

# Kevin J. Simard

## Partner

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*“a master of his craft whose knowledge of both the structuring and documentation process make him an invaluable asset”*  
*Chambers USA*



Kevin is a partner in the Firm’s Finance & Restructuring Group. He has extensive experience representing financial institutions in connection with all aspects of secured financing transactions, including asset-based transactions, structuring, documentation, work out, and restructuring and bankruptcy - particularly in the retail industry. He regularly represents agents and lenders in connection with large syndicated loan transactions, club deals and single lender transactions. He also has considerable expertise in connection with revolving credit facilities, term loan facilities and unitranche structures.

As a former commercial litigator, Kevin brings deep experience and a unique skill set and view point in handling not only the work outs of problem loans but also the initial structuring of credit facilities.

Kevin is a member of the firm’s Executive Committee. He is an active member of the Boston Bar Association as well as the Turnaround Management Association.

Kevin is recognized in *The Legal 500* as a leading lawyer for Corporate Restructuring and listed in *Chambers USA* and *Best Lawyers in America*.

## EDUCATION

Boston College Law School  
*cum laude*, JD, 1989

College of the Holy Cross  
BA, 1986

## PRACTICE FOCUS

### Finance

Finance: Kevin has extensive experience in representing financial institutions, investment funds and other lenders in all aspects of secured financing transactions, including revolving credit facilities, term loans, unitranche facilities and second lien facilities. In addition to his significant experience in structuring and documentation of secured credit facilities, Kevin has years of experience in representing lenders in workouts, restructuring and insolvency matters. Kevin routinely represents both revolving credit lenders and term lenders in connection with intercreditor issues.

### Bankruptcy & Restructuring

Kevin has over 25 years of experience in handling all aspects of bankruptcy matters for various lenders in connection with asset based transactions, real estate matters and technology companies. His extensive experience includes representation of lenders in connection with cash collateral disputes, debtor-in-possession financing, 363 sales, avoidance actions and the plan process.

**ADMISSIONS**

Massachusetts

New York

U.S. Court of Appeals,  
First Circuit

U.S. District Court,  
Massachusetts

**PRACTICE AREAS**

Finance

Bankruptcy & Restructuring

**REPRESENTATIVE ENGAGEMENTS**

- Counsel to agent in connection with \$300 million asset based revolving credit facility to international window and door manufacturer. Counsel to agent in connection with \$100 million senior secured credit facility in connection with acquisition financing of luxury brand wholesaler and retailer.
- Counsel to agent in connection with \$85 million senior secured credit facility for acquisition and continued working capital needs for large retail chain.
- Counsel to agent in connection with \$190 million unitranche facility to brand retailer and wholesaler.
- Representation of various secured, unsecured, and cash flow lenders in connection with restructuring of troubled loans secured by business assets and real estate.
- Counsel to revolving credit agent in connection with international shoe retailer, including with respect to the initial acquisition financing, various debt restructurings, Company's chapter 11 proceeding including \$305,000,000 debtor in possession credit facility and \$260,000,000 emergence facility.
- Counsel to agent in connection with chapter 11 proceeding of national chain sporting goods, including in connection with \$452,500,000 debtor in possession facility and complicated 363 sale process.
- Counsel to agent in connection with credit facility including a revolving credit and term loan to wholesaler of private label products to larger retail chain.
- Counsel to term agent in connection with \$50,000,000 term loan to children's clothing retailer, as well as, \$47,500,000 debtor in possession facility.
- Counsel to agent in connection with \$450,000,000 revolving credit facility to national trucking company.
- Counsel to agent in connection with credit facility to online auto parts company.
- Counsel to various financial institutions in connection with numerous insolvency proceedings particularly in the retail sector, including addressing debtor in possession financing, cash collateral usage, 363 sales and plan process.