ALSTON & BIRD

David R. Rutherford

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Related Services
Corporate & Finance ▪ Finance ▪ Corporate Debt Finance ▪ Private Credit ▪ High Yield Debt Finance

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David Rutherford structures and negotiates secured financings in commercial lending transactions, representing portfolio companies, private equity funds, commercial banks, other nonbank lenders, and borrowers, and represents issuers and underwriters in the issuance of secured and unsecured debt securities.

Representative Experience

- Represented the lead lender of the $1.15 billion Tranche C Facility as part of the up-to-$2.45 billion Super-Priority Debtor-in-Possession Term Loan Agreement for the benefit of a South American airline and its affiliated debtors. The transaction was named "Banking & Finance Deal of the Year" by *Latin Lawyer*.
- Represented a leading global technology conglomerate in the acquisition and restructuring by a digital technology company through a tender offer to acquire the publicly listed equity securities, a restructuring of the existing senior credit facility, and the implementation of a multijurisdictional asset-based credit facility. The transaction was named "Out-of-Court Restructuring of the Year ($100MM or More)" by *The M&A Advisor*.
- Represented a global manufacturer and distributor of paper-based products and its subsidiaries as borrowers/guarantors in approximately $4 billion in senior secured syndicated credit facilities and as issuer/guarantors in $1.55 billion in senior secured and unsecured notes.
- Represented a private credit fund and its affiliates, as arranger, agent, and lender, in a $62.2 million senior secured unitranche financing for a leading provider of aerospace and defense testing and measurement equipment, including the financing of a platform acquisition of two competitors through delayed-draw term loan facilities.
- Represented a global manufacturer and distributor of flooring materials as the borrower in $1.8 billion of revolving credit facilities, as the borrower in a $500 million delayed-draw term loan, as the issuer in $500 million of senior notes, and as the issuer in €800 million of senior notes.
- Represented a credit opportunity fund and its affiliate, as the borrower, in a $140 million bankruptcy remote asset based syndicated credit facility to finance the purchase by the fund of a portfolio of distressed bank loans.
- Represented the initial purchasers in a series of offerings of senior unsecured notes by a real estate investment trust totalling $3.05 billion in aggregate principal amount.
- Represented a private credit fund and its affiliates, as the arranger, agent, and lender, of $37 million in senior secured credit facilities for a holder of franchisees of hair salon brands, including to finance any add-on acquisitions.

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Education

- Fordham University (J.D., 2012)
- Colby College (B.A., 2007)

Admitted to Practice

- New York
- New Jersey