



# Benjamin A. Bomrind

## Co-Chair, Commercial Finance

### New York

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Ben focuses his practice on corporate law, with an emphasis on finance. In the course of his practice, he has represented private investment funds, investment management groups, and other investors in connection with their investments in asset-based and structured finance transactions for a wide range of assets. He has also represented international and domestic banks, financial institutions, and market service providers in a variety of transactions, including senior and subordinated loan financing, structured financing, and secured and unsecured loan financing.

His practice encompasses representing aircraft leasing companies and aircraft financiers in the acquisition, financing, leasing, and disposition of commercial aircraft as well as representing lessees, lessors, and lenders in the purchase and sale of lease portfolios and in single-investor leases, restructurings, securitizations, and other structured financings of aircraft, railroad rolling stock, locomotives, and vessels.

In addition, Ben has represented investors in the acquisition and operation of health care facilities.

Ben received his bachelor's degree from Ner Israel Rabbinical College and passed all four parts of the CPA Examination before he earned his law degree from Fordham University School of Law. While in law school, Ben was involved with the *Fordham Intellectual Property, Media & Entertainment Law Journal*.

## Experience

Represented a manufacturer in its \$23 million upside to its term loan and revolving credit facility.

Represented a financial sponsor in its platform acquisition of a meal delivery company providing meals to Medicare waiver recipients and other eligible populations.

Represented a senior living real estate management firm in its negotiation of a senior credit facility which was used to acquire an Illinois-based nursing home.

Represented Feenix Venture Partners, an investment firm that partners with consumer-facing businesses raising growth capital, in its \$25 million senior term credit facility secured by all the borrowers and its subsidiaries' assets.

Represented Feenix Venture Partners, a debt fund that provides loans to consumer products companies, in its issuance of a \$9 million senior secured loan to Carver Road Hospitality, a consultant to restaurant developers and partners. The loan was secured by an all-assets security interest.

Represented a Marshall Islands company in the negotiation of a loan used to finance the acquisition of an equity position in a publicly traded entity listed on the Oslo Stock Exchange. The cross-border matter included issues involving the laws of the United States, Singapore, Germany, and the Marshall Islands.

Represented Sparks Marketing LLC, a trade show exhibit manufacturer and brand experience company, in connection with a secured credit facility.

Represented the owner/operator of senior care nursing home facilities in a complex transaction through which 20 facilities in Texas were refinanced in a deal consisting of a term loan, a delayed draw, and

### Practice Areas

- Commercial Finance
- Corporate
- Private Equity

### Industry Sectors

- Cannabis

### Education

- Fordham University School of Law, J.D., 2000
- Ner Israel Rabbinical College, B.A., 1996

### Bar Admissions

- New York
- New Jersey

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revolver. This \$102 million transaction drew on the experience of the firm's corporate and real estate attorneys.

Represented Ampco-Pittsburgh Corporation (NYSE: AP), a manufacturer and seller of highly engineered, high-performance specialty metal products and customized equipment, in connection with an equipment financing transaction by its wholly owned subsidiary, Union Electric Steel Corporation, pursuant to which it can borrow up to \$20 million for equipment acquisition financing.

Represented a company created by two high net worth individuals for the ownership of aircraft in its refinancing of a private jet with a new lender.

Represented a health care real estate investment and management company in its acquisition of 10 skilled nursing facilities in California and a simultaneous master lease of the facilities to a long-term care advisory and services organization.

Represented a fully integrated real estate company and fund manager in connection with certain of its funds entering into a credit facility.

Represented a cannabis-related mortgage real estate investment trust (mREIT) in a senior credit facility.

Represented a national real estate investment and management company in connection with a preferred equity investment in one of its entities, which owns a portfolio of 10 multi-family properties, by a private equity real estate firm.

Represented a snack food and frozen beverage company in a senior unsecured revolving credit facility.

Represented QuickFrame, a developer of an online video marketing platform, in its sale to MNTN, a provider of online digital advertising software.

Represented Orthofin, LLC, a company affiliated with Lincotek Group SpA (an Italy-based global leader in contract manufacturing services for the aerospace and medical businesses), in its acquisition of a majority stake in Riepen LLC and other assets constituting the Danco Medical business.

Represented the owners of HEYDUDE®, a privately-owned casual footwear brand founded in Italy, in connection with its sale to Crocs, Inc. for \$2.5 billion. The acquisition was funded by \$2.05 billion in cash and 2,852,280 shares issued to HEYDUDE's founder. The complexity and cross-border nature of the transaction required extensive collaboration with foreign counsel in Hong Kong, Italy, and other jurisdictions.

Represented Acreage Holdings, Inc. in a senior secured credit facility through which the U.S. cannabis firm gained \$100 million in available credit.

Represented a French aircraft manufacturer as lessor of five cargo aircraft and in the creation of a trust structure for the company's U.S. operations.

Represented PurpleLab, Inc., a health care analytics provider, in connection with a \$40 million Series B funding by Primus Capital, term, and revolving credit facility secured by all of its assets.

Represented Mainfactor Inc., an e-commerce holding company that buys, builds, and operates direct-to-consumer brands and digital marketing services companies, in a \$69 million funding round, raised through a mix of series seed equity and a senior secured credit facility, led by Upper90.

Represented a supermarket chain operator in a term loan facility secured by its real property. This transaction drew on the experience of the firm's corporate and real estate attorneys.

Represented an emerging business that provides supply purchasing solutions to business in the

creation of a \$20 million senior credit facility.

Represented an owner of McDonald's franchises in a senior secured credit facility valued at \$15.5 million to refinance existing debt and for working capital purposes.

Represented a higher education institution in a senior secured credit facility valued at \$17 million in order to refinance its existing debt. This transaction drew on the experience of the firm's corporate and real estate attorneys.

Represented a private equity and venture capital enterprise in providing financing for a women's footwear company, secured by all of the assets of the borrower.

Advised one of the world's largest containership charter owners incorporated in the Marshall Islands and listed on the New York Stock Exchange on Liberian law issues in connection with its \$300 million aggregate offering of senior notes. In addition, advised the company on Liberian and Marshall Islands law issues in connection with an internal merger of Liberian intermediate holding company subsidiaries into the company, which was a precondition to the company's \$1.25 billion refinancing of certain of its outstanding senior secured debt.

Represented Kingland Systems, a leading provider of enterprise data software, in all aspects of a strategic partnership and minority investment with Boston-based private equity firm ABRY Partners.

Represented a client in the negotiation of a term loan that was part of the Federal Main Street Loan Program.

Represented the National Board of Medical Examiners in negotiating loan documents for a line of credit secured by a pledge of a securities account.

Represented a business owner in connection with a revolving credit facility in which commercial real estate was used as collateral for the loan.

Represented one of the nation's largest providers of post-acute care services in connection with a strategic joint venture that purchased from REIT landlords the real estate and buildings of 18 skilled nursing facilities that are leased by the client. The transaction also involved the sale of eight skilled nursing facilities by the client to third parties.

Represented the agent for lenders in connection with a senior secured term loan with a producer of prepackaged alcoholic beverages.

Represented a distillery in connection with a senior secured credit facility.

Represented a Connecticut-based investment and advisory firm in its investment in a joint venture involving an opportunity zone fund transaction.

Represented PCS Retirement, LLC, a provider of recordkeeping and other services to retirement plans and their participants, in its acquisition of Aspire Financial Services, as well as in connection with raising the equity and bank financing to fund the purchase price.

Represented a cosmetics manufacturer in a senior secured credit facility consisting of a revolver, term loan, and loan secured by certain real estate.