



## Kimberly E. Lomot

Counsel

New Jersey

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Kimberly regularly advises clients on the acquisition, disposition, financing, development, and leasing of commercial real estate. Her practice is national in scope, and she has extensive experience handling transactions in all real estate sectors. She has several years of experience in counseling both borrowers and lenders with respect to government guaranteed loans, including SBA (7a) and 504 loans. Kimberly's familiarity with diverse types of real estate and the needs of developers, owners, tenants, lenders, and other investors in real property allows her to combine her knowledge of the law with a businesslike approach to getting deals done.

Kimberly brings strategic judgment and practical solutions to every real estate transaction in which she is involved. Dedicated to excellence, Kimberly personally commits herself to realizing each client's specific goals.

## EXPERIENCE

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- > Represented a 50 year-old educational institution in a 24,000 square foot lease at 1501 Broadway, in the historic Paramount Building in the heart of the Theater District and Times Square in Manhattan. This 33-story location now serves as the school's headquarters, teaching facility, and executive offices.
- > Represented a global plastics manufacturer in connection with the sale of its headquarters located in New Jersey through an auction process and the leasing of its new global headquarters facility in Pennsylvania, including the negotiation of a multi-tiered tax benefit structure offered by the Commonwealth of Pennsylvania pursuant to the Redevelopment Assistance Capital Program.
- > Represented a leading hedge fund in connection with its new Silicon Valley, full floor headquarters lease, including exterior building signage and naming rights.
- > Represented a national construction machine dealer/distributor's acquisition of the franchisee for the South Jersey, Pennsylvania, and Delaware market of a large heavy equipment sales and repair company. This included the triple-net leaseback of three industrial facilities, including the target's main headquarters facility totaling approximately 23.5 acres, consisting of numerous specially-purposed buildings.
- > Represented a technology enabled financial services company as Tenant in connection with its approximately 80,000 square foot headquarters office in Menlo Park, California. This transaction covered two leased buildings, one of which was a ground-up build-to-suit, with two different landlords – across the street from each other – but the buildings function as a single headquarters.
- > Represented a leading private equity firm, as lender, in connection with its \$39M portfolio of mortgage loans secured by casinos in Nevada.
- > Represented a hedge fund, as lender, in connection with its \$300M+ mortgage loan facility secured by casinos in Nevada and card rooms in the state of Washington.

## HONORS & AWARDS

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- > **New Jersey Rising Stars (2010, 2013-2018)**  
Recognized for work in Real Estate: Business, Banking and Business/Corporate

## NEWS & INSIGHTS

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### Publications

- > July 6, 2020  
**"Paycheck Protection Program: FAQs for Small Businesses,"** *Lowenstein Sandler LLP*  
Catherine Weiss, Christina Holder, Michael A. Buxbaum, Kimberly E. Lomot
- > June 23, 2020  
**"Latest Update on the Paycheck Protection Program Flexibility Act of 2020,"** *Debt Financing Client Alert*  
Lowell A. Citron, Kimberly E. Lomot, Patricia K. Perez, Jesse S. O'Connell

- > June 4, 2020  
**"Paycheck Protection Program Flexibility Act of 2020,"** *Debt Financing & The Tech Group Client Alert*  
 Lowell A. Citron, Kimberly E. Lomot, Matthew J. Moisan, Jesse S. O'Connell, Raymond P. Thek, Ed Zimmerman
- > May 26, 2020  
**"SBA Announces: "SBA may begin a review of any PPP loan of any size at any time in SBA's discretion" & DOJ Announces Multiple Enforcement Actions,"** *Debt Financing & The Tech Group Client Alert*  
 Ed Zimmerman, Kathleen A. McGee, Kimberly E. Lomot, Raymond P. Thek, Lowell A. Citron
- > May 19, 2020  
**"Application for PPP Loan Forgiveness ... Now What?,"** *Debt Financing Client Alert*  
 Lowell A. Citron, Theodore C. Sica, Kimberly E. Lomot, Jesse S. O'Connell
- > May 18, 2020  
**"Dear Tech Company Founders & VCs: Eligible on Main Street,"** *Debt Financing & The Tech Group Client Alert*  
 Anthony O. Pergola, Bryan D. LaPlant, Kathleen A. McGee, Kimberly E. Lomot, Lowell A. Citron, Ed Zimmerman
- > May 15, 2020  
**"Minimizing Director Liability: Best Practices for PPP Recipients,"** *The Tech Group & White Collar Client Alert*  
 Kathleen A. McGee, Matthew J. Moisan, Kimberly E. Lomot, Cecily Larison CIPP/US
- > May 14, 2020  
**"FAQ 46 & 47: Crime & Punishment (or the Lack of Either) for PPP Loans Large and Small,"** *Lowenstein Sandler LLP*  
 Raymond P. Thek, Kathleen A. McGee, Ed Zimmerman, Kimberly E. Lomot
- > April 24, 2020  
**"Heightened Scrutiny for Public Companies and Portfolio Companies of Funds for PPP Loans and No PPP Loans for Funds Themselves,"** *Lowenstein Sandler Client Alert*  
 Lowell A. Citron, Ed Zimmerman, Michael A. Buxbaum, Theodore C. Sica, Kimberly E. Lomot, Jesse S. O'Connell
- > April 23, 2020  
**"Current State of Loan Forgiveness Under the Paycheck Protection Program,"** *Debt Financing Client Alert*  
 Lowell A. Citron, Michael A. Buxbaum, Theodore C. Sica, Kimberly E. Lomot
- > April 23, 2020  
**"Money? What Money? Is It Time to Give Your Money Back? Updates to the PPP and the FAQ's,"** *Debt Financing Client Alert*  
 Lowell A. Citron, Ed Zimmerman, Michael A. Buxbaum, Theodore C. Sica, Matthew J. Moisan, Kimberly E. Lomot, Jesse S. O'Connell
- > April 16, 2020  
**"SBA Paycheck Protection Program Update: Sole Proprietorships and Independent Contractors,"** *Debt Financing Client Alert*  
 Lowell A. Citron, Michael A. Buxbaum, Theodore C. Sica, Kimberly E. Lomot, Jesse S. O'Connell
- > April 16, 2020  
**"SBA Loans Regs: The "Bootleg" Redline of SBA Affiliation Rule §301(f) (the changes you're not seeing online!),"** *Lowenstein Sandler LLP*  
 Ed Zimmerman, Matthew J. Moisan, Lowell A. Citron, Justin Gindi, Jesse S. O'Connell, Kimberly E. Lomot, Raymond P. Thek, Carly Coleman
- > April 14, 2020  
**"PPP Loans For Startups/Growth Companies—Former Attorney General's Perspective—Lessons From Hurricane Sandy & 9/11,"** *Forbes*  
 Ed Zimmerman, Christopher Porrino, Elie Honig, Kathleen A. McGee, Kimberly E. Lomot, Lowell A. Citron
- > April 7, 2020  
**"SBA Paycheck Protection Program Update: Frequently Asked Questions,"** *Debt Financing Client Alert*  
 Lowell A. Citron, Michael A. Buxbaum, Theodore C. Sica, Kimberly E. Lomot
- > April 7, 2020  
**"Venture Capital Affiliation Checklist (for Rule 301(f) purposes for SBA 7(a) PPP Business Loans),"** *Lowenstein Sandler LLP*  
 Ed Zimmerman, Matthew J. Moisan, Kimberly E. Lomot, Raymond P. Thek, Anthony O. Pergola, Alex D. Leibowitz
- > April 5, 2020  
**"SBA Loans Under PPP: Please Don't Require VC-Backed Startups To Amend Their Charters,"** *Forbes*  
 Ed Zimmerman, Anthony O. Pergola, Kimberly E. Lomot, Matthew J. Moisan
- > April 3, 2020  
**"SBA Paycheck Protection Program Update: SBA Interim Final Rule,"** *Debt Financing Client Alert*  
 Lowell A. Citron, Michael A. Buxbaum, Theodore C. Sica, Kimberly E. Lomot
- > March 31, 2020  
**"SBA Section 7(a) Loans for Venture Capital Backed Growth Companies/Startups Under the CARES Act,"** *The Tech Group Client Alert*  
 Matthew J. Moisan, Ed Zimmerman, Lowell A. Citron, Kimberly E. Lomot, Raymond P. Thek
- > March 30, 2020

### "SBA Paycheck Protection Program," *Lowenstein Sandler LLP*

Lowell A. Citron, Michael A. Buxbaum, Theodore C. Sica, Kimberly E. Lomot

> March 27, 2020

### "Emergency Relief Legislation for Businesses and Individuals: CARES Act-Loan Programs," *Debt Financing Client Alert*

Lowell A. Citron, Michael A. Buxbaum, Marc S. Kurzweil, Theodore C. Sica, Kimberly E. Lomot, Bryan D. LaPlant, Kimber Hargrove

> October 8, 2018

### "More Commercial Lease Pitfalls for Tenants: Part Two," *Commercial Property Executive*

Daniel A. Suckerman, Kimberly E. Lomot

> May 22, 2018

### "Identifying & Avoiding Commercial Lease Pitfalls: Part One," *Commercial Property Executive*

Daniel A. Suckerman, Kimberly E. Lomot

## In the Media

> May 18, 2020

**NJBIZ** mentions **Kimberly E. Lomot** and **Jesse S. O'Connell** in an article about small businesses and nonprofits seeking help with applying for government relief in the wake of the COVID-19 pandemic. Julie Murphy, executive director of **Partners for Women and Justice**, an organization that provides legal assistance to survivors of domestic violence, sought pro bono advice about the Paycheck Protection Program. Lomot and O'Connell answered her questions about the application and connected her to Northeast Bank, facilitating a smooth and successful loan process. The loan, most of which will be forgiven, will help keep this critical organization in operation throughout the pandemic.

> April 17, 2020

In **Built In**, **Ed Zimmerman**, **Kathleen A. McGee**, and **Kimberly E. Lomot** discuss the confusion regarding startups' eligibility under PPP for SBA loans, including how venture capital-backed growth companies should consider certifying "need" under the CARES Act. "The reporting in the press was, 'Startups are totally ineligible or almost totally ineligible,'" says Zimmerman. "But that's not what the law says. That's analysis under Section 103, and the proper way to do the analysis is under 301." He goes on to clarify under what conditions "negative control" by minority owners may constitute affiliation so as to bar PPP loan eligibility, and how to avoid this through irrevocable waivers or amended charters.

Both Zimmerman and McGee emphasize the importance of documentation. McGee, former Bureau Chief at the New York State Attorney General's Office, explains the potential risk of future prosecution for companies applying for PPP without having properly assessed the "necessity" certification: "If it is demonstrable on the budget in the Excel spreadsheet you're keeping that things are going to get much tighter because of COVID-19, then I think you're justified. ... But you have to have that good faith justification. If you have a year of bank, it's probably going to be a flag raised for regulators."

Lomot, who has years of experience counseling both borrowers and lenders on SBA loans, also urges caution in taking the certifications seriously: "eagerness to claim available funds...could get startups in trouble if they're not applying in good faith."

> November 11; November 14, 2019

Lowenstein Sandler's representation of **ZMC** in its investment in **CommentSold, Inc.** is noted in **The PE Hub Network**, **Business Wire**, **Financial News**, and the **Global Legal Chronicle**. The Lowenstein team included **Steven E. Siesser**, **Lesley P. Adamo**, **Elisia M. Klinka**, **Darren Goodman**, **Julie Levinson Werner**, **Anita L. Chapdelaine**, **Nicole Rae Morales**, **Nicole Stefanelli**, **Megan Monson**, **Eric Jesse**, **Sophia Mokotoff**, **Carly S. Penner**, **Bryan Sterba**, **Manali Joglekar**, **Mark P. Kessler**, **Daniel A. Suckerman**, **Kimberly E. Lomot**, and **Doreen M. Edelman**. **View Lowenstein's news announcement about this transaction.**

> May 30, 2018

**Cosmetics Technology** and **Business Wire** note Lowenstein Sandler as legal counsel to **New Mountain Capital** and portfolio company **Topix Pharmaceuticals, Inc.**, in their acquisition of **DERMA E**. (Lowenstein deal team: **Marita A. Makinen**, **David L. Goret**, **Matt Savare**, **Michael Walutes**, **Darren Goodman**, **Eric Jesse**, **Manali Joglekar**, **Marc S. Kurzweil**, **Kimberly E. Lomot**, **Justin Gindi**, **Tim Janas**, **Megan Monson**, **Leah Satlin**, and **Jacob D. Unger**.)

## SPEAKING ENGAGEMENTS

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> Panelist, **Business Is Not as Usual**, Shibolet & Co., Webinar, May 11, 2020

> Speaker, **PPP Loans: Startups & Ending the Limited Safe Harbor—What Does the Future Hold for VCs & Startups?**, Lowenstein Sandler LLP, May 5, 2020

> Speaker, **SBA Section 7(a) Loans: The Former Attorney General's Perspective**, Lowenstein Sandler LLP, Webinar, April 9, 2020

## EDUCATION

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> Suffolk University Law School (J.D. 2004); Dean's List

> Babson College (B.S. 2001), cum laude, business administration; Dean's List; Blue Key Honor Society

## ADMISSIONS

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> New Jersey