



## David M Hernand

Partner, Corporate Department

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**David M. Hernand** is a partner in the Mergers and Acquisitions practice at Paul Hastings, based in and Chair of the firm's Century City office, and Vice Chair of the firm's global Corporate Department.

Mr. Hernand is a leading lawyer in M&A and investments across many industries, but with particular emphasis in in media, entertainment and technology. His practice includes advising companies, board of directors, special committees, investment banks, private equity and venture capital firms, and high net-worth individuals and families in public and private merger and acquisition transactions (including cross-border and distressed M&A transactions), corporate control contests, strategic partnering arrangements, public and private capital raising transactions, and general company representation matters.

He has been recognized as one of the top 100 Lawyers in California by the Daily Journal, a leading lawyer in M&A and venture capital by industry publications such as *Chambers USA*, *Super Lawyers Magazine*, and *Legal 500*, and as a "Power Lawyer" by *The Hollywood Reporter*, and one of the best lawyers in the entertainment industry by *Variety*.

Much of Mr. Hernand's practice involves working with companies at the intersection of entertainment/media and technology. His past and current entertainment/media sector clients include Adaptive Studios, China Media Capital, Club Penguin, Collective Digital Studios, dick clark productions, DigiTour Media, DIRECTV, DreamWorks Animation, Eldridge Industries, FilmTrack, GameMine, GF Capital, Idealab, Machinima, Playdom, Saban Capital, Screambox, Shamrock Capital, Shaquille O'Neal, SK Telecom, Sony Entertainment, Snapchat, Style Haul, The Raine Group, United Talent Agency, Universal Music Group, Viacom, Wiredrive, William Morris and The Young Turks.

In the technology sector more broadly, Mr. Hernand has been involved in many of the most significant technology company M&A and investment transactions in Southern California in recent years, including transactions involving AutoAnything, Business.com, Collective Digital Studio, DemandMedia,

### Century City

T: 1(310) 620-5750

F: 1(310) 620-5850

### Los Angeles

T: 1(213) 683-6200

### Practice Areas

Corporate  
Emerging Growth Companies  
Mergers and Acquisitions  
Private Equity  
Talent  
Entertainment and Media  
Entertainment and Media  
Corporate  
Technology, Media and  
Telecommunications  
Technology

### Admissions

California Bar

### Education

Georgetown University Law  
Center, J.D. 1992  
University of California, Los  
Angeles, B.A. 1989

## David M Hernand (Continued)

HauteLook, Homestore, IGE, Intermix (MySpace), LegalZoom, LowerMyBills, Oversee, PriceGrabber, Playdom, ProvideCommerce, ReachLocal, Rent.com, SeeBeyond, Swagbucks, TeleSign, The Honest Company, and The Rubicon Project.

### Recent Representations

Mr. Hernand's M&A-related experience includes:

- Cutler Media's sale of Parcast to Spotify (representing Cutler Media)
- Viacom's acquisition of Pluto TV for \$340 million (representing Viacom)
- Sale of substantial stake of Dole Food Company to Total Produce at enterprise value of approximately \$2 billion (representing Dole Food Company)
- Cineworld's \$3.6 billion acquisition of Regal Cinema (representing Morgan Stanley)
- Sale of Draft to Paddy Power Bet Fair (representing Draft)
- Sale of Dick Clark Productions to Dalian Wanda Group for approximately US\$1 billion (representing Dick Clark Productions)
- Nuance Communications US\$215 million acquisition of TouchCommerce (representing TouchCommerce)
- Investments by Hearst and Verizon in AwesomenessTV (representing DreamWorks Animation) and related content production agreements
- China Media Capital's joint venture with Warner Brothers to establish a new movie studio (representing China Media Capital)
- Collective Digital Studio's US\$240 million merger with ProSieben's Studio71 (representing Collective Digital Studio)
- Fosun International's US\$1.4 billion acquisition with TPG of Cirque du Soleil (representing Fosun)
- Shaquille O'Neal's sale of rights to Authentic Brands Group
- Sale of PriceGrabber to Connexity (representing CPL Holdings)
- Nordstrom's US\$350 million acquisition of TrunkClub (representing Nordstrom)
- Billabong's disposition of Swell.com (representing Billabong)
- Niagara Bottling's acquisition of Advanced Refreshment (representing Niagara)
- DreamWorks Animation's US\$150 million acquisition of AwesomenessTV and separate acquisition of Big Frame (representing DreamWorks Animation)
- Management buy-out of Classes USA, PriceGrabber, and LowerMyBills from Experian Interactive (representing management)
- Madison Tyler Holdings' combination with Virtu Financial and investment by Silver Lake Partners (representing MTH management)
- SK Telecom's preferred stock investment in Viki.com (representing SK Telecom)

## David M Hernand (Continued)

- Nordstrom's US\$270 million acquisition of HauteLook (representing Nordstrom)
- ABB's US\$3.1 billion acquisition of Baldor Electric (representing Baldor)
- Disney's US\$763 million acquisition of Playdom (representing Playdom)
- Shamrock Capital's acquisition of Screenvision (representing Shamrock)
- Saban Capital's acquisition of Paul Frank Industries (representing Saban Capital)
- eBay's sale of 65% of Skype to a private equity consortium (representing Goldman Sachs)
- Microsoft's unsolicited US\$44.6 billion offer to acquire Yahoo (representing Goldman Sachs and Lehman Brothers)
- Merger of William Morris and Endeavor (representing William Morris' board of directors)
- Odyssey Investment Partners' acquisitions of EAG, SM&A and Wencor (representing Odyssey)
- URS Corporation's US\$2.6 billion acquisition of Washington Group (representing URS)
- US\$3.4 billion merger of Molson and Coors (representing Morgan Stanley)
- Sale of Club Penguin to Disney for US\$700 million (representing Club Penguin)

Mr. Hernand's capital raising-related experience includes:

- DigiTour Media's \$10 million preferred stock financing led by Viacom (representing DigiTour)
- GF Capital's investment in Whalerock Industries (representing GF Capital)
- Prodege, LLC (aka Swagbucks) \$60 million capital raise led by Technology Crossover Ventures (representing Prodege)
- TeleSign's \$40 million preferred stock financing led by March Capital (representing March Capital)
- DealerTrack's sale of \$80 million of capital stock of TrueCar (representing private investors)
- The Honest Company's sale of \$52 million of preferred stock to General Catalyst, IVP, Lightspeed, and Iconiq (representing The Honest Company)
- FilmTrack's \$20 million capital raise led by Insight Ventures and acquisition of Dashbox (representing FilmTrack)
- StyleHaul's \$12.5 million preferred stock financing led by Bertelsmann and RTL Group (representing Style Haul)
- Machinima's sale of \$50+ million of preferred stock and convertible notes to Google Ventures, Redpoint, and other investors (representing Machinima)
- Telly's \$8.5 million preferred stock financing led by Nasser Al-Sabah (representing Nasser Al-Sabah)
- SimpleTV's \$5.7 million preferred stock financing led by Pritzker Group Venture Capital (representing Pritzker Group)

## David M Hernand (Continued)

### Accolades and Recognitions

- Recognized as one of Top 100 Lawyers in California by the Daily Journal
- Recognized as a leader in California in Corporate/M&A – Venture Capital, Chambers USA, 2013 and prior years
- Recognized as a top-rated attorney in the nation and a "Super Lawyer" in M&A, Super Lawyers Magazine, 2005 - 2010, 2012 - 2013, 2016 - 2019
- Recognized among leaders in M&A and Buyouts – M&A: Large Deals and Mergers and Acquisitions and Buyouts – M&A: Venture Capital and Emerging Companies, The Legal 500: United States 2013 Edition
- Recognized as a top 100 "Power Lawyer" by The Hollywood Reporter, 2014, 2016-2017, 2019
- Recognized in Variety's "Legal Impact Report", 2016 -2019
- Recognized as a leader in America's Leading Lawyers for Business, Corporate/ M&A, Chambers USA, 2019
- Recognized as Hollywood's Top 20 Dealmakers by The Hollywood Reporter, 2016

### Professional and Community Involvement

- Mr. Hernand previously was a managing director of Idealab, a Pasadena, California-based technology company incubator, and the founding CEO of New.net, an Idealab portfolio company.
- Past Co-Chair of the Corporations Committee of the Business Law Section of the California State Bar
- Member of the Mergers and Acquisitions Committee of the Business Law Section of the American Bar Association
- Serves on the board of The Painted Turtle (charity operating a summer camp for chronically ill kids)
- Member of the Steering Committee for the Socrates Program of the Aspen Institute

### Education

- Georgetown University Law Center, J.D., 1992
- University of California, Los Angeles, B.A., 1989

### News

#### May 01, 2019

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2019

## **David M Hernand** (Continued)

**January 23, 2019**

Viacom to Expand Presence Across Next-Generation Distribution Platforms with Proposed Acquisition of Pluto TV

**August 06, 2018**

Paul Hastings Launches PH Ignite, Its New Online Resource for the Emerging Growth Company Space

**June 06, 2018**

ACLU Reaches Historic Pact on Homelessness with City of Laguna Beach

**May 01, 2018**

Saban Properties to Sell Power Rangers and Other Entertainment Assets to Hasbro, Inc.

**March 20, 2018**

Paul Hastings Expands Entertainment and Media Practice with Addition of Five Preeminent Entertainment Partners and Opening of Office in Century City

**February 01, 2018**

Total Produce to Acquire Substantial Stake in Dole Food Company

**December 05, 2017**

Morgan Stanley Serves as Financial Advisor to Regal Entertainment on \$3.6 Billion Sale to Cineworld

**June 05, 2017**

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2017

**May 11, 2017**

Paddy Power Betfair Acquires Daily Fantasy Sports Operator DRAFT

**November 04, 2016**

Dick Clark Productions Sold to China's Dalian Wanda Group for Approximately US\$1 Billion

**June 08, 2016**

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2016

## **David M Hernand** (Continued)

**April 06, 2016**

DreamWorks Animation Sells 24.5% Equity Stake of AwesomenessTV To Verizon

**December 17, 2015**

Shaquille O'Neal Partners with Authentic Brands Group

**September 20, 2015**

China Media Capital Forms Joint Venture with Warner Brothers for New Flagship Movie Studio

**May 20, 2015**

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2015

**April 21, 2015**

Paul Hastings Advises Fosun International on Cirque Du Soleil Acquisition

**December 15, 2014**

Paul Hastings Advises DreamWorks Animation SKG in 25% Stake Sale of AwesomenessTV

**August 13, 2014**

Paul Hastings Adds Prominent M&A Partner in Chicago

**July 31, 2014**

Paul Hastings Represents Nordstrom in the Acquisition of Trunk Club

**June 04, 2014**

Paul Hastings Adds Prominent Technology, Media and Entertainment M&A Partner in Los Angeles

## **Insights**

**December 13, 2018**

Broader Implications of SEC Charges Against Celebrities for Unlawfully Touting ICOs

**December 05, 2018**

SEC Offers Possible Path to Compliance for ICO Issuers

## David M Hernand (Continued)

**April 18, 2016**

Top Trends for Media and Entertainment Dealmakers

**December 11, 2014**

What are the factors driving the surge in tech M&A and what is the outlook for the rest of the year and into 2015?

## Rankings & Awards

**April 26, 2019**

Recognized by Chambers USA 2019

**April 09, 2019**

Recognized in Variety's 2019 Legal Impact Report

**March 28, 2019**

Recognized in The Hollywood Reporter's Power Lawyers 2019

**December 07, 2018**

Recognized in Variety's 2018 Dealmakers Impact Report

**April 18, 2018**

Recognized in Variety's 2018 Legal Impact Report

**June 05, 2017**

Recognized by Chambers USA 2017

**April 26, 2017**

The Hollywood Reporter Power Lawyers for 2017

**April 04, 2017**

Recognized in Variety's 2017 Legal Impact Report

**September 20, 2016**

Recognized among the Daily Journal's Top 100 Lawyers in California

**June 08, 2016**

Recognized by Chambers USA 2016

**April 20, 2016**

## David M Hernand (Continued)

The Hollywood Reporter Power Lawyers 2016

**April 17, 2016**

Recognized in Variety's 2016 Legal Impact Report