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Highlighting what it takes to negotiate a successful merger or acquisition through adroit analysis and hands-on experience, Make the Deal shows that juggling legal

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terms is no esoteric exercise, but defines the financial result of the deal. Mr. Harrison's insight into current techniques and market trends make his book an indispensable companion in today's ever-changing M&A landscape.

Make the Deal: Negotiating Mergers and Acquisitions ...

Make the Deal: Negotiating Mergers & Acquisitions provides an overview of how to bring together business and legal knowledge for optimally structuring a merger or acquisition. Such an overview is particularly useful for the reader who is familiar with the strategic and financial reasons for buying a company, and perhaps has a general understanding of such high-level concepts as an asset transaction versus a stock transaction, but has had little exposure to legal concepts that drive the ...

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Make the Deal: Negotiating Mergers & Acquisitions (a review)

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Make the Deal is an excellent approach to the world of mergers and acquisitions. Its primary function of guiding readers on how to land a powerful deal is enforced by the combination of business, law, and finance discussion. It was written in a flexible manner with the intention of giving an in-depth understanding of how negotiations work together with its possible outcomes that may impact the future economy.

Review Make the Deal: Negotiating Mergers and Acquisitions

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guide to striking a powerful M&A deal. Merging business, finance, and law, this insightful examination of M&A strategy is designed to help you understand M&A negotiations and the ways in which the final outcome affects your financial future...

A comprehensive introduction to today's M&A strategies Make the Deal is a direct and accessible guide to striking a powerful M&A deal. Merging business, finance, and law, this insightful examination of M&A strategy is designed to help you understand M&A negotiations and the ways in which the final outcome affects your financial future. A general overview of an acquisition agreement framework segues into a more detailed discussion of different deal structures, including stock sales, mergers, asset sales, and complex structures, giving

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you the information you need to know when each one applies best in practice. You'll gain insight into real-world negotiations and the delicate balancing act that occurs as each party attempts to maximize value and minimize risk, and learn the potential pitfalls that can occur. Negotiation statistics and samples from actual contracts back the war stories throughout, and reinforce the idea that there's no single perfect solution. As a topic of study, M&A is constantly evolving; in practice, it changes at the speed of light. Staying ahead of the market is the single most critical element of making the best deal, and the strategy that worked for one deal most likely won't work for the next. Instead of simply providing a list of strategies that have worked in the past, this book shows you why they worked, so you can tailor your strategy specifically to your next deal. Learn how M&A contract terms affect

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economic outcomes Examine the techniques and mechanics of today's acquisition agreements Develop a legal framework that supports your business strategy Follow the ups and downs that arise in real-world cases A successful M&A transaction requires both attention to detail and a big picture view, combined with skill, intellect, and ingenuity. Make the Deal brings it all together to show you how to run the table and come away with a win.

Anatomy of a Merger is a guide to handling a corporate acquisition negotiation successfully. Topics include the basic acquisition agreement; bargaining techniques applicable to substantive issues, and more.

Negotiations form the heart of mergers and acquisitions efforts, for their conclusions contain both anticipated and unforeseen

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implications. Don DePamphilis presents a summary of negotiating and deal structuring that captures its dynamic process, showing readers how brokers, bankers, accountants, attorneys, tax experts, managers, investors, and others must work together and what happens when they don't. Written for those who seek a broadly-based view of M&A and understand their own roles in the process, this book treads a middle ground between highly technical and dumbed-down descriptions of complex events. It mixes theory with case studies so the text is current and useful. Unique and practical, this book can add hard-won insights to anybody's list of M&A titles.. Presents negotiation as a team effort Includes all participants, from investment bankers to accountants and business managers Emphasizes the interactive natures of decisions about assets, payments, and appropriate legal structures Written for those who seek summarizing,



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non-technical information

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Companies of all sizes have been initiating international transactions--mergers and acquisitions, joint ventures, strategic alliances, and private placements--in record numbers. Targeted due diligence is crucial to effectively research, value, and complete these complex deals. With an evolving climate of uncertainty and new, unpredictable threats to business, it is more essential than ever before. *Due Diligence for Global Deal Making* is an invaluable guidebook for companies trying to capitalize on the opportunities in both developed and emerging cross-border markets. All too often global transactions fail to meet the parties' expectations, and the leading culprit is inadequate due diligence. Especially when the target partner lacks a financial performance track record and significant assets, expanding businesses must answer

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difficult questions, such as: Why (if at all) do this deal? What are the rules going in, and what happens if things go wrong? Where are the tax, legal, financial, and operational traps, and what are the opportunities? This book provides what 's needed to avoid devastating mistakes and to master the steps that ensure success: Expert analysis, insights, and strategies from experienced practitioners and leading authorities in cross-border matters In-depth coverage of critical topics decision makers need to understand in order to succeed in cross-border transactions--from corporate planning to operational, financial, legal, tax, accounting, and people/organizational considerations Best practices of corporate investors and professional advisers in conducting critical due diligence Noted experts discuss critical topics corporate executives--and all those involved with their company's legal, operational, accounting, and tax

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matters--need to know to successfully complete complex global transactions today.

How can you be sure you are buying the company you think you are? Are you sure it is as good as the seller says? How can you be certain unexpected costs and obligations will not suddenly appear once you are the owner and responsible for them? How best can you arm yourself for the negotiations? Have you worked out precisely what you are going to do with it once it is yours? How do you set the priorities for change to recoup the premium you have paid for it? The answer to all these questions, and many more, lies with effective due diligence. Due diligence is one of the most important but least well understood aspects of the acquisition process. It is not, as many believe, a chore to be left to the accountants and lawyers. To get the best from it, due diligence has to be properly planned and professionally

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managed. This book is a comprehensive manual on getting due diligence right. It is a uniquely comprehensive guide, covering all aspects of the process from financial, legal and commercial due diligence right through to environmental and intellectual property due diligence. There are also useful chapters on working with advisers and managing due diligence projects. It also includes a number of checklists to help ensure that the right questions are asked.

The ultimate "tricks of the trade" guide to mergers and acquisitions Mergers and Acquisitions Playbook provides the practical tricks of the trade on how to get maximum value for a middle-market business. This book uniquely covers how to prepare for a sale, how to present the business most positively, and how to control the sale timetable. Written in a straight-talking style Provides the tricks of the trade on how to get

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maximum value for a middle-market business Shows how the sellers can take capitalize their inherent "unfair advantages" Examines the differences between "value" and "currency" Explains how to handle bankruptcy and distress company sales Offers tips on managing your lawyers in the documentation process Filled with empirical examples of successful-and unsuccessful-techniques, this practical guide takes you through every step of the M&A process, from how to manage confidentiality, how to create competition (or the impression of competition), to what to do once the deal is closed.

M&A Negotiations is an authoritative, insider's perspective on key strategies for representing and advising companies involved in an M&A event. Featuring partners and shareholders from some of the nation's leading firms, these experts guide

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the reader through the different phases of all types of mergers and acquisitions, detailing important laws, such as Sarbanes-Oxley, and offering forward looking tips on how M&A practices continue to change. These top lawyers reveal their advice on how to prepare a company for sale, how to conduct due diligence on a target company, how to negotiate a deal, and how to resolve potential disputes. From common client mistakes and components of client education to strategies for preparedness, including formulating effective integration plans and identifying red flags, these authors explain important factors in measuring successful transactions. The different niches represented and the breadth of perspectives presented enable readers to get inside some of the great legal minds of today, as these experienced lawyers offer up their thoughts around the keys to navigating an increasingly-relevant and rapidly-expanding

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area of law. Chapters include: 1. Hal N. Schwartz, Partner, McDermott Will & Emery LLP ? ?M&A Basics for the Real World?; 2. Peter J. Barrett, Partner, Bruce W. Raphael, Partner, and Jennifer N. Oswitt, Contract Attorney, Edwards Angell Palmer & Dodge LLP ? ?Structuring, Negotiating, and Consummating an M&A Transaction?; 3. Warren J. Casey, Esq., Partner, Pitney Hardin LLP ? ?Common Sense in Acquisitions?; 4. Stephen J. Coukos, Esq., Shareholder-Director, Gallagher, Callahan & Gartrell PC ? ?Let's Make a Deal: M&A Processes and Issues?; 5. David Foltyn, Partner, Honigman Miller Schwartz and Lohn LLP ? ?The Two Sides of M&A: Representing Buyers and Sellers?; 6. John B. Frisch, Chairman & CEO, Miles & Stockbridge PC ? ?No Such Thing as a Perfect Deal: Due Diligence and Negotiation Strategies?; 7. Stephen Fraidin, Partner, Kirkland & Ellis LLP ? ?Avoiding Litigation

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in M&A Transactions?; 8. Michael R. Koblenz, Partner, Mound Cotton Wollan & Greengrass ? ?Mergers and Acquisitions: A Closer Look at Due Diligence and Negotiation Strategies? Appendices include:

1. Appendix A: Agreement and Plan of Reorganization
2. Appendix B: Form of Reciprocal Confidentiality Agreement
3. Appendix C: Legal Due Diligence Request
4. Appendix D: Confidentiality Agreement
5. Appendix E: Share Purchase Agreement Supplemental Provisions
6. Appendix F: Agreement and Plan of Merger
7. Appendix G: Asset Purchase Agreement
8. Appendix H: Confidentiality and Non-competition Agreement
9. Appendix I: Letter of Intent Short Form (Non-Binding)
10. Appendix J: Letter of Intent Longer Form/Non-Binding With Alternate Binding Language
11. Appendix K: Sample Stock Purchase Agreement (1)
12. Appendix L: Sample Stock Purchase Agreement (2)
- 13.



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## Appendix M: Draft Letter Re: Offer to Purchase Shares

The classic, comprehensive guide to mergers and acquisitions, now completely updated for today's market.

For years, academic thinking on negotiations and auctions has matured in different silos. Negotiation theory focused on deals between two parties, investigating psychological motivations and invoking ideas like 'best alternative to a negotiated agreement.' Auction theory, on the other hand, focused exclusively on situations where multiple bidders were involved and the highest bidder won. Harvard Business School professor Guhan Subramanian specializes in understanding how deals. As he studied deals in the news, observed deals as a participant and invited legendary dealmakers into his classroom, one

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commonality kept cropping up. Assets most often change hand not in a pure negotiation or a pure auction, but by a mechanism that freely combines elements from both schools of thought. Negotiators are 'fighting on two fronts' across the table, but also on the same side of the table with known, unknown, or possible competitors. In *Negotiauctions*, Subramanian provides a lively tour of both negotiation and auction theory, following those summaries with an in-depth look at his hybrid theory that includes strategies that readers can use in real life situations. Along the way Subramanian employs multiple case studies, from studio negotiations over a new season of the TV show *Frasier* to his own experience purchasing a car. Classroom tested in one of the world's best business schools, *Negotiauctions* is an indispensable how-to guide for anyone involved in the sale of high-value assets.

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The survival and prosperity of any corporation over the long term depend on the company's ability to grow and develop through a process of investment, restructuring, and redeployment. Since the late 19th century, mergers and acquisitions (M&As) have become an essential vehicle for corporate change, fuelled by synergies that could arise from expansion of sales and earnings, reduction in cost, and lower taxes and cost of capital. M&A transactions, however, are complex and risky and are affected by the state business cycle, financial conditions, regulations, and technology. Approximately two-thirds of all M&A deals fail. This book seeks to provide an effective and comprehensive framework, predominantly embedded in corporate finance, for achieving greater success. Written by academics and practitioners, it integrates business strategies with formal analysis relating to M&A deal making,

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providing a coherent statement on M&A by utilizing scholarly work with best practices by industry. The authors provide extensive analytical review and applications of the following critical M&A issues: valuation, leveraged buyouts, payment methods and their implications, tax issues, corporate governance, and the regulatory environment, including antitrust in M&A. The book globalizes the M&A model by extending it to cross-border business, risk and select hedging methods, and addresses postmerger integration. This book is intended as a reading text for a course in M&A for undergraduates and MBA programs, and for practitioners as a handbook.

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