



Matthew J. Moisan

Counsel

New York

T: +1 646.414.6855 | F: +1 973.597.2400

mmoisan@lowenstein.com

Matthew develops legal strategies for entrepreneurs forming new ventures, obtaining venture capital investment, engaging in joint ventures, and conducting mergers and acquisitions.

He has represented acquirers and targets in mergers and acquisitions in mid-market transactions (\$50–100 million) and other complex corporate transactions involving private equity, securities rules and regulations, and corporate governance and disclosure.

A former Chair of the Emerging Companies and Venture Practice Group of an Am Law 200 firm and managing partner of his own boutique corporate law firm, Matthew has represented startups, entrepreneurs, and growth-stage companies in addition to digital marketing firms, technology development firms, and public relations agencies. He drafts operating agreements, startup incorporation documents (including shareholder agreements, stock purchase agreements, non-disclosure agreements, and IP assignment agreements), and asset purchase agreements. He also creates financing documents such as Structure Regulation D offerings (and related securities filings), private placement memoranda, Series Seed, Series A, and convertible note financing documents. Matthew is also a member of the firm's **CARES Act SBA Loan Team**.

An adjunct professor at Parsons School of Design, Matthew teaches Business Regulations and Practices. He is a frequent speaker at events such as Techweek (New York, Kansas City, and Los Angeles), AlleyNYC, AlleyBoost, and LawTrades, and he has given multiple CLE presentations as Chairman of the New York State Bar Association's Business Organizations Committee.

EXPERIENCE

- > Represented WhizAI, a business intelligence software provider, in securing \$4 million in seed funding.
- > Represented SpringServe, a supply-side ad server, in securing an investment from and strategic relationship with SpotX.
- > Represented Telehealth, a telemedicine provider, in its acquisition by [NCP](#).
- > Represented Food52, a leading innovator in the food, cooking, and home space, in its \$83 million investment by an affiliate of The Chernin Group LLC.
- > Represented RTK.io, a programmatic infrastructure and ad operation company, in its acquisition by Rubicon Project.

HONORS & AWARDS

- > **New York Rising Stars (2014-2019)**
Recognized for work in Business/Corporate, Securities & Corporate Finance, and Technology Transactions

NEWS & INSIGHTS

Publications

- > 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 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
- > 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

"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 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 15, 2020

"The Paycheck Protection Program: FOIA and Potential Implications for Applicants and Investors," *Tech Group Client Alert*

Kathleen A. McGee, Matthew J. Moisan, Jesse S. O'Connell

> April 8, 2020

"The Paycheck Protection Program: FOIA and Potential Implications for Applicants and Investors," *Tech Group Client Alert*

Kathleen A. McGee, Matthew J. Moisan, Jesse S. O'Connell

> 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

> 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

In the Media

> April 8, 2020

In **Inc.**, **Matthew J. Moisan** praises the SBA's clarification of PPP eligibility for VC-backed startups as helping create "a fast, inexpensive process for the companies." The SBA now defines an affiliate as an investor who can block actions by a startup's board of directors; if the investor relinquishes that right, the business is no longer considered an affiliate and will have a better chance of meeting the headcount requirement and eventual success in its loan application.

> April 3, 2020

Matthew J. Moisan comments in **Inc.** magazine on VC-backed startup eligibility for the Paycheck Protection Program. If investors have the right to veto a merger or dissolution under the certificate of incorporation, the portfolio companies might be considered affiliates and thus ineligible for assistance. "We are interpreting that this type of provision is not indicative of control or of affiliation, but the rules are imprecise," he says.

> September 30-October 4; November 7, 2019

TCG Capital Management's \$83 million investment in Lowenstein client Food52 by was reported by **The Wall Street Journal**, **Vox**, **Yahoo! Finance**, **Cision PR Newswire**, **The Big Lead**, **TMCNet.com**, **The PE Hub Network**, **Bloomberg Law – Big Law Business**, **Markets Insider**, **Morningstar**, **benzinga**, **StreetInsider.com**, **Financial Content**, **Law360**, **IT News Online**, and the **Global Legal Chronicle**. (The Lowenstein Sandler deal team was led by deal lawyers **Ed Zimmerman** and **Alex D. Leibowitz**, with tax support from **Brian A. Silikovitz** and **James E. Gregory** (executive compensation). The Lowenstein attorneys on the team were **Robert W. Lynn**, **Pooja Patel**, **Elias Kwon**, **Bianka V. Barraza**, and **Matthew J. Moisan**, with subject matter expertise from **Sophia S. Mokotoff** (tax), **Megan Monson** (executive compensation), **Leah Satlin** (commercial contracts), **Taryn E. Cannataro** (executive compensation), and **Eric Jesse** (insurance). **View Lowenstein's news announcement about this transaction.**

EDUCATION

> Touro Law Center (J.D. 2008), cum laude; member, *Touro Law Review*

> Boston University (B.A. 2005)

ADMISSIONS

> New York