



## Donald E. Bingham

### Partner

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## OVERVIEW

Don Bingham is a partner in the firm's Finance practice. He represents borrowers and lenders in secured and unsecured financing transactions, including term loans, private note placements, mezzanine loans, revolving loans, intercreditor agreements, guarantees, security agreements and letters of credit. He advises clients in all aspects of debtor/creditor law, including, without limitation, Article 9 of the Uniform Commercial Code and the United States Bankruptcy Code.

Don regularly represents purchasers and sellers of loans, accounts receivable and other financial assets pursuant to revolving and term securitization structures. He has advised investors and financial guarantors in private placements of notes secured by "future flows" of cash between US banks and banks located in emerging markets, including Latin America and Central Asia.

## PROFESSIONAL BACKGROUND

Prior to joining K&L Gates LLP, Don was a partner in another international law firm. Before admission to the bar, Don spent several years in California's Silicon Valley, first as a commercial loan officer for a local bank and later as the credit manager of a national computer distributor.

## EDUCATION

- J.D., University of California, Berkeley School of Law
- M.B.A., California State University, East Bay, (*Finance Option*)
- B.A., North Park University, (*Economics; summa cum laude*)

## ADMISSIONS

- Bar of Illinois

## NEWS & EVENTS

- 3 March 2022, K&L Gates Advises Vertical Bridge in \$1.4 Billion Asset-Backed Securitization
- 12 April 2021, K&L Gates Advises Evoqua on Two Financing Facilities
- 8 June 2017, K&L Gates Advises Salem Media Group on Senior Secured Notes Offering and Concurrent Asset-Based Revolver

## AREAS OF FOCUS

- Corporate and Acquisition Finance
- Debt Capital Markets
- Securitization and Structured Finance

## REPRESENTATIVE EXPERIENCE

- Represented AeroVironment, Inc. (NASDAQ: AVAV), a publicly-traded company and global leader in intelligent, multi-domain robotic systems, in connection with a new Credit Facility agented by Bank of America. The transaction provided a revolving loan and a term loan and was used, in part, to finance the acquisition of Arcturus UAV, Inc., located in Petaluma, CA, United States.
- Represented AeroVironment, Inc. (NASDAQ: AVAV), a publicly-traded company and global leader in intelligent, multi-domain robotic systems, in its acquisition of Arcturus UAV, Inc., a leading designer and manufacturer of medium-endurance unmanned aircraft systems located in Petaluma, CA, for a total purchase price of approximately US\$405 million, including cash and AeroVironment stock.
- Represented a leading provider of durable medical equipment to home users in connection with the refinancing of its revolving and term debt facilities proved by a syndicate of banks.
- Represented a leading investment management firm in the refinance of its unsecured liquidity facilities.
- Represented two different Irish funds managed by an international investment management company in connection with the refinance of their secured liquidity facilities.
- Represented a leading pharmaceutical distributor in connection with their revolving accounts receivable securitization provided by a syndicate of banks and related commercial paper conduits.
- Represented an international public manufacturer of opto-electronic devices in connection with acquisition financing to acquire a major competitor.
- Represented a chain of collision repair centers, a portfolio company of a private equity firm, in connection with an increase in their credit facilities needed to purchase a complementary company.
- Represented an Indian bank in connection with a loan to a US technology company.

- Represented a public provider of genomic cancer testing services and its subsidiaries in connection with the refinancing of its revolving and term debt with a syndicate of financial institutions.
- Represented a major insurance company's investment arm with the establishment of a subscription facility to finance investment in commercial real estate loans
- Represented an overseas investment company with loans investments in a hyper loop technology company.
- Represented a start-up manufacturer of micro-satellites in connection with a venture loan.