn to Marc for insightful analysis and sophisticated solutions. He considers the big picture but always with attention to client-specific details.

Marc advises on a wide range of domestic and international business transactions, including private corporate purchases and sales, mergers, and real estate and operating company joint ventures. He represents borrowers and lenders of mortgage and mezzanine real property loans as well as asset-based loans in facilities of all sizes. For more than 20 years, clients have trusted Marc for his practical advice on shareholder arrangements and alternative (non-corporate) entity agreements, licensing and other general commercial matters. He regularly serves as outside “in-house” counsel for clients negotiating key business contracts, and he acts for employers and executives negotiating compensation arrangements.

## REPRESENTATIVE WORK

### Syndicate of Lenders

Acted for a syndicate of lenders led by Bank of Montreal in connection with the refinancing of certain credit facilities made available to BluEarth Renewables.

### OMERS Capital Markets

Acted for OMERS Capital Markets in its US\$500-million acquisition of 30% of Ultragenyx Pharmaceutical Inc.'s royalty interest from Kyowa Kirin Co., Ltd. on the future sales of Crysivitar (burosumab) in the United States and Canada.

### PSP Investments

Acted for PSP Investments in its acquisition of 49% of the Class B interests held by an affiliate of Pattern Energy Group LP in the 271.4 MW Gulf wind project located in Kenedy County, Texas.

### PSP Investments

Acted for PSP Investments in its acquisition, through a joint venture, of a portfolio of 1750 single family rental homes.

### Largest Investor

Lead counsel for the largest investor in the Wharf District development (Phase II) project in Washington, D.C., in connection with a US\$847-million construction loan, the largest private construction loan in the history of Washington, D.C.

### Power Energy Corporation

Acted for Power Energy Corporation in its acquisition of Nautilus Solar Energy, LLC, a leading U.S. solar developer and asset manager, from management and Virgo Investment Group.

### Largest Investor

Lead counsel for the largest investor in the Wharf District development (Phase I)

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project in Washington, D.C., in connection with a US\$800-million refinanced construction loan, one of the largest single-asset loans in the history of Washington, D.C.

### **New Look Vision Group**

Acting for New Look Vision Group in its acquisition of substantially all of the assets of Miami-based Coco Lunette Holding, LLC, which carries on business principally under the Edward Beiner banner, a retailer known for its unique and original designer eyewear, with a strong presence in key premium markets across 12 locations in Florida.

### **Explorance Inc.**

Acted for Explorance in its acquisition, as well as the financing of the acquisition, from Gartner, Inc., of Metrics That Matter, a leading provider of learning and development data and analytics solutions for the corporate market.

### **PSP Investments**

Acted for PSP Investments in its strategic initiatives with Pattern Energy Group Inc., including (i) the acquisition of a 9.9% interest in Pattern Energy; (ii) the joint venture between PSP and Pattern Energy to co-invest in various renewable projects; (iii) the joint acquisition with Pattern Energy of a 51% and 49% interest, respectively, in the 179 MW Meikle wind project in British Columbia and the 143 MW Mont Sainte-Marguerite wind project in Québec; and (iv) the acquisition of 49% of the Class B interests held by Pattern in the Panhandle 2 wind project in Texas.

## **RECOGNITIONS**

Brooklyn Law School, International Business Law—Fellow

## **INSIGHTS**

Citibank Gets Its Money Back  
Sept. 15, 2022

Perfection by Control of Security Interests in Cash Collateral Accounts: Recent Ontario Developments  
Dec. 07, 2016

## **EDUCATION**

Brooklyn Law School, JD (Magna Cum Laude), 1994  
University of Pennsylvania, BSc (Economics), 1985