



Kyle J. Mathews

Partner

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PRACTICE AREAS

- Finance
- Bankruptcy and Restructuring

INDUSTRIES

- Commercial Mortgage Backed Securities ("CMBS")
- Financial Services

OVERVIEW

Mr. Mathews is a partner in the Finance and Bankruptcy Practice Group in the firm's Los Angeles office.

Areas of Practice

Mr. Mathews specializes in the area of workouts, restructuring and commercial lending, mainly representing financial institutions. His practice includes: problem loan workouts, restructurings, foreclosures and bankruptcies; sales and liquidations of assets; single lender and syndicated senior secured financing, acquisition and working capital loans.

EDUCATION

- J.D., University of Southern California, 2001, *order of the coif*, Co-Executive Editor, *Law Review*
- B.A., University of Southern California, 1998, *magna cum laude*

EXPERIENCE

Representative Transactions

Representation of indenture trustees in connection with bankruptcies/restructurings of various levels of corporate notes and debentures, including being a member of official unsecured creditors committees, with representative cases including:

- Blockbuster Inc.
- Idearc, Inc.
- Eurofresh Inc.
- Pierre Foods, Inc.
- Lehman Brothers Holdings Inc.
- Northwest Airlines
- Adelphia Communications

Representation of administrative agent bank with respect to workouts, bankruptcies and restructurings, with representative transactions including the representation of the agent bank in the Fairfield Residential LLC and Fontainebleau Las Vegas Holdings, LLC cases

Representation of administrative agent in connection with documentation of syndicated secured credit facilities, with representative transactions including:

- \$110,000,000 revolving financing to seafood company with operations in United States, Canada, United Kingdom, Thailand, China, India and Europe
- \$55,000,000 revolving and term credit facilities in the U.S. and Canada to a trucking company
- \$800,000,000 revolving credit facility to a casino operator

Representation of lenders in connection with workouts, bankruptcies and out of court restructurings and sales, with representative transactions including:

- Bankruptcy Code § 363 sale of a manufacturer of customized automobiles with operations in the United States and Mexico, in which the lender to the bankrupt debtor financed the purchase of the assets
- Bankruptcy Code § 363 sale of tool manufacturer in the United States and concurrent liquidation of assets in Canada
- Article 9 sale of bicycle manufacturer
- Assignment for the benefit of creditor's sale of manufacturer of imaging supplies
- Insolvency proceeding involving foreign subsidiary located in the Philippines

Representation of lenders in connection with asset based working capital facilities, including, acquisition finance and negotiation of second lien and separate collateral intercreditor and subordination agreements.

HONORS

- Rising Star, Super Lawyers Southern California, 2008, 2010 and 2011

MEMBERSHIPS

- Vice Chair, Loan Workouts Sub-Committee, Commercial Finance Committee, Business Law Section of the American Bar Association
- Co-Vice Chair of Programs, Commercial Finance Committee, Business Law Section of the American Bar Association
- Former Chair, Programs Sub-Committee, Trust Indentures and Indenture Trustees Committee, Section on Business Law, American Bar Association
- Member, National Association of Bond Lawyers
- Member, Financial Lawyers Conference

ARTICLES

Bankruptcy & Restructuring Law Blog Articles

- "The Ninth Circuit Rules on Plan Feasibility", June 6, 2007
- "If It Looks Like a Duck (KERP) and Quacks Like a Duck (KERP), It's a Duck (KERP)", September 7, 2006
- "The Grafton Case: Pre-Dispute Jury Trial Waivers are Unenforceable in California State Courts", August 24, 2005

SPEECHES

- "Another \$%!@ Program About Workouts and Forbearance Agreements" Panelist, American Bar Association
- Business Law Section and the ABA Center for Continuing Legal Education, Webcast, January 11, 2011

- "Kicking the Can Down the Road: Strategic Issues in Negotiating Forbearance Agreements" Moderator, Commercial Finance Association and the Commercial Finance and Uniform Commercial Code Committees of the American Bar Association, October 22, 2010
- "Another \$%!@ Program About Workouts and Forbearance Agreements" Panelist, Commercial Finance Association and the Commercial Finance and Uniform Commercial Code Committees of the Business Law Section of the American Bar Association, October 20, 2010
- "The Beginning of the End or the End of the Beginning: Negotiating and Re-Negotiating Forbearance Agreements in Troubled Commercial Loans" Program Chair and Moderator, Commercial Finance Committee, Business Law Section of the American Bar Association, Co-Sponsored By: UCC Committee, American College of Commercial Finance Lawyers, Association of Commercial Finance Attorneys, Annual Meeting of American Bar Association, Scheduled August 7, 2010
- "Workouts 101," Panelist, Commercial Finance Committee, Uniform Commercial Code Committee, Business Law Section of the American Bar Association, and the ABA Center for Continuing Legal Education, December 15, 2009
- "Anatomy of a Workout", Panelist, Commercial Finance Committee, Uniform Commercial Code Committee, Business Law Section of the American Bar Association, and the ABA Center for Continuing Legal Education, October 15, 2009
- "Anatomy of a Workout", Panelist, Commercial Finance Committee, Business Law Section of the American Bar Association, Co-Sponsored By: UCC Committee, American College of Commercial Finance Lawyers, Chicago, Illinois, August 1, 2009
- "What to Expect When Your Deal Goes Bad," Program Chair and Moderator at Spring Meeting of Business Law Section of the American Bar Association, Vancouver, British Columbia, Canada, April 16, 2009.
- "New Developments in Chapter 11 - Hedge Fund Participation and the Role of Trust Indenture and Indenture Trustees," Program Chair at Spring Meeting of Business Law Section of the American Bar Association, Dallas, TX, April 10, 2008.
- Article entitled "If It Looks Like a Duck (KERP) and Acts Like a Duck (KERP), It Is a Duck (KERP)", Sheppard Mullin Bankruptcy Law Blog, September 7, 2006.
- Article entitled "The Grafton Case: Pre-dispute Jury Trial Waivers are Unenforceable", Sheppard Mullin Financial Institutions Blog, co-author with Kenneth J. Carl, 2005.
- Presenter at panel discussion entitled, "What's Under the Blanket: Perfecting in Collateral Not Covered by a UCC Filing", Committee on Commercial Financial Services, Business Law Section of the American Bar Association, San Diego, California, November 9, 2005.