

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 Simard works with clients to help them think out of the box and utilize creative structures in order to provide greater value to their borrowers. He has extensive experience advising national banks and private lenders on all aspects of providing asset-based credit facilities to borrowers in various industries, with a particular emphasis on retail and consumer products. With the perspective on both the upfront structuring and the back-end wind-down of facilities that comes from extensive experience, Kevin and his team represent clients for the full life cycle of their deals, from complicated front-end structuring, negotiation and documentation of transactions, to work outs and restructurings, to bankruptcy and exit financings.

Kevin’s clients have included Bank of America, Bank of Montreal, Callodine Commercial Finance, Carlyle Private Credit, Citizens Bank, Encina Business Credit, First Eagle Alternative Credit, Gordon Brothers Funding LLC, Pathlight Capital, SLR Credit Solutions, and Wells Fargo. He has been at the center of some recent notable and high-profile retail bankruptcies in the country, including Sears Holdings, J. Crew, Brooks Brothers, The McClatchy Companies and Payless Shoes.

Kevin plays an active role in the management of various aspects of the firm.

PRACTICE AREAS

Finance

Bankruptcy & Restructuring

RECOGNITION

- *The Legal 500* - Corporate Restructuring
- *Chambers USA* – Finance
- *Best Lawyers in America*

REPRESENTATIVE ENGAGEMENTS

- Bank of America, N.A. as agent in connection with \$400 million exit asset-based revolving credit facility to J. Crew and several of its affiliates in connection with their exit from their Chapter 11 proceedings.

EDUCATION

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

College of the Holy Cross
BA, 1986

ADMISSIONS

Massachusetts

New York

U.S. Court of Appeals,
First Circuit

U.S. District Court,
Massachusetts

- Joint lead arranger and co-collateral agent in connection with \$1.86 billion debtor in possession facility to Sears Holding and its subsidiaries.
- Citizens Bank N.A. in an amendment to its existing revolving credit facility with Yellow Corp., a public company providing transportation and logistics services internationally to a wide range of customers and industries. This transaction was completed under the CARES Act of 2020.
- Wells Fargo Bank, N.A. as term agent for a syndicate of lenders in connection with a \$140 million senior secured asset-based term loan facility established for Express, LLC and certain of its affiliates.
- Agent in connection with \$260 million syndicated asset-based revolving credit facility to national cold storage and logistic company used to fund the acquisition of a strategic business, refinance indebtedness and to support working capital and future acquisitions.
- Citizens Bank, N.A. as agent in connection with a senior secured revolving loan to Luxury Brand Holdings, Inc., a specialty retailer of luxury jewelry and the parent company of the designer jewelry brand Ross-Simons.
- Agent in connection with term loan facility to cloud-based full-service waste and recycling company.
- Encina Business Credit as agent in \$50 million senior secured revolving credit facility. The proceeds will be used to finance the acquisition of the assets of The McClatchy Company in connection with its Chapter 11 proceeding. McClatchy has been a preeminent national news provider for over 150 years.
- Agent in connection with unitranche asset-based facility to a leading digital solutions provider.
- Citizens Bank, N.A., as agent, in connection with a \$150 million senior secured revolving credit facility to Steven Madden, Ltd. and its domestic subsidiaries and Hong Kong subsidiary.
- Term agent in connection with unitranche credit facility to international brand and licensing company.
- Agent in connection with \$300 million asset-based revolving credit facility to international window and door manufacturer.
- Agent in connection with \$100 million senior secured credit facility in connection with acquisition financing of luxury brand wholesaler and retailer.
- Agent in connection with \$190 million unitranche facility to brand retailer and wholesaler.
- Various secured, unsecured, and cash flow lenders in connection with restructuring of troubled loans secured by business assets and real estate.

- Agent in connection with credit facility including a revolving credit and term loan to wholesaler of private label products to larger retail chain.
- Term agent in connection with \$50 million term loan to children's clothing retailer, as well as \$47.5 million debtor in possession facility.
- Agent in connection with \$450 million revolving credit facility to national trucking company.
- Agent in connection with credit facility to online auto parts company.
- 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.
- Revolving credit agent in connection with the Payless Shoe matter, including with respect to the initial acquisition financing, various debt restructurings, the initial Chapter 11 proceeding including \$305 million debtor in possession credit facility, \$260 million emergence facility, and subsequent Chapter 11 proceeding involving a full chain liquidation.