

## ASSET BASED LOANS

Tax Software Company – Represented a SaaS tax software company in a \$4 million term loan, with warrants, provided by Silicon Valley Bank. (2021) Increased to \$10 million term loan and \$4 million revolver in 2022. Amendment in 2023. Refinanced with CIBC for \$20 million in 2024.

Digital Media Distribution Company – Represented digital media distribution company in \$4 million secured formula-based credit facility provided by Silicon Valley Bank (First Citizens). (2024)

Solar Panel and Battery Procurer – Represented solar panel and battery storage procurer in \$25 million secured line of credit provided by BankUnited. (2023)

Business Application Company - Represented Salesforce application developer in multi-million dollar term loan facility, with warrants, provided by AvidBank. (2021) Amendments re same (2022-2023). Refinancing of AvidBank facility with \$5 million multiple draw term loan facility based on recurring revenue, provided by Recurring Capital. (2023)

Salesforce App Developer – Represented a Salesforce application developer in a \$6 million recurring revenue line of credit provided by Bridge Bank (Western Alliance Bank). (2021) Amendments (2023). Refinance Bridge Bank line of credit with \$10 million recurring revenue line of credit provided by Comerica. (2023)

Food Preparation Company – Represented borrower in connection with \$300 million credit facility, agented by Citibank, and provided legal opinion in connection therewith. (2021) Amendments. (2022-2023)

In-Store Testing Consultants – Represented borrower in \$3.0 million growth capital term loan from Silicon Valley Bank. (2022) Refinanced to add \$3.5 million asset based loan and extend maturity. (2023)

Food Distribution Company – Represented borrower in connection with \$5.0 million secured loan provided by JP Morgan Chase Bank. (2022)

Ay Dee Kay/Indie Semiconductors – Represented Ay Dee Kay (a.k.a. Indie Semiconductor, a public developer and manufacturer of semiconductors) in an \$8.0 million secured revolving and term loan credit facility (with warrants) provided by Square 1 Bank, and related multiple amendments and refinancings. (2015-2020).

### City National Bank

- Represented lender as a syndicate member in a \$130 million revolving facility in a securitization/warehouse facility for loans to technology companies. KeyBank was agent. (2019) Increased line to \$200 million in 2021. Further increases in 2023. Amendments and increases in 2024.
- Represented lender as a syndicate member in a \$200 million securitization/warehouse

- facility for loans to technology companies. Union Bank was agent. (2019)
- Represented lender as a syndicate member in a \$100 million revolving capital call facility for major New York investment bank, as borrower. East West Bank was agent. (2018), (2021) and (2022).
- Represented lender in a \$95 million capital call facility for a private equity company, in which City National Bank held a \$25 million commitment of a revolving facility led by East West Bank. (2018)
- Represented lender in the refinancing of a working capital facility for a restaurant technology provider, in which City National Bank held \$14 million of the total \$76 million secured revolver and term loan facility led by Comerica. (2018)

#### Western Alliance Bank (Bridge Bank)

- Represented syndicate member in \$510 million facility for a subsidiary of Trinity Capital, a public business development company, to provide venture loans to technology companies. Key Bank was agent. (2024)
- Represented syndicate lender (Western Alliance Bank) in a \$60 million revolving loan facility to a UK publicly traded wine distributor, Naked Wines. (2022) Amendments (2023). Amendments (really refinancing). (2024)
- Represented lender as syndicate member in \$75 million secured revolving credit facility to an online job fulfillment platform for the oil extraction industry. Silicon Valley Bank was agent. (2018 and refinancing in 2019)
- Represented lender in a \$50 million secured revolving credit facility to a provider of hardware and software for point of sales for restaurants. Silicon Valley Bank was agent. (2018) Facility was increased to \$100 million in 2019.
- Represented lender as syndicate member in \$50 million revolving credit facility to a pet insurance company. Square 1 Bank (Pacific Western Bank) was the agent. Multiple amendments, including for acquisitions. (2018-2021)

#### Multiplier Capital

- Represented lender as a partially subordinated secured lender (in a mixed collateral arrangement with a senior lender) for a technology security company. Negotiated form subordination agreement between Multiplier and Bridge Bank. (2017 revised in 2019 and amended in 2020)
- Represented lender as subordinated secured lender in an intercreditor agreement with Square 1 Bank in connection with a secured subordinated term loan to a sports and entertainment network. (2018)
- Represented lender as subordinated secured lender in a term loan for a virtual desktop company. Negotiated treaty form intercreditor agreement between Multiplier and Square 1 Bank. (2018)
- Represented lender as a subordinated secured lender in a term loan for medical coding company. Negotiated form intercreditor agreement between Multiplier and Silicon Valley Bank. Amendments, including relating to PPP Loans. (2018-2020)
- Represented lender as a subordinated secured lender in connection with the extension and amendment of credit facility for a credit card payment processing company. (2017)
- Represented lender as a partially subordinated secured lender (in a mixed collateral arrangement with a senior lender) for a technology security company. Negotiated form

subordination agreement between Multiplier and Bridge Bank. (2017 and revised in 2019)

- Represented lender as a subordinated secured lender in connection with the extension and amendment of credit facility (including the joining as co-borrowers by new subsidiaries of the borrower) for recruiting and staffing company. (2017)

Synthego- Represented genome engineering company (including CRISPR genome editing) in fully secured loan from Silicon Valley Bank, which included warrants and various subordination agreements. (2017) Refinanced to increase facility to permit certain acquisition financings in 2019, and refinanced the facility to increase the term loan in 2020.

Prisoner Education and Training Company – Represented borrower in secured loan from Heritage bank. (2018)

Access National Bank - Represented lender in a secured loan to US Government intelligence and defense contractor. Included subordination agreements and guarantees. (2017)

SVDS – Represented data science consulting company and its UK affiliate in a fully secured loan from Silicon Valley Bank. (2017)

Tempo Automation - Represented provider of customs electronics manufacturing in \$4.0 and later \$6.0 million fully secured loan credit facilities (revolver and term) provided by Silicon Valley Bank. (2015, 2016 and 2017)

Critical Mix – Represented online market survey provider in \$8.0 million fully secured revolving and term loan credit facility provided by Silicon Valley Bank, as further modified in 2016 and 2017 to increase the facility to \$25 million. (2015-2017)

Multiplier Capital – Represented senior lender in intercreditor agreement with Silicon Valley Bank in a mixed collateral agreement involving collateral in multiple foreign jurisdictions. Borrower is a provider of security systems for intellectual property. (2016)

MediaRadar – Represented provider of multimedia advertising analytics in \$6.0 million fully secured revolving credit facility provided by Comerica Bank. (2015)

Adore Me – Represented lingerie retailer in \$8.0 million fully secured revolving and term loan credit facility provided by Comerica Bank. (2015 and 2016)

US Water Filters – Represented US Water Filters (a manufacturer of commercial water filters) and its subsidiaries (in several jurisdictions) in a \$6.0 million revolving credit facility provided by JP Morgan Chase. (2014)

Clean Wave Technologies – Represented Clean Wave Technologies (a manufacturer of electric drive systems for clean powered vehicles) in a secured credit facility provided by Bridge Bank. (2014)

Aurionpro Solutions – Represented an Indian public company, Aurionpro (an international software platform developer) in its corporate reorganization and recapitalization, including the restructuring of many of its foreign subsidiaries and a new working capital facility and term loan provided by Bridge Bank. (2014)

US Water Filters – Represented US Water Filters (a manufacturer of commercial water filters) and its subsidiaries (in several jurisdictions) in \$4.0 million revolving credit facility provided by First Capital. (2013)

Bank of America/Farnsworth Wholesale - Represented Bank of America, as lender, in providing a \$20 million asset-based credit facility to a plumbing product distributor. (2012)

BI Nutraceuticals, Inc. (BIN) - Represented BIN, a nutritional supplement company, as borrower, in its refinancing of a \$10 million asset-based loan facility provided by HSBC Bank USA. (2011)

Wells Fargo Capital Finance (Foothill)/Seitel, Inc. - Represented Foothill, as administrative agent, in syndicated fully secured \$35 million multicurrency revolving asset-based credit facility to Seitel, a U.S. and Canadian surveyor of three dimensional geophysical maps for the oil and gas industry. (2011)

MerchSource LLC - Represented MerchSource, importer and distributor of consumer goods in its merger with Cohesion Products, a Hong Kong sourcing company. The merger included a new \$100 million asset-based loan credit facility for the U.S. entities, and a separate \$10 million asset-based loan facility for the Chinese entities, each provided by General Electric Capital Corporation. (2011)

MerchSource LLC - Represented MerchSource, an importer and distributor of consumer goods, in a \$35 million (later increased to \$50 million) asset-based loan and letter of credit facility provided by Bank of America. (2009 and 2010)

Wells Fargo/Sun Valley Nut - Represented Wells Fargo HSBC Trade Bank in the refinancing of two secured credit facilities in an aggregate amount of \$10 million to a Californian agricultural company. One facility was a US EXIM Bank guaranteed facility and the other was a stand-alone facility. (2007)

Medley Capital/Water Capital - Representation of Medley Capital (through Fourth Third), as lender, of a \$20 million warehouse facility to a Mexican equipment leasing company secured by Mexican leases and equipment. Bridgeway Capital Advisors (fka Montgomery Street) brokered the transaction and advised Water Capital. Represented Medley Capital, as lender, through related refinancings of other senior indebtedness, including four amendments. (2007 and 2008)

Plant Equipment, Inc. - Represented Golden Gate Capital in a \$72 million leveraged stock acquisition of a software company. Wells Fargo Foothill and Zwirn/Highbridge provided \$15 million Term Loan A, \$2.5 million revolver and \$12.5 million Term Loan B (second lien) financing. (2006)

Mountain City Meat - Represented Sorenson Capital in its leveraged stock purchase using Term A Loans of \$1,476,705, Term B (second lien) Loans of \$5,250,000 and a revolving credit facility in the principal amount of \$6 million (all provided by US Bank), \$9,312,990 of subordinated unsecured indebtedness of Sankaty Credit Opportunities, \$1.5 million of seller indebtedness to Patrick Boyer, \$500,000 loan from Sorenson to Patrick Boyer to repay prior indebtedness (SBA Loans), \$285,000 loan from Sorenson to the target to fund the rent reserve. (2005)

Reef (South Cone) - Represented Swander Pace Capital and Reef, its portfolio company and clothing maker, in a refinancing to repay subordinated indebtedness (Royal Bank of Canada). Dymas (agent), La Salle (revolving agent) and Ares (co-arrangers) provided the \$35 million term loan and \$20 million revolving line of credit (fully secured). (2005)

Lexicon - Represented Golden Gate Capital in the sale of Lexicon to Quad City, including Golden Gate's participation in senior indebtedness. The total financing comprised of a \$75 million senior debt agent by Bank of New York, \$40 million Term Loan A, \$25 million Term Loan B (second lien), \$10 million of Revolving Loans, \$30 million of senior subordinated notes (Apollo Investment Management Corporation). (2005)

Frozen Specialties, Inc. - Represented Swander Pace Capital and Frozen Specialties in its secured refinancing to remove subordinated indebtedness (Allied Capital). AmSouth Bank was senior lender and Nat City was syndicate member. Together they lent \$12,500,600 in A Term Loans, \$10,936,000 in B Term Loans (second lien) and provided a \$5 million in a revolving line of credit. (2005)

Superchips, Inc. - Represented Gryphon Partners and Superchips, the maker of automobile performance electronics, in a leveraged stock acquisition using an existing portfolio company's credit facility. Antares Capital Corporation (senior lender) increased their facility from a \$9 million to a \$20 million Term Loan A, a \$5 million to a \$23 million Term Loan B (second lien), and a \$12 million to a \$15 million revolver (total \$58 million). 1818 Mezzanine Fund II, L.P. increased their subordinated debt facility to \$14.5 million from \$12 million. (2005)

Kiddie Kandids, LLC - Represented Sorenson Capital in a leveraged stock acquisition of photography business. Zions Bank (Salt Lake City) and Key Bank provided \$30 million in senior acquisition financing. (2005)

Concerto - Represented Golden Gate Capital, as purchaser/borrower, in leveraged purchase of Concerto Software, with \$33 million (\$3 million revolver, \$30 million Term Loan A) senior secured financing (Wells Fargo Foothill) and \$30 million second lien Term Loan B (Highbridge Capital and Capsource). Multiple foreign subsidiaries were guarantors loan parties. (2004)

Harmony (Golden Stream) - Represented Swander Pace Capital and its portfolio company Golden Stream Quality Foods in its add-on acquisition of Harmony Foods, a snack food manufacturer, with \$25 million senior secured financing (PNC Bank), mezzanine indebtedness of \$7 million from CID and seller notes in the amount of \$4.5 million. (2004)

Answer Products - Represented Swander Pace Capital in its leveraged acquisition of a performance bicycle parts maker. The financing involved \$7 million of senior secured debt

(Guaranty Business Credit Corporation) and \$15 million of mezzanine secured notes (SunTrust Equity Funding, LLC and Canterbury Mezzanine Capital II, L.P. (2004)

Autotronic Controls Corp - Represented Gryphon Investors in its leveraged acquisition of Autotronic Controls Corp., a manufacturer and distributor of high-performance automotive ignition components, for \$55 million. The financing included senior secured debt of \$26 million (Antares Capital and CIT Bank) and \$11 million of mezzanine financing (1818 Mezzanine Funds). (2004)

Leiner Health Products - Represented Golden Gate Capital and partners North Castle Partners in a \$650 million recapitalization of over the counter pharmaceutical company. \$240 million senior secured financing by UBS and Credit Suisse First Boston and \$150 million of high yield public debt. (2004)

Marketfare Foods - Represented Swander Pace Capital and its portfolio company, in its refinancing of its debt. \$40 million of senior secured (Ableco), secured mezzanine (\$2 million, BHC), and subordinated unsecured (\$10 million, NY Life). (2004)

Nursefinders - Represented Gryphon Capital in its \$52 million leveraged stock acquisition of a temporary nurse staffing company, financed by \$30 million senior secured (JP Morgan Chase), \$12.5 mezzanine unsecured (Churchill Capital) and \$8 million unsecured subordinated (Kaiser). (2004)

Itronix Refinancing - Represented Golden Gate Capital and its portfolio company Itronix, in a \$45 million dividend recapitalization. The financing consisted of a \$15 million revolver (Foothill), a \$17 million Term A Loan (Foothill) and a \$18 million Term B Loan (second lien) (Ableco and Highbridge), all secured. (2004)

Crescent Healthcare - Represented Frontenac in its \$35 million leveraged acquisition of a healthcare company. The financing consisted of \$15 million of senior secured financing provided by GMAC RFC Health Capital and \$10 million of unsecured subordinated indebtedness. (2004)

ST Specialty Foods, Inc. - Represented Swander Pace Capital and its portfolio company, in a dividend recapitalization structured as a \$14 million senior secured term loan and a \$5 million revolver from Harris Trust and Savings Bank. (2004)

Itronix Corporation - Represented Golden Gate Capital, as purchaser/borrower, in acquisition of notebook computer manufacturer. Wells Fargo Foothill, Inc. provided the \$15 million senior secured revolver and Ableco Finance LLC and Highbridge provided \$15 million of the subordinated secured Term Loan B. (2003)

Lexicon - Represented Golden Gate Capital and its portfolio company, Lexicon, an education company, as borrower, in its refinancing of \$17 million senior debt by Bank of New York, \$7 million of mezzanine debt lent by CCG Investments, and a \$5 million unsecured subordinated seller note. (2003)

TriSyn Group, L.P. - Represented Golden Gate Capital, as purchaser/borrower, in the leveraged acquisition of TriSyn Group. The financing consisted of a \$20.5 million secured Term Loan A and revolving loan, and a \$10 million subordinated Term Loan B provided by Highbridge/Zwirn Special Opportunities Fund and Bernard National Loan Investors. Subsidiaries include Barbados, Nova Scotia, Luxembourg, Cayman Islands and Delaware companies. (2003)

Associated Hygienic Products - Represented Associated Hygienic Products, as borrower/purchaser, in connection with its fully secured borrowing of \$35 million (provided by Wells Fargo (Foothill)) to purchase assets of Drypers Corporation, a Chinese diaper manufacturer and distributor. (2002)