



Date: October 16, 2019

Lending & Finance

Asset-Based Lending

With some of Canada's most experienced asset-based lending (ABL) lawyers, the ABL team at Cassels Brock represents clients – whether lender or borrower – in structuring, performing due diligence and preparing and negotiating the documentation necessary for both single lender and syndicated ABL transactions. We have extensive experience with cross-border transactions, second lien, mezzanine and subordinated lending transactions. Consequently we are able to integrate multiple lending strategies on behalf of lenders and borrowers and negotiate simple and complex inter-creditor relationships. With a practical approach and extensive industry knowledge, our ABL team offers high quality advice and execution of transactions for both mid-market and sophisticated transactions. Members of our group work closely with our restructuring and insolvency practice, with some key cross-over of specialties, to advise clients from deal inception to debtor-in-possession financings and formal insolvency proceedings.

Equipment & Asset Financing

The Cassels Brock asset finance and leasing practice is recognized by the *Canadian Legal Lexpert Directory* as a leading practice in Canada. We focus on the industry as a whole, ranging from complicated cross-border finance structures, securitizations, large ticket financing, syndications to basic small ticket program structures. Our lawyers also have significant experience assisting non-Canadian commercial finance companies, heavy equipment manufacturers and banks setting up operations in Canada from a regulatory, tax, and process perspective.

In addition we have specialty experience in:

- Yellow iron and construction equipment dealership contracts/agreements and distribution matters
- Program agreements between vendors of equipment, dealers and commercial finance companies
- Floor plan/inventory financing
- Aircraft
- Rolling stock
- Vendor financing

- Securitization (both private and public)
- Mining equipment finance (acting for borrowers in conjunction with project finance facilities)
- Consumer finance
- Auto finance
- Agriculture
- Acquisition of mid-sized and large portfolios, either through an asset or share transaction

Our industry-focused assistance to clients goes beyond the provision of basic legal advice to providing clients with knowledge of industry standards and new and emerging trends.

Our client base includes:

- Specialty finance companies focusing on particular market niches including consumer and agriculture
- Captive finance companies
- Domestic equipment finance companies in the auto sector
- Domestic banks
- Multi-national tier 1 US banks
- Regional US banks
- Commercial finance companies, both domestic and international

Corporate and Commercial Lending

Our experience with corporate and commercial lending spans a broad range of financing transactions involving both domestic and foreign lenders, including banks, trust companies, insurance companies, non-bank finance companies and funds using securitization and syndicated structures. We routinely represent our clients in relation to syndicated loans, senior debt, mezzanine debt and convertible debt financings. Our lawyers have extensive lending expertise in specific sectors and industries including, most notably, the automotive, retail, real estate, leasing, energy and mining sectors.

Project Finance

Our finance and lending lawyers have extensive experience advising and assisting clients with all aspects of the financing of major domestic and international projects across a wide range of industries, including transportation, health, sports/entertainment, infrastructure including P3s, all manners of real estate developments, mining and energy projects. In this regard, we have advised on:

- The development of appropriate financing structures and preparation of bid packages including presentations to rating agencies.
- The identification and resolution of cross-border issues related to foreign lenders and other project

participants.

- Material contract review and risk assessment as well as other due diligence related matters.
- The negotiation and drafting of project finance documentation including direct agreements between lenders and project participants

We work closely with other practice disciplines and industry groups within the firm including construction, tax, energy, mining, infrastructure and government relations to ensure our clients have access to the multidisciplinary expertise that each specific project requires.