Evan S. Borenstein

Partner

Corporate

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Evan Borenstein's transactional-oriented corporate law practice is driven by more than two decades of experience in various industries and sectors and across many different deal types and structures. He assists companies, funds, family offices and high-net-worth individuals in a wide range of financings, mergers and acquisitions (M&A), investments, restructurings and other corporate transactions.

Versatile transactional counsel

Evan's broad transactional portfolio focuses on financings (including credit facilities, term-loan financings and secured and structured financings), M&A activity and corporate restructurings. His practice covers the entire life cycle of a business, from guiding a startup venture in fundraising and organizational matters to assisting seasoned companies with corporate governance issues. His past restructuring work includes both out-of-court negotiations and Chapter 11 bankruptcy proceedings.

Evan also advises entrepreneurs, start-ups, sponsors and funds on many forms of investments, including investments involving mezzanine debt, convertible securities and preferred and common equity. For a number of privately held businesses, he also serves as an outside general counsel, advising on matters including commercial contracts, corporate governance and capital raising. Evan also is well-versed in cross-border transactions and works with clients and their counterparties in various international jurisdictions.

Representative Experience

M&A

- Represented coal company in $1.2 billion strategic merger.
- Represented a private equity buyer in $70 million acquisition of controlling interest in phone accessory distributor.
- Represented a private equity buyer in $1.3 billion acquisition and subsequent disposition of interest in telecommunications company.*

Practices

- Corporate
- Mergers and Acquisitions
- Private Credit
- Private Equity
- Structured Finance and Securitization

Education

- JD, Benjamin N. Cardozo School of Law
- BA, Yeshiva University

Bar Admissions

- New York

Community Involvements

- New York State Bar Association
- American Bar Association

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- Represented contract electronics manufacturer in $4.8 billion strategic merger transaction.*
- Represented telecommunications technology company in $780 million spin-off transaction and $80 million sale of subsidiary.*
- Represented sellers in $2 billion disposition of dietary supplement foods manufacturer.*
- Represented selling shareholders in $75 million sale of controlling interest in oilfield services company.*
- Represented private equity sellers in $150 million sale of electrical equipment manufacturer.*

Financing

- Represented borrower in $2.1 billion syndicated revolving credit and term facility, $1 billion senior notes issuance, and $1.7 billion syndicated term loan acquisition financing facility.*
- Represented borrower in $600 million syndicated term loan facility.*
- Represented borrower in $650 million syndicated term and revolving loan acquisition financing facility.*
- Represented originator in $700 million trade receivables securitization and $300 million global trade receivables securitization.*
- Represented numerous originators in bilateral receivables purchase agreements and factoring transactions.*

Restructuring

- Represented industrial manufacturer in out-of-court restructuring and new senior secured credit facilities.*
- Represented media company in debt for equity swap implemented via a pre-packaged bankruptcy proceeding and subsequent sale of the company through a series of strategic asset sales.*
- Represented coal company debtor in debtor-in-possession financing and recapitalization transaction.*
- Represented private equity buyer in liquidating agency transactions.*
- Represented senior lender in exit credit facilities in connection with merger of airlines and upon emergence from chapter 11.*
- Represented indenture trustee in chapter 11 and out-of-court restructuring transactions.*
- Represented acquiror of refining assets from a chapter 11 debtor in a 363 asset purchase transaction.*

*Experience prior to Katten

"New York's Evan Borenstein is 'a terrific resource and a trusted partner, who consistently provides high-quality, practical advice and gets quickly to the heart of the matter'."

***The Legal 500 United States* 2019 (M&A: middle-market (sub-$500m)) survey response**

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Recognitions

Recognized or listed in the following:

- *Chambers USA*
  - Corporate/M&A, 2018
- *Super Lawyers*
  - New York, 2013–2019
- *The Legal 500 United States*
  - Recommended Attorney, 2017, 2019

News

- Insolvency and Restructuring Team Honored With Multiple *M&A Advisor* Awards (March 16, 2023)
- *Global M&A Network* Honors Katten's Insolvency and Restructuring Team With Turnaround Atlas Awards (August 11, 2022)
- Katten Insolvency and Restructuring Team's 2021 Achievements Recognized with *M&A Advisor* Awards (June 13, 2022)
- Katten Represents Special Purpose Acquisition Company Banyan Acquisition Corp. in Upsized $241.5 Million IPO (January 26, 2022)
- Katten is Representing Publicly-Traded Business Development Companies Managed by SLR Capital Partners, LLC in Merger (December 7, 2021)
- Katten Attorneys Represent Thrive Acquisition Corporation in $172.5 Million Initial Public Offering (November 1, 2021)
- Over 60 of the Nation's Leading Law Firms Respond to Investment Company Act Lawsuits Targeting the SPAC Industry (September 3, 2021)
- Katten's Insolvency and Restructuring Team Wins Two Turnaround Awards (December 12, 2019)
- Katten Attorneys Nominated to 2019 New York Super Lawyers, Rising Stars Lists (September 12, 2019)
- Katten Praised in The Legal 500 United States 2019 Guide (June 11, 2019)
- Katten Attorneys Named to 2018 New York *Super Lawyers*, Rising Stars Lists (September 13, 2018)

- Katten Rated as Leading Law Firm by *Chambers USA* 2018 (May 3, 2018)
- Newest Members of Katten's Insolvency and Restructuring Group Featured in *The American Lawyer*, Law360 (March 30, 2018)
- Katten Pulls in Leading Restructuring Attorney Steven Reisman to Head its New York Insolvency and Restructuring Group (March 26, 2018)

Presentations and Events

- 363 Asset Sales in Chapter 11 — All You Need to Know — The Turkey, Stuffing, Potatoes and even Dessert too ($2) (November 24, 2020) | *Speaker*
- The Deal's "M&A Perspectives" video series (October 1, 2014) | *Presenter* | *Acquisition Finance Trends*
- International Association of Young Lawyers Seminar – International Lending: Hot Finance and Tax Law Issues (November 12, 2009) | *Presenter* | *Nuts and Bolts of Lending Transactions and Documentation*