

Brian C. O'Fahey

Partner

Washington, D.C.

Biography

Brian O'Fahey developed a passion for helping emerging companies succeed in the late 1990s, serving as lead corporate paralegal on technology IPOs, follow-on offerings, and acquisitions. Since graduating in the top tier of his law school class, he has spent the last 15 years building long-term client relationships, and representing companies throughout their life cycle on a wide range of corporate matters.

Brian works closely with in-house legal and finance departments, C-suite executives, and boards of directors, with the majority of his practice devoted to clients he has represented for a decade or more. His diverse practice ranges from leading large and small acquisitions and divestitures, drafting SEC periodic reports and proxy statements, counseling clients on corporate governance matters, structuring finance arrangements, and negotiating executive agreements.

Having previously worked at a U.S. Attorney's Office, as well as defending clients in criminal proceedings as a student attorney, Brian works seamlessly with white collar group colleagues to provide clients with holistic and integrated legal support, including on matters related to the potential or actual restatement of financial statements.

Brian graduated from Macalester College, where he was



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Practices

Corporate

Mergers and Acquisitions

Areas of focus

Telecommunications and Wireline

Public Company Mergers and
Acquisitions

Hostile Takeovers and Takeover
Defense

Special Committee and
Independent Director
Representations

Shareholder Activism

awarded the school's legal studies prize for research on the intersection of race and gender in the law. While at Georgetown University Law Center, he served as Notes and Comments Editor of the *Georgetown Law Journal*, and was awarded the John J. Kirby Scholarship for outstanding achievement during the 1998-1999 and 1999-2000 academic years. Brian's research activities at Georgetown focused on promoting diversity and inclusion in the legal field, and he is a strong supporter of Hogan Lovells' leadership activities in this area.

Representative experience

Represented 3M Company in its recent US\$1.037bn acquisition of the Polypore separations media business.

As regular counsel to Orthofix International N.V., has led numerous of the company's acquisitions, divestitures and financing transactions.

Emerging company practice has included leading M&A and capital raising transactions for Overseer.net, Katch, LLC, and Constitution Medical, Inc.

1934 Act practice has included representations of Orthofix, Insulet, Cytec, AthenaHealth, McDonald's and McKormick & Co.

Represented Cytec Corporation in its US\$450m acquisition by tender offer of Adeza Biomedical Corporation, and subsequent sale to Hologic.

Represented Advertising.com, Inc., an Internet advertising company, in its US\$435m acquisition by America Online, Inc.

Represented The Advisory Board Company in its US\$850m acquisition of Royall & Company.

Emerging company practice has included leading Mergers & Acquisitions and capital raising transactions for Overseer.net, Katch, LLC, and Constitution Medical, Inc.

Education and admissions

Education

J.D., Georgetown University Law Center, magna cum laude, Order of the Coif, 2001

B.A., Macalester College, 1996

Bar admissions and qualifications

District of Columbia

Latest thinking and events

- Hogan Lovells Publications
 - Practical insights for boards of directors in the time of COVID-19
- Hogan Lovells Publications
 - COVID-19 U.S.: Considerations for quarterly reports on Form 10-Q
- Hogan Lovells Publications
 - Following Delaware's Lead, New York Adopts Business Judgment Rule for Controlling Shareholder Going-Private Mergers Where Certain Minority Shareholder Protections are Present
- Hogan Lovells Publications
 - Third Point Settles FTC Charges: Minority Investors and Activist Stockholders Are Cautioned on the Limits of the Investment-only Exemption under the HSR Act *Antitrust, Competition, and Economic Regulation Alert/M&A Update*
- Hogan Lovells Publications
 - Delaware Adopts Section 251(h) Amendments to Facilitate Two-Step Merger Process *M&A Update*
- Hogan Lovells Publications
 - Delaware Supreme Court reaffirms that express agreement to negotiate in good faith is enforceable *M&A Update*