

# David L. Kimport

Partner | San Francisco

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David Kimport's practice consists of real estate investment, finance, and sophisticated business transactions, principally for public pension funds, public agencies, and private institutional investors. He has more than 40 years of real estate investment experience, with more than 25 of them working with pension funds, and regularly represents clients in connection with real estate acquisitions, sales, ownership and development, financing, leasing, and asset management and with alternative investment vehicles.

David represents public and private investors and developers as part of a national real estate practice. His special focus on public agencies and pension funds is complemented by experience with a variety of clients from small entrepreneurial companies leasing corporate headquarters or manufacturing facilities to major multinational corporations investing in real estate. He provides skilled counsel on a full range of complex transactions, from bond financing and portfolio financing, to multi-asset, multi-state sales or acquisitions, to leasing and property management.

David is also experienced in providing business and corporate advice to clients in a variety of businesses with an emphasis on organization, acquisitions, capital formation, financing, public and private equity and debt offerings, and intellectual property protection and licensing.

He is AV Preeminent® Peer Review Rated by Martindale-Hubbell.

## EXPERIENCE

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### REAL ESTATE

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**Sacramento County Employees' Retirement System.** Lead attorney of team serving as sole outside real estate counsel for direct real estate investments. Advised on all aspects of the full portfolio, which includes office, industrial, multifamily and retail projects in several states. Transactions include negotiating mortgage financing, acquisitions and dispositions, joint ventures, construction contracting, as well as leasing and asset management.

**Los Angeles City Pension and Retirement Systems.** Represents the three Los Angeles City pension and retirement systems – City Employees' Retirement System, Fire and Police Pensions, and Water and Power Employees' Retirement Plan – with respect to their real estate direct investments, throughout the U.S., as well as indirect investments, through commingled funds, investment partnerships, and alternative investments.

**Santa Clara Valley Transportation Authority (SCVTA).** Represented the SCVTA in formation of a public private partnership with a major technology company for the development of the Diridon BART Station in downtown San Jose as part of the BART Extension to Santa Clara. Work included negotiating terms for exchange of properties, ground

lease of properties and temporary construction easements on adjacent land.

**San Jose Police and Fire Department Retirement Plan (SJP&F Plan).** Lead attorney for team serving as outside real estate counsel for SJP&F Plan from 2004 until SJP&F Plan terminated their direct real estate investment portfolio. Nossaman was responsible for the separate account real estate investments made by SJP&F Plan, including leasing and asset management of existing assets, acquisition of new assets, and investment in commingled funds or other real estate investment vehicles as selected from time to time. Our work also included construction contracting and financing.

**California Public Employees' Retirement System (CalPERS).** Serves as primary real estate counsel at Nossaman for CalPERS. Nossaman is included on CalPERS' Real Estate Partnership Counsel List, and as such has handled several assignments since 1994. Among other matters, Nossaman handled a complex litigation involving construction defects in an apartment complex acquired by CalPERS in the Los Angeles area, which ended in a highly favorable settlement for CalPERS.

**Oakmont Senior Living.** Represents premier developer and operator of senior housing, assisted living, memory care, and continuous care facilities in California and Nevada in connection with corporate and transactional structuring, construction and permanent financing, management and property sales.

**Regional Bank.** Serves as lender's counsel for large regional bank in connection with bond financings secured by real estate, including industrial revenue bonds and multifamily revenue bonds. Assists with documenting credit enhancement by means of direct-pay letters of credit as well as related supplemental credit facilities.

**Urban Real Estate Developer.** Represented developer in formation and structuring of long-term joint venture with institutional investor for acquisition, development, and operation or sale of multifamily, commercial, and mixed use properties in urban East Coast markets.

**Family Office.** Represents family office with respect to leasing, financing, management, and sales of its real estate portfolio.

**Technology Company.** Represents major technology company in the acquisition of a 93 acre industrial park in Southern California, including dealing with environmental issues, and the remodeling and repurposing of existing buildings for labs, warehouses, manufacturing, and administrative offices.

## CORPORATE & BUSINESS

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**Agribusiness Client.** General counsel to an international developer and producer of hybrid vegetable seeds. Advised on international structure and organization, intellectual property protection and licensing, distribution agreements, and acquisitions.

**State Departments of Transportation, including Texas Department of Transportation, Washington State Department of Transportation, Transportation Corridors Agencies (Orange County, California).** Provides ongoing advice on procurements, letters of credit, commercial law, secured transactions, and intellectual property rights and protections in connection with state-of-the-art electronic toll collection systems and traffic management systems.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "Legal Challenges Arising From Remote Working and Return to Office Plans, with a Focus on Data Privacy, Employment Rules, and Contract Issues," CALAPRS Attorneys' Roundtable, 06.11.2020

Speaker, "Legal Consequences of Shelter-in-Place Orders and Beyond for Public Pensions Systems," Nossaman Webinar, 05.07.2020

Panelist, "Meeting Challenges in Investments in Real Assets," Nossaman's 2019 Public Pensions & Investments Fiduciaries' Forum, Berkeley, CA, 09.05.2019

Speaker, "Understanding Investment Documentation (Public and Private Markets)," Nossaman's 2017 Public Pensions & Investments Fiduciaries' Forum, San Francisco, CA, 11.30.2017

Speaker, "Complex Real Estate Investing," National Association of Public Pension Attorneys' 2017 Legal Education Conference, Monterey, CA, 06.28.2017

Speaker, "Fiduciary, Conflict of Interest and Transparency Issues Involving Investment-Related Service Providers," Nossaman's 2016 Public Pensions & Investments Fiduciaries' Forum, San Francisco, CA, 10.27.2016

Speaker, "A Bird's-Eye View of Real Asset Investing," Nossaman's 2015 Public Pensions & Investments Fiduciaries' Forum, San Francisco, CA, 09.25.2015

## **PUBLICATIONS**

Author, "California Adopts New Requirements with Respect to Disability Access for Commercial Leases," *Nossaman eAlert*, 10.21.2016

Co-Author, "What Every California LLC Needs To Know About California's New Revised Uniform Limited Liability Company Act," *Nossaman eAlert*, 03.17.2014

## **HONORS & RECOGNITIONS**

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Included in *The Best Lawyers in America*® for Real Estate Law, 2013-2022

Selected to the Northern California Super Lawyers list, 2004-2013

AV Preeminent® Peer Review Rated by Martindale-Hubbell

## **COMMUNITY & PROFESSIONAL**

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Pension Real Estate Association

National Association of Public Pension Attorneys

Urban Land Institute

Bar of the United States Supreme Court

American Bar Association

California State Bar, Real Property, Business and Intellectual Property

San Francisco Bar Association

## **PRACTICES**

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Real Estate

Property Acquisitions & Dispositions

Joint Venture Formation

Real Estate Financing

Leasing

Asset & Property Management

Taxation

Workouts & Restructures

Public Pensions & Investments

Real Estate Investments

## **INDUSTRIES**

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Real Property

## EDUCATION

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Stanford Law School, J.D.

Bowdoin College, A.B., *summa cum laude*, Phi Beta Kappa

University of London, Fulbright Scholar

## ADMISSIONS

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California

U.S. Supreme Court