



## → Robert K. Sahyan

### Partner

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Robert Sahyan is a partner in the Finance & Insolvency Practice Group in the firm's San Francisco office.

### Areas of Practice

Robert is an experienced commercial lending attorney who represents lenders and borrowers in various stages of financial transactions, including loan origination, restructuring and enforcement of remedies. He counsels clients in matters involving various types of debt transactions, including term loans, asset-based lines of credit, commercial real estate loans, and syndicated facilities. These matters involve such industries as technology, hospitality, food and beverage, retail, and mortgage banking.

Robert also has significant commercial bankruptcy experience; he represents various parties before the bankruptcy court, including creditors, trustees, debtors-in-possession, official committees and purchasers of assets.

## Experience

### REPRESENTATIVE MATTERS

#### Commercial and Asset-Based Financing

- Refinancing of \$1 billion syndicated revolving credit facility secured by aviation assets.
- \$25 million revolving credit facility to a producer of alcoholic beverages, secured by account receivables, equipment, inventory and intellectual property.
- \$20 million revolving credit facility to a technology startup operating a software and analytics platform in the agricultural industry.
- \$12 million revolving loan secured by personal property, including inventory and intellectual property, of affiliated companies in the home goods space.
- Refinancing of credit facility secured by artwork.
- Acquisition of a portfolio of loans secured by fractional interests in various resorts located in the U.S. and Mexico.
- Refinancing of revolving credit facility secured by receivables from the sale of timeshare interests in resorts in San Diego, California.

## Mortgage and Construction Loans

- \$105 million mortgage loan secured by commercial property in California, Washington and Colorado.
- \$40 million acquisition financing of a branded hotel located in San Diego, California.
- \$33 million refinancing of hotels located in Philadelphia and Georgia.
- \$30 million refinancing secured by office building in Pasadena, California.
- \$12 million construction loan for the development of apartment building in San Francisco, California.
- \$5 million loan secured by a hunt club facility, lodge and personal property.
- Represented lender in various loans for acquisition/rehabilitation of apartment buildings.

## Chapter 11 Cases

- Debtor Representation includes: *Club One Casino* (casino), *Old PXPRT, Inc., fka PopExpert* (e-learning), *Vail Lake Rancho California, LLC, et al.* (real estate and resort), *Easy Life Furniture, Inc.* (furniture chain), *Peak Broadcasting, LLC, et al* (radio broadcasting company), *MMFX Technologies Corporation, et al.* (producer of nanotechnology steel), *The Billing Resource dba Integretel* (billing aggregator) (Northern District of California), *Humboldt Creamery, LLC* (a dairy producer) *Diablo Grande Limited Partnership* (real estate Developer)
- Creditors and Equity Committee Representation includes: *Metawise Group, Inc. (shipping company)*, *Siliken Manufacturing, Inc. and Siliken USA, Inc.* (solar energy company), *Meridian Sports Clubs California, LLC et al.*, (operator of fitness clubs in California, Hawaii and Nevada), *Doyle D. Heaton and Mary K. Heaton* (real estate developer), *Tvia, Inc.* (semiconductor publicly-traded company)

## Other Representations

- Represented lender and agent in sale of \$30 million tranche of \$127 million loan.
- Represented an international express mail service provider in the defense against a \$17.5 million preference claim and in the successful settlement of the action.
- Represented bank in adversary case alleging harm from failure to foreclose and obtained dismissal.
- Represented lender in the sale of a portfolio of real estate lots in a bulk sale transaction, following representation of seller as lender acquiring the portfolio in deed in lieu of foreclosure transaction.
- Defended a provider of electronic transaction processing services against motion for sanctions for automatic stay violation related to debt collection.

## Articles

- The Myth of the Zone of Insolvency, *Production Resources Group v. NCT Group*, *Hastings Business Law Journal*, Vol. 3, No. 1 (Fall 2006)

## Finance and Bankruptcy Law Blog Posts

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"Increase in Regulatory Expense for Debtor-In-Possession Revolving Credit Facilities," August 19, 2019

- "Lenders Cannot Prevent Borrowers From Filing Bankruptcy By Owning Minority Equity With Veto Power Over Borrower's Decision To File Bankruptcy," *Sheppard Mullin Finance & Bankruptcy Law Blog*, June 30, 2016

- "When Goods Are Shipped from Overseas, When Are They Considered "Received by the Debtor" for Purposes of Asserting a Section 503(b)(9) Administrative Claim?" *Sheppard Mullin Finance & Bankruptcy Law Blog*, August 5, 2014
- "The Ninth Circuit Holds that Bankruptcy Courts Have Authority to Recharacterize Debt as Equity," *Finance & Bankruptcy Law Blog*, May 14, 2013
- "Dead Zone? Direct claims by Creditors of a California Corporation May Not Lie Against Management Based on Management's Allegedly Shifting Duties When Corporation Is in the Zone of Insolvency or Even Insolvent," *Finance & Bankruptcy Law Blog*, August 25, 2010
- "When Are Goods Received For The Purpose Of Asserting Administrative Priority Status Under Section 503(b)(9) Of The Bankruptcy Code?" *Finance & Bankruptcy Law Blog*, May 6, 2010, (Also published on *Bankruptcy Law360*)
- "Equitable Subordination of a Creditor's Secured Claim when such Secured Creditor is, itself, in Bankruptcy," *Finance & Bankruptcy Law Blog*, February 18, 2010

## Media Mentions

Easy Life Furniture to liquidate in Chapter 11  
*The Deal Pipeline*, 05.02.2014

## Speaking Engagements

Panelist, Ethics Roundtable, American Bankruptcy Institute, 24th Annual Southwest Bankruptcy Conference, September 2016

## Memberships

State Bar of California

Bar Association of San Francisco

Bay Area Bankruptcy Forum

American Bankruptcy Institute, Advisory Board, Southwest Bankruptcy Conference (2016, 2017, and 2018)

## Practices

Commercial Lending and Financial Transactions

Bankruptcy and Restructuring

Bankruptcy Litigation

Distressed Acquisitions Under Bankruptcy Code  
§ 363

Real Estate Finance

## Industries

Mortgage Banking  
Multifamily Housing

## Education

J.D., University of California, Hastings, Articles Editor, *Hastings Business Law Journal*  
Licentiate in Law, Damascus University (J.D. equivalent)  
B.A., California State University, Fullerton, *summa cum laude*

## Clerkships

Extern for the Honorable Maxine M. Chesney, U.S. District Court for the Northern District of California

## Admissions

California  
Northern, Eastern, Central and Southern District Courts of California