

Erin O'Brien Harkiewicz | Of Counsel
Finance

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Erin has over two decades of experience representing clients in secured commercial financing and secured lending transactions.

Her practice includes:

- Representations of national banks, major regional banks, and investment funds in various capacities in secured lending transactions—including capacities as lenders, agents, participants, and syndicate members
- Representations of commercial borrowers in obtaining acquisition financing and working capital financing in such transactions

Particular areas of focus include:

- Asset based lending (“ABL”)—including not only ABL transactions based on traditional inventory and accounts receivable collateral, but also equipment collateral, real estate collateral, and other nontraditional ABL collateral
- Unitranche financings—especially unitranche financings including an ABL component—and negotiation of Agreements among Lenders (“AALs”)
- “Split-lien” secured lending structures and “first lien/second lien” secured lending structures—including negotiation of Intercreditor Agreements (“ICAs”)
- Cross-border secured lending transactions (again with a concentration in ABL financing)—particularly including cross-border transactions involving the United Kingdom, Canada, and the Netherlands
- Workouts and restructurings for all of the above-mentioned financing facilities
- Syndication reviews for lenders looking to participate in large multi-lender

- agented financings
- Chapter 11 debtor-in-possession/DIP financings
- Chapter 11 bankruptcy exit financings
- Chapter 11 cash collateral usage and cash collateral financings

Select Engagements

- Combined \$57.5 million U.S. accounts receivable ABL facility and £58 Million UK multi-currency accounts receivable purchase facility provided in the context of combination of U.S. Sponsor-owned provider of manpower resources and engineering and technical solutions with its UK Sponsor-owned primary international competitor.
- \$125 million accounts receivable and inventory ABL facility to provide working capital to national clothing retailer in Chapter 11 bankruptcy exit.
- \$65 million ABL revolving credit and term loan facility to provide acquisition financing and working capital for manufacturer and distributor of products for wholesale and retail horticultural industries.
- \$250 million unitranche ABL revolving credit and term loan facility to provide acquisition financing and working capital for manufacturer and distributor of outdoor leisure consumer products.
- \$15 million term loan (funded as U.S. Dollars and UK Pounds Sterling) and \$2 million revolving line of credit (funded as U.S. Dollars and UK Pounds Sterling) secured by recurring revenue assets to provide working capital financing to international software solutions provider in the United States, England, Ireland, and other European jurisdictions.
- \$215 million debtor-in-possession financing provided by a syndicate of pre-petition lenders to a major regional retail grocery chain to provide DIP working capital and fund the Chapter 11 case to a sale providing full recovery to all pre-petition lenders.
- Multi-year borrower-side representation of a real estate investment fund with nationwide investments in real estate leased for automobile dealerships in various secured financing facilities, including \$2.2 billion first-lien secured term loan and revolving credit facility and \$200 million second-lien term loan facility.

Admissions

- Pennsylvania
- New York

Memberships

- American Bar Association

Education

- University of Pennsylvania, BA, summa cum laude

- University of Pennsylvania Law School, JD