

# David Marks

## PARTNER



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David has earned a reputation as a "deal junkie" who enjoys closing fast-paced, high-pressure deals by aligning economic interests on both sides of the transaction. David's practice focuses on buy-side and sell-side private equity M&A, and he has extensive experience in healthcare and other industries. In recent years, David has played a key role in numerous middle-market healthcare transactions involving dental, dermatology, ophthalmology, optometry and optical, chiropractic and physical therapy, women's health, gastroenterology and other specialties.

Private equity clients, investors and sellers value his counsel in recapitalizations, add-on acquisitions and roll-ups. Additionally, David represents private equity firms, investors and privately held companies in sales of portfolio companies and investments involving PE acquirers. Clients benefit from David's ability to bring deals to successful conclusions despite the challenges often posed by the complex financing structures and deadlines of private equity transactions.

Prior to joining Waller, David gained valuable experience as an associate in New York where he advised private equity firms, distressed businesses and major financial institutions in the design and implementation of sweeping operational and financial restructurings and M&A in some of the largest chapter 11 cases in recent history.

## EXPERIENCE

- **Affordable Care, Inc. acquires Texas dental practices**  
Represented Affordable Care, Inc. in its acquisition of two dental practices.
- **Affordable Care acquires affiliated dental group with practices located in four states**  
Represented Affordable Care, Inc. in its acquisition of an affiliated dental group, which included locations in PA, NY, TX and ND.
- **Heartland Dental acquires Tru Family Dental**  
Represented Tru Family Dental in its acquisition by Heartland Dental and assisted with regulatory compliance and corporate matters.
- **Radio Systems Corp. acquired by Clayton Dubilier & Rice (CD&R)**  
Served as lead transaction counsel to Radio Systems in its acquisition by an affiliate of Clayton

Dubilier & Rice (CD&R), a private equity firm.

- **Axia Women's Health acquires OB/Gyn of Indiana**

Represented Axia Women's Health, one of the nation's largest independent women's health groups, in its acquisition of OB/Gyn of Indiana, a 45-doctor obstetric and gynecological practice based in Carmel, Indiana.

- **Hildred Capital Management completes recapitalization of DermCare Management**

Represented Hildred Capital Partners in the majority recapitalization of DermCare Management.

- **Leading vision care provider positioned for growth at intersection of retail, healthcare**

Represent a leading vision care provider based in Irvine, California, in its acquisitions; the design of its corporate structure; and in critical negotiations with payors, manufacturers and suppliers.

- **Leading pet products company purchases competing pet products brand**

Represented a global leader in pet containment and lifestyle products in its purchase of a competing pet products company.

- **Pediatric dental company acquired by one of the nation's largest dental providers**

Served as lead company counsel to a pediatric dental company based in California in its sale to one of the nation's largest dental providers.

- **Lone Peak Dental Group acquired in leveraged buyout by Tailwind Capital**

Represented Lone Peak Dental Group in its acquisition by private equity firm Tailwind Capital via a leveraged buyout.

- **OrthoSynetics acquired by a private equity fund**

Lead counsel to OrthoSynetics, a DSO supporting orthodontic practices across the United States, in its sale to private investors.

- **Susquehanna Growth Equity provides significant growth investment to ProviderTrust**

Advised Susquehanna Growth Equity, LLC, a top 25 growth equity firm, in their significant minority investment in ProviderTrust, Inc., the leading provider of healthcare compliance screening, monitoring, and verification tools to acute and post-acute providers, payers, and their vendors.

## EDUCATION

- J.D., Columbia Law School, 2009

- *Columbia Journal of East European Law*, staff editor, 2007-2008, submissions editor, 2008-2009
- Harlan Fiske Stone Scholar
- Harlan Fiske Stone Honors Moot Court

- B.A., *cum laude*, Dartmouth College, Government & International Relations, Geography, 2006

- Edson Memorial Prize for Excellence, Government Department

- Champion or top-8 finish at numerous debate tournaments, including the National Invitational Debates at U.C. Berkeley (First Place, twice) and the Cross Examination Debate Association National Championship (Third Place)
- Sigurd S. Larmon Debate Scholarship and Brooks Cup for Excellence in Forensics
- Gerald Tracy Piano Competition (Second Place)

## **BAR ADMISSIONS**

- Tennessee
- New York

## **RECOGNITIONS**

### **The Best Lawyers in America® (BL Rankings)**

- Health Care Law, 2023

### **Mid-South Super Lawyers (Thomson Reuters)**

- Rising Stars - Healthcare, 2018-2021

## **PROFESSIONAL INVOLVEMENT**

- Member, Nashville and Tennessee Bar Associations

## **COMMUNITY INVOLVEMENT**

- Board of Directors, Nashville Debate League

## **UP CLOSE**

David has two dogs. He is a fantasy football addict and an always optimistic New York Giants fan.