

# SHEEHAN PHINNEY

## Mark W. Dell'Orfano

Of Counsel | Manchester, NH

Mark's practice focuses on advising clients in the energy, mining, natural resource, private equity, and technology industries. His experience includes acquisitions, divestitures, and joint ventures (asset and equity); cross-border transactions; energy project development; mining and natural resource project development (diamond, gold, upstream oil & gas); secured and subordinated financing; strategic investments (equity and mezzanine debt); private equity and venture capital transactions; and related tax issues.

Prior to joining Sheehan Phinney, Mark worked for sixteen years in private equity. During that time, he handled legal and business matters for a variety of energy, mining, and natural resource development projects in the United States, Canada, and Latin America, as well as early-stage investments in, and exits from, technology businesses. He began his energy career at age 18, working the summer before college as a wood-fuel "technician" at one of New Hampshire's original biomass-fired, PURPA-qualifying cogeneration facilities.



### Contact Information

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## Key Cases

- Represented a New Hampshire private equity fund in connection with the acquisition of non-operated wells and oil and gas properties located in the Wattenburg oil & gas field.
- Handled negotiations and documentation of a power purchase agreement for an independent power generation client.
- Advised a New Hampshire renewable energy developer on the preparation of an ISO New England interconnection request and feasibility study.
- Represented an energy developer on the purchase and sale (equity) of a Massachusetts hydroelectric project.
- Represented the lead investor in pre-acquisition bridge financing of Nanocomp Technologies, Inc., a New Hampshire-based manufacturer of advanced carbon materials.
- Represented a lead investor in the sale of a New Hampshire-based, venture-backed software company to Nuance Communications, Inc. (NASDAQ: NUAN).
- Represented an energy investor in connection with an upstream investment in California oil and gas properties and the joint ownership, development, and operation of them.
- Represented a private equity lender in a financing transaction secured by working interests and operating rights to certain operated and non-operated oil wells.
- Represented a developer client on the asset sale and removal of a New Hampshire-based, biomass power plant.
- Advised a private equity group on its acquisition of mining claims and long-term mineral leases from a Canadian mining company.
- Represented a Colombian mining company, a branch of a U.S. controlled-foreign corporation, on a cross-

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border gold mining and mineral processing joint venture.

## Practice Areas

- Corporate
- Environment & Energy
- Business Lending
- Commercial Contracts
- Development & Construction
- International Contracts
- Mergers & Acquisitions
- Private Companies
- Securities & Venture Capital
- Taxation
- Technology and Related Commercial Agreements
- Zoning, Planning & Land Use

## Admissions

- New Hampshire
- Massachusetts
- U.S. District Court, District of New Hampshire
- U.S. District Court, District of Massachusetts
- U.S. Tax Court
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the District of Columbia Circuit

## Education

- J.D., Massachusetts School of Law
- M.B.A., Babson College
- B.S., Purdue University

## Civic Involvement

- Member, American Bar Association
- Member, Energy Bar Association
- Member, Manchester Bar Association
- Member, New Hampshire Bar Association
- Member, Clean Energy NH

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- NHBA Low-Income Taxpayer Project
- Rocky Mountain Mineral Law Foundation

## **Publications**

- CLIENT ALERT: Federal Government Takes Fiscal Actions to Reduce Impact of COVID-19 Businesses