



One World Financial  
Center  
New York, NY  
10281-1003

T: 212.530.1956  
F: 917.344.8956  
nwhitney@rkollp.com

#### PRACTICE AREAS

##### **Corporate and Business Transactions**

Lending Transactions

##### **Restructuring and Bankruptcy**

Rescue, DIP and Exit  
Financing

#### EDUCATION

New York Law School,  
J.D., *summa cum laude*,  
1998

Seton Hall University,  
B.S., *magna cum laude*,  
1995

## Nicholas A. Whitney

Nicholas A. Whitney specializes in lending transactions in both the non-investment grade and investment grade companies. He represents banks, investment banks, hedge funds and other financial institutions in connection with direct lending, as well as investments in syndicated loans in the secondary market. Mr. Whitney has extensive experience representing lenders in senior secured, first lien and second lien loan transactions, unitranche facilities, unsecured transactions and subordinated loan transactions. He regularly advises lenders in acquisition financings, cash-flow and asset based transactions, special situations and middle market lending. He also has experience with reorganizations and workouts, including in connection with debtor-in-possession facilities and Chapter 11 exit facilities.

#### Recent transactions include:

- Represented a prominent middle-market hedge fund in an \$80 million loan to a hospitality company;
- Represented a major investment bank's middle-market lending division in connection with \$48 million of senior secured credit facilities to fund a leveraged buy-out of a media/publishing company;
- Represented a major investment bank's middle-market lending division in connection with \$60 million of first lien financing provided to a publishing company;
- Represented a prominent hedge fund in connection with a \$45 million second lien credit facility provided to an office imaging distributor;
- Represented a major investment bank in connection with \$82 million of senior secured syndicated credit facilities provided to the investment bank in connection with the investment bank's leveraged buy-out of a Mexican cinema company;
- Represented a prominent hedge fund in connection with a \$20 million debtor-in-possession financing provided to an energy company;
- Represented a major investment bank in connection with a \$30 million debtor-in-possession financing provided to a power generating facility;
- Represented a major investment bank in connection with a restructuring of a \$54 million facility provided to a newspaper publishing company;
- Represented a prominent hedge fund in connection with the restructuring of a \$1.2 billion facility provided to a wireless services provider;
- Represented a prominent hedge fund in connection with a \$20 million delayed draw term loan to a gaming company; and
- Represented a major investment banker in connection with a \$90 million credit facility provided to an entertainment company.

#### SEMINARS & SPEAKING ENGAGEMENTS

Joon Hong and Nicholas Whitney speak at "The 3rd Global Distressed Debt Investor Forum"

RK&O partners speak at the "Distressed & Turnaround Investment" conference

NICHOLAS A. WHITNEY (Cont.)

PUBLICATIONS

"Unanimous Lender Consent Provisions: Protection?" by Nicholas Whitney and Keith Sambur appears on *Law360*

"Unanimous Lender Consent Provisions May Not Provide the Protection Expected" by Nicholas Whitney and Keith Sambur

"UPDATE: Using Incremental Facilities to Exchange Bond Indebtedness - The Realogy Decision" by Nicholas Whitney

"Using Incremental Facilities to Exchange Bond Indebtedness" by Nicholas Whitney  
Lending, Investing and Trading After the Market Break

"The Defaulting Lender in Today's Loan Market" by Nicholas Whitney

"Purchases of Bank Loans by a Borrower or its Sponsor" by Nicholas Whitney

"Incremental Loan Facilities: Key Provisions" by Nicholas Whitney