

# Snell & Wilmer

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## **Kenneth Ashton**

Partner | Salt Lake City

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### **Main Bio**

Ken Ashton advises start-up, emerging growth and mature companies in a variety of business transactions. He also represents private equity funds, strategic buyers, and commercial and private lenders.

### **Representative Transactions**

#### ***Significant Experience***

- Representing private equity funds, and public and private companies in merger and acquisition transactions and joint ventures, including transactions involving industrial manufacturing, telecommunications, energy and commercial retail
- Advising various companies in private placement transactions and in federal and state securities laws
- Assisting start-up and mature companies in entity formation and corporate/ organizational governance, including limited liability companies, partnerships, and buy-sell agreements
- Representing various clients in the negotiation and preparation of various types of commercial contracts, including agreements for supply/distribution, technology license, outsourcing service contracts, and other general commercial agreements
- Advising various commercial banks and private lenders in secured lending transactions and corporate financings
- Assisting in preparing and negotiating buy-sell agreements, structuring management buy-outs, and resolving shareholder/management disputes
- Advising in the formation, organization and governance of non-profit organizations and related matters

#### ***Selected Recent Transactions***

- Lead transaction counsel to purchaser in acquisition of majority equity interest in local ski resort.
- Counsel to national ski resort operator in various acquisition, disposition and operational matters.
- Transaction counsel to a Utah professional corporation in the sale of its medical services business to a strategic buyer
- Counsel to purchaser in recent \$90 million asset acquisition of an industry competitor
- Counsel to a Utah-based agriculture company in the sale of its business to an industry competitor
- Counsel to leading manufacturer and supplier of wheel rims in a variety of joint venture, development agreements and other commercial transactions, including in a recent acquisition of an industry competitor and divestiture of its drive-axle business

- Counsel to management group in compensation/equity roll-over in the sale of a Utah-based manufacturing company to private equity buyer
- Counsel to a public company in the recent sale of its farm equipment division to a strategic buyer
- Counsel to manufacturer and supplier of seating components for trucks in the sale of its business to a strategic buyer
- Counsel to commercial retail in the partial divestiture of its business to an industry competitor
- Counsel to a private equity investor of its acquisition of a specialty metals company
- Counsel for private equity investor in providing secured and unsecured loans to portfolio companies, including acquisition/development loans
- Counsel to stockholders in their sale of equity interest in a colocation business to an industry competitor
- Represented a Caribbean-based telecommunications operator in its sale to a large international telecommunications provider
- Primary counsel to first aid supply company in the sale of its business to an international conglomerate
- Served as counsel to various private equity groups in providing secured financings of emerging growth companies
- Counsel to a Utah non-profit organization that provides access to musical instruments in high-risk areas of Salt Lake City; advised client in forming, obtaining tax exempt status and non-profit governance
- Advised a prominent, Utah for-profit private company in setting up a nonprofit foundation
- Advise various nonprofit startups from formation, establishing bylaws and governance guidelines and obtaining 501(c)(3) status
- Advised a nonprofit charter school in connection with tax credit, municipal bond financings for expansion
- Advise various nonprofit Homeowners' Associations with governance issues from time to time

## Education

- University of Texas (J.D., 2001)
  - Member, Texas International Law Journal
  - International Law Society
- University of Utah (B.A., Economics, minor in Business, cum laude, 1998)
  - Phi Kappa Beta
  - Golden Key National Honor Society

## Languages

- Portuguese

## Professional Memberships & Activities

- State Bar of Utah
  - Business Section, Chair (2015-2016)
- American Bar Association

- Snell & Wilmer Legal Opinion Committee, Member

## **Representative Presentations & Publications**

- "Professionalism & Civility for Transactional Attorneys," Co-Presenter, Utah State Bar Summer Convention, Sun Valley, Idaho (July 27, 2018)
- "Legal Entities," Presenter, Utah Association of Professional Landmen Meeting, Salt Lake City, Utah (April 2014)
- "[Broker-Dealer: Never Make Registration Decisions Based on Assumptions](#)," Contributor, VC Experts (October 24, 2013)
- "Mid-Career Crisis or Success? The Business Lawyer's Essential Toolkit Part 2," Co-Presenter, Utah Bar Convention, Snowmass Village, Colorado (July 18, 2013)

## **Professional Recognition & Awards**

- The Best Lawyers in America®, Corporate Law (2020)
- Utah Legal Elite: Corporate Law and Transactions, Utah Business Magazine (2016)
  - Up and Coming (2012)
- Utah State Bar Business Law Section, Practitioner of the Year (2019)

## **Community Involvement**

- Young Benefactors of the Utah Museum of Fine Arts, Past Executive Committee Member

## **Other Professional Experience**

- Simpson Thacher & Bartlett, Associate (2001-2004)

## **Bar Admissions**

- Utah
- New York

## **Court Admissions**

- Supreme Court of Utah
- Supreme Court of New York