

MARK LEHMKUHLER

Partner·Hong Kong

+852 3749 1179

mark.lehmkuhler@fangdalaw.com

PRACTICE AREA

MR. LEHMKUHLER IS A PARTNER IN FANGDA' S HONG KONG OFFICE. HIS PRACTICE FOCUSES ON M&A AND PRIVATE EQUITY TRANSACTIONS.

Education

- University of Virginia, J.D.,1995, Order of the Coif
- University of Virginia, B.A., 1986, Echols Scholar, Rodman Scholar

Professional Qualification

- Admitted to practice in Hong Kong SAR
- Admitted to practice in New York

Mr. Lehmkuhler has practiced in Asia for over two decades, specializing in M&A and private equity transactions with a particular focus on technology, financial services, energy, healthcare, life sciences and infrastructure. He has deep experience across a broad range of transactions, including private equity portfolio investments and exits, leveraged buyouts, tender offers, privatizations, joint ventures and strategic alliances, as well as private equity fund formation.

Mr. Lehmkuhler was formerly a partner at Davis Polk and, more recently, a partner at Orrick in Hong Kong. Over the course of his career, he has represented a broad array of clients on cross-border deals, including large, complex M&A and private equity transactions for leading Chinese corporate clients such as ICBC, CNOOC, Kuok Group, China Resources and Shanda, private equity firms such as CITIC Capital, and global financial institutions such as Morgan Stanley, Citigroup and Credit Suisse.

Mr. Lehmkuhler is admitted to practice in New York and Hong Kong. He received his undergraduate and law degrees from the University of Virginia, where he was an Echols Scholar, an editor of the Virginia Law Review, and a member of the Order of the Coif academic honor society. Over the course of his career, he has been consistently recognized as a leading practitioner by prestigious legal publications such as Chambers Asia:

"…'a high sense of integrity, creative and easy to work with, and provides advice that's really actionable,' report impressed clients."

"…'among the smartest lawyers I have ever worked with,' comments one interviewee…especially well regarded for his experience representing Asia-focused private equity funds making investments into Chinese market."

"…very effective in head-to-head negotiations with other firms and principals, and finds very creative solutions to the difficult aspects of deals."

"…held in high esteem by market sources… 'commercial and hands-on when it comes to managing transactions'."

"… a fine balance between Wall Street and Asia… client-friendly and very effective."

"…'a very detail-oriented and focused lawyer'… admired for his experience in cross-border M&A."

REPRESENTATIVE MATTERS AND CASES

- A buyer consortium in connection with the going-private acquisition of BEST Inc., a NYSE-listed leading integrated smart supply chain and logistics solutions provider. The buyer consortium includes the founder and CEO of BEST Inc. as well as its CTO, and affiliates of Alibaba Group Holding Limited and Cainiao Smart Logistics Network Limited.
- EF Education First on the acquisition by Permira of a majority stake in the EF Kids and Teens Business, headquarters in Switzerland with 288 schools across 62 cities in China and 79 schools in Indonesia
- CITIC Capital in its US$890 million going-private acquisition of Nasdaq-listed AsiaInfo-Linkage, a leading provider of software and IT services to the Chinese telecom industry
- CITIC Capital in its US$3.7 billion going-private acquisition of Nasdaq-listed Focus Media, China's largest interactive digital media network
- Abax Global Capital as the private equity sponsor of the US$750 million going- private acquisition of Nasdaq-listed Harbin Electric, Inc., a leading developer and manufacturer of electric motors
- Shanda Interactive Entertainment, a leading Nasdaq-listed Chinese interactive media company, in its US$2.3 billion going-private transaction
- Trax, a unicorn in the artificial intelligence/computer vision field backed by Warburg Pincus and Boyu Capital, in connection with its acquisition of Lenztech, a leading Chinese retail AI and Big Data service platform
- PCCW Limited in its US$250 million going-private acquisition of the businesses and assets of Nasdaq-listed SUNDAY Communications, a leading provider of 2G and 3G wireless communications and data services in Hong Kong
- CNOOC Limited in its US$18.5 billion proposed acquisition of Unocal
- ICBC in its strategic sale of a 10% stake for US$3.8 billion to Goldman Sachs, Allianz and American Express
- China Resources in connection with various investments including in the semiconductor and healthcare sectors
- Advanced Semiconductor Engineering (ASE), the world's largest independent semiconductor packaging and testing company, in its US$780 million going- private acquisition of its Nasdaq-listed Singapore subsidiary ASE Test, and its US$127 million acquisition of NXP Semiconductor's 40% stake in Suzhou ASEN Semiconductors
- JD.com in its US$115 million strategic investment in HKSE-listed China Logistics Property, one of the largest logistics companies in the PRC
- Affinity Equity Partners in its investment in a Chinese dairy joint venture with Beijing Capital Agribusiness Group
- Samena Capital and Cenova Capital in their US$83 million investment in Virtus Medical Holdings, a premium healthcare platform in Hong Kong
- The special committee of NYSE-listed China Hydroelectric Corporation in connection with its going-private acquisition by NewQuest Capital Partners
- Yinlong Energy in its US$50 million acquisition of a majority interest in Nasdaq- listed Altair Nanotechnologies, a US developer and manufacturer of advanced nano lithium titanate batteries and energy storage systems
- Foundation Asset Management AB, the manager for the Wallenberg family foundations, in connection with its investment in Boston-Power, a leading manufacturer of next-generation lithium-ion battery systems, including Boston- Power's greenfield manufacturing and R&D joint venture in China
- OptAsia Healthcare, a Hong Kong-based healthcare technology firm, in its joint venture with Nasdaq-listed Soleno Therapeutics
- Management of the luxury brand Shanghai Tang in connection with its acquisition by Chinese buyout firm Lunar Capital from Italian entrepreneur Alessandro Bastagli and private equity firm Cassia Investments
- Credit Suisse in its investment in China Renaissance Capital Investment, a leading PRC-focused private equity firm
- Goldman Sachs in its investments in a series of private equity funds managed by HONY Capital
- Morgan Stanley Infrastructure Partners in several private equity investments in China and India
- Nike in its acquisition of Umbro's China distribution business
- Kerry Group in its US$950 million sale of the QGX Mongolian coal mine to Mongolian Mining Corporation
- DLF, the largest commercial real estate developer in India, in its US$300 million sale of the luxury hotel group

Amanresorts

- Mongolian Mining Corporation in connection with its joint venture with Shenhua Group, the largest coal-producing company in China
- BearingPoint in the sale of its China development centers to PwC in Section 363 bankruptcy proceedings
- Polo Ralph Lauren in its reacquisition of its PRC, Hong Kong, Macau and Taiwan businesses
- Philippine Long Distance Telephone Company (PLDT) in the sale of its business processing outsourcing (BPO) operations to CVC Capital Partners
- Artisan du Luxe, the owner of the Bali-based John Hardy jewelry and luxury goods brand and its controlling shareholder in the restructuring of its MBO with private equity sponsor 3i and the sale of the company to L Catterton
- Aozora Bank in a proposed merger of equals with Shinsei Bank
- Nikko Asset Management in its sale by Citigroup to Sumitomo Trust
- NCR Corporation in its formation of an R&D joint venture with Fujitsu to develop next-generation ATM machines
- BancTec (a Welsh, Carson portfolio company) in the MBO and sale of its Japanese business to JAFCO
- Ajinomoto in the US$381 million sale to Unilever of its interests in a series of joint ventures covering Hong Kong, Malaysia, Philippines, Singapore, Taiwan and Thailand
- Nikko Cordial Securities, formerly Japan's third largest brokerage, in connection with its Nikko Salomon Smith Barney securities and investment banking joint venture with Citigroup (later renamed Nikko Citigroup)
- Quadrangle Capital Partners in a US$300 million investment in Tower Vision, the second-largest telecom tower management company in India
- The Indian government in its US$2.5 billion sale of a 20% stake in Oil and Natural Gas Corporation, at the time the largest Indian privatization in history
- Emerging Markets Partnership and Telecom Venture Group in their US$100 million private equity investment in BPL Mobile, a leading mobile telecommunications operator in India
- The Tata Group in connection with its acquisition of a controlling interest in NYSE-listed VSNL, the primary provider of international long-distance telecommunications services in India
- Morgan Stanley and JP Morgan in connection with their investment banking joint ventures in India
- Morgan Stanley, Citigroup, Barclays Capital, Lazard, Houlihan Lokey, China Renaissance and other investment banks as financial advisors to buyers and sellers on various cross-border M&A transactions.
- * Include matters completed prior to joining Fangda.