

Matthew W. Kavanaugh

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Shareholder

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Areas of Practice & Industry Specialties

Commercial Finance; Equipment Leasing; Health Care/Life Sciences



Matthew W. Kavanaugh focuses his practice on secured and unsecured lending, equipment leasing and financing, and financing of intellectual property, problem loan restructuring, workouts and liquidations. He has extensive experience in large syndicated, multi-national financings in various industries including aircraft, pharmaceutical, agricultural and software.

Mr. Kavanaugh is a current member of the LSTA (Loan Syndications and Trading Association) Working Group drafting a Model Unitranche AAL (Agreement Among Lenders). He was a frequent speaker on financing issues for the Equipment Leasing & Finance Association of America, the Commercial Law and Bankruptcy Section of the Los Angeles County Bar Association and the United Association of Equipment Leasing. He is a former Co-Chair of the Model IP Security Agreement Task Force and former Chair of the Intellectual Property Financing Subcommittee of the American Bar Association Commercial Financial Services Committee, and a past Co-Chair of the UCC Committee of the Business Law Section of the California State Bar Association and a past Chair of the Commercial Law Committee of the Commercial Law and Bankruptcy Section of the Los Angeles County Bar. Mr. Kavanaugh was also a member of the Transportation Committee, the State Government Relations Committee, and the Products Liability Committee of the Equipment Leasing & Finance Association of America, and the Standards Committee of the United Association of Equipment Lessors. Mr. Kavanaugh is recognized by *Chambers and Partners* as a leader in the field of Banking & Finance.

Representative Matters

- Represented Open Bank in its acquisition of Hana Small Business Lending's SBA loan portfolio
- Represented bank clients in numerous agented, club and syndicated lending facilities, including representation of agents in ABL, cash flow, leveraged finance and structured finance transactions
- Represented numerous senior bank and fund clients in intercreditor arrangements, including first lien/second lien transactions, split collateral transactions, and senior debt/mezzanine debt transactions
- Represented bank client as lender in leverage lease, cross border helicopter fleet financing
- Represented senior equity financier in leveraged lease financing of national program acquisition and installation of digital theatrical projectors
- Represented several bank clients in winding down and disposition of collateral in distressed operating company loans
- Represented several bank clients as lenders in disposition of collateral in distressed aircraft loans

Publications

- LIBOR Administrator Announces Wind-down Dates for Publication of LIBOR Index Data; Federal Bank Regulators Announce that Banks Should Cease Using LIBOR in New Contracts by December 31, 2021, *Buchalter Client Alert*, December 4, 2020

- Buchalter COVID-19 Client Alert: Expert Advice for New Phases for Lenders and Borrowers on PPP and MSLP Loans: PPP Loan Forgiveness and SBA PPP-MSLP Loan Reviews, *Buchalter Client Alert*, November 30, 2020
- Buchalter COVID-19 Client Alert: NEW DEADLINES - Main Street Lending Program: Federal Reserve Announces Last Day for Lender MSLP Participation Purchase Submissions is December 14; Lenders Will Require Borrower MSLP Loan Applications to be Completed Several Days Prior, *Buchalter Client Alert*, November 25, 2020
- Buchalter COVID-19 Client Alert: Federal Reserve Issues New Main Street Lending Program FAQs Regarding Restrictions on Underlying Credit Facilities for MSELF Loans; Co-Borrower Requirements; Obtaining Information About Core Rights Acts; and Requiring Disclosure of LIBOR Reset Information when Selling Loan Participations to the Main Street SPV, *Buchalter Client Alert*, November 19, 2020
- Buchalter COVID-19 Client Alert: Federal Reserve Announces Main Street Lending Program Will Accept Multi-Borrower Loans and Issues New FAQs Outlining Requirements; Announces Acceptance of Non-Profit Borrower Loans; Alters Standards for Lenders When Evaluating Borrowers; and Provides Guidance on Insider Loans and Compensation Treatment, *Buchalter Client Alert*, September 23, 2020
- Buchalter COVID-19 Client Alert: Main Street Lending Program: Federal Reserve Posts Amended Transaction Documents and Frequently Asked Questions, *Buchalter Client Alert*, August 4, 2020
- Buchalter COVID-19 Client Alert: Main Street Lending Program and Other Federal Reserve Emergency Lending Facilities Extended to December 31, 2020, *Buchalter Client Alert*, July 31, 2020
- Buchalter COVID-19 Client Alert: Main Street Lending Program Expanded to Include Nonprofit Organizations, *Buchalter Client Alert*, July 24, 2020
- Buchalter COVID-19 Client Alert: Federal Reserve Issues New Main Street Lending Program Guidance in Amended Frequently Asked Questions, *Buchalter Client Alert*, July 16, 2020
- Buchalter COVID-19 Client Alert: Federal Reserve's Main Street Loan Program is Officially Launched; Buchalter Announces Main Street Lending Team, *Buchalter Client Alert*, June 15, 2020
- Buchalter Covid-19 Client Alert: Federal Reserve Expands Main Street Lending Program; Reduces Some Minimum Loan Amounts, Raises Maximum Loan Amounts, Extends Loan Term, *Buchalter Client Alert*, June 9, 2020
- Buchalter Client Alert COVID-19: New Guidance on Main Street Loan Program for Small and Medium Sized Businesses, *Buchalter Client Alert*, May 4, 2020
- Buchalter Client Alert COVID-19: Viral Issues for Commercial Finance Lenders and Borrowers, *Buchalter Client Alert*, April 16, 2020

Presentations

- Co-chair, "Intellectual Property Financing and Task Force on Model IP Security Agreement," American Bar Association, April 14, 2011

Education

Mr. Kavanaugh received his M.B.A. from University of California, Los Angeles and J.D. from the University of California, Los Angeles School of Law, where he served as Executive Editor of the *UCLA International Law Journal* and Articles Editor for the *UCLA Pacific Basin Law Journal*. He received his B.A. in French and Economics from the University of California, Davis, where he was a member of Phi Beta Kappa and Pi Delta Phi Economics Academic Honor Society.

Bar Admissions

- California

Languages

- French

