



## CHRISTOFER C. FATTEY

Partner; Financial Services Industry Leader; Banking & Finance Practices Leader

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Chris is the head of our Banking and Finance Practice Area. He represents borrowers and credit providers on a wide variety of debt transactions. He also counsels the Firm's business clients on financing needs and corporate structure.

Chris regularly works with our bank and borrower clients on senior secured and unsecured corporate credit facilities, syndicated lending transactions, acquisition financings, asset-based loan matters, high-yield debt facilities, and factoring and receivables sales transactions. In addition, Chris is a key member of our Canada-US Cross Border practice and works regularly on all types of cross-border financing matters.

With a strong background in real estate, Chris also has deep experience in commercial real estate financing and economic development. He has significant experience in a variety of real estate related financing matters including construction and project financing, hospitality financing, health care facility development, renewable energy projects, public private partnerships, and institutional debt issuances. Chris works regularly with members of our bond counsel team representing institutional borrowers and lenders on tax-exempt bond financing matters.

Chris exclusively practices U.S. law and is admitted to practice in New York.

### Honors

- Listed, *Best Lawyers in America*, (Banking & Finance Law) 2022 - 2024
- Listed, *Upstate New York Super Lawyers* (Banking) 2019 - 2023
- Construction Lawyers Society of America, Fellow, 2018
- *Buffalo Business First* 40 Under 40 honoree, 2016
- Leadership Buffalo Class of 2015

The Guaranty Building  
140 Pearl Street  
Suite 100  
Buffalo, NY 14202

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Practice restricted to U.S. law  
22 Adelaide Street West, Suite 2050  
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### Practices & Industries

Banking & Finance  
Canada-U.S. Cross-Border  
Real Estate Development  
Financial Services  
Public-Private Partnerships  
Construction  
Arenas & Sports Facilities  
Bond Counsel  
Hotel, Hospitality & Lodging  
Renewable Energy

### Admissions

New York

### Education

College of the Holy Cross, B.A.  
University at Buffalo School of Law,

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## Experience

J.D., magna cum laude

In 2019, Hodgson Russ attorneys represented a manufacturer of highly engineered products with international operations in connection with the amendment and restatement of its syndicated secured revolving credit facility. The revolving credit facility is in the initial amount of \$1.1 billion and includes letters of credit and foreign currency advances.

Hodgson Russ attorneys represented a manufacturer in a \$100 million trade receivables securitization.

Hodgson Russ attorneys represented a nonprofit 501(c)(3) corporation located in Staten Island in the refinancing of its existing tax-exempt fixed-rate bonds and letter of credit-backed variable rate bonds with two new tax-exempt bond issuances, aggregating approximately \$11.6 million, that were privately placed with a bank.

Hodgson Russ represented a banking client as the agent bank in a syndicated \$19 million building loan secured by multiple locations in addition to the real estate being improved. The borrower was a public entity, and the credit was structured with both taxable and tax-exempt components. The principal source of repayment involved future funds to be received from a state agency, complicating the analysis.

Hodgson Russ represented a client in the hardwood and lumber industry in connection with the amendment and restatement of its senior secured revolving credit facility. The facility is in the initial amount of \$225 million and includes letters of credit and asset based loan components.

A team of Hodgson Russ attorneys represented an international hotel operator in the closing of a highly complex financing package involving \$226.6 million in new CMBS mortgage and mezzanine debt. The transaction involved 17 hotels in 11 states and included the defeasance of \$100 million of existing CMBS indebtedness, a major restructuring of the existing hotel owner and management companies, the formation of 20 new entities, the movement of 11 hotel franchises and 7 management agreements, and the buyout of a strategic partner.

Hodgson Russ represented the Collateral Agent in connection with an approximately \$27 million syndicated construction loan. The transaction involved the construction of a mixed use facility, and the capital stack for the development included brownfield tax credits and various state and local tax incentives.

Hodgson Russ was lead counsel for a publicly traded international metal and mining operation in connection with the closing of trade receivables financing facilities of \$300 million. The transactions involved assets and entities based in the United

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States, Canada, South America, Asia and Europe.

Hodgson Russ attorneys represented a college in the refinancing of its tax-exempt fixed-rate bonds and letter of credit-backed variable rate bonds with two new tax-exempt bond issuances aggregating approximately \$35 million purchased by two different financial institutions. Hodgson Russ also represented the college in connection with interest rate swaps entered into in connection with such refinancings as well as a line of credit.

Hodgson Russ represented a sponsor in connection with a \$40 million dividend recapitalization financing of a group of manufacturing companies. A syndicate of lenders provided term and revolving debt. Existing mezzanine financing was amended to accommodate the transaction.

Hodgson Russ attorneys represented a manufacturer of highly engineered products with international operations, as issuer, in connection with a \$500 million senior notes offering to qualified institution buyers under Rule 144A and non-US persons under Regulation S. The net proceeds from the offering were used to effect a redemption of the company's previously outstanding senior notes.

Hodgson Russ helped a France-based, publicly traded manufacturer of automotive fluid transfer parts complete the acquisition of a Michigan-based automotive parts manufacturer from one of the largest private equity firms in the United States, including handling all employment-related legal aspects of the transaction. As a result of the deal, the French manufacturer now employs 8,000 people in 11 countries with annual projected sales of €620 million, up from €410 million in 2010. Hodgson Russ was the lead firm for the U.S. aspects of this transaction, including advising on the U.S. aspects of a multimillion-dollar acquisition financing package from a consortium of French lenders.

A Hodgson Russ team represented the Buffalo Sabres and its affiliate, HARBORCENTER, in conjunction with the development of HARBORCENTER, an approximately \$200 million, 600,000-square-foot sports, retail, entertainment, parking, and hospitality complex. This first-of-its-kind mixed-used facility includes two ice rinks; a 19-story, full-service Marriott hotel; a sports-themed nightclub and restaurant; retail space; and an 800-car parking facility, all of which are connected to the existing Key Bank Center via skywalk. Hodgson Russ has worked with the Sabres on all aspects of this project from its inception, including environmental review, contract negotiations, permitting, construction, economic development incentives, financing, and tax planning.

Hodgson Russ represented multiple entities formed by a developer client to enable separate financings with multiple bank lenders and an EB-5 regional center lender of elements of an extended hospitality campus consisting of two hotels and one major restaurant. One of the hotels was being constructed, the other was being substantially renovated. The financings aggregated in excess of \$30 million.

Hodgson Russ collaborated with a client on the purchase, structuring, and financing of a large life insurance policy designed to offset estate tax and provide a significant inheritance at a relatively low transfer tax cost. Utilizing a strategy commonly known as "premium financing," the client created an insurance trust and arranged for that trust to borrow money from a banking institution to pay the annual insurance premium. Under the structure, the client only pays the interest on the loan, allowing the client to obtain a significant insurance policy while utilizing a minimal amount of the client's federal transfer tax exemption. A team of attorneys in the Estates & Trusts, Finance, and Tax Practices worked with the client to establish the insurance trust, negotiate the loan documents, and analyze the tax implications associated with the various financing

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and structuring options.

Hodgson Russ represented a nonprofit corporation in conjunction with the development and construction of an \$11 million twin pad ice arena in Lockport, New York. This representation includes the negotiation of all construction, financing, naming rights, and management agreements for the facility

Hodgson Russ represented a banking client in a \$20 million credit facility to fund improvements to real estate where, for a variety of reasons, a mortgage on the improvements and the underlying real estate could not be granted. Collateral was limited principally to certain special purpose equipment and the revenues to be generated by ongoing business operations, complicating the analysis. The co-borrowers were both U.S. and Canadian entities, requiring close coordination on both credit and collateral issues with Canadian counsel.

Hodgson Russ represented a nonprofit 501(c)(3) corporation located in Staten Island, New York, in the refinancing of its existing tax-exempt fixed-rate bonds and letter of credit-backed variable rate bonds. Our attorneys assisted with two new tax-exempt bond issuances, aggregating approximately \$11.6 million, that were privately placed with a bank.

A team of Hodgson Russ attorneys led by John J. Zak represented long-time client, Integer Holdings Corporation (NYSE: ITGR), in a \$1.7 billion acquisition of Lake Region Medical, a privately held portfolio company of KKR. The purchase price consisted of cash (including assumed debt) and unregistered shares of common stock. Financing was through a bank/bond package, consisting of a \$1.6 billion credit facility (TLA/TLB/ revolver) and \$360 million of senior notes offered under Rule 144A. Hodgson Russ counseled on every aspect of the transaction, performing U.S. and supervising international due diligence; negotiating the merger agreement and related acquisition documentation; advising on U.S. competition law matters, including preparing Hart-Scott-Rodino and related foreign filings; negotiating the bank credit facility and leading the high-yield note offering; and advising on executive compensation and employment law aspects of the transaction. The Hodgson Russ team consisted of attorneys Craig M. Fischer, Cristin L. Murray, Matthew R. Scherer, and David G. Reed (securities regulation and corporate compliance); Robert B. Fleming, Jr. (antitrust and trade regulation); Christofer C. Fattey and Timothy Ho; Ryan M. Murphy and Richard W. Kaiser (employee benefits); Peter C. Godfrey (labor and employment); and Michael J. Hecker (environmental); and paralegals Courtney Scanlon, Deborah Kalstek, and Betsy Mills.

A team of Hodgson Russ attorneys led by John J. Zak represented long-time client, Integer Holdings Corporation, in a \$600 million disposition of its Orthopedics and Advanced Surgical business lines to Viant Group. The transaction involved the sale of stock and assets representing operations in several countries, including the United States, Mexico, Germany and France. Hodgson Russ advised on all aspects of the transaction, including preparation of a transition services agreement, coordinated with local counsel and handled the company's subsequent early redemption of its outstanding high-yield bonds. The Hodgson Russ team consisted of Craig M. Fischer, Cristin L. Murray, Matthew R. Scherer (securities regulations and corporate), Andrew D. Oppenheimer (international and business tax); Ryan M. Murphy and Richard W. Kaiser (employee benefits), Christofer C. Fattey (banking and finance), Michael J. Hecker (environmental), and Valerie E. Stevens (antitrust and trade regulation).

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A team of Hodgson Russ attorneys led by John J. Zak represented long-time client, Integer Holdings Corporation (NYSE: ITBR), in its successful tax-free spin-off of its subsidiary, QiG Group, LLC, which converted into Nuvectra Corporation prior to the completion of the spin-off. Nuvectra is a medical device company that is concentrated on the development and commercialization of its neurostimulation technology platform, and, in particular, its Algovita spinal cord stimulation system, for the treatment of various disorders through the stimulation of tissues associated with the nervous system. As part of the spin-off, Nuvectra received approval to list and to have its common stock traded on the NASDAQ Global Market under the symbol "NVTR." Hodgson Russ advised on all aspects of the separation of Nuvectra from Greatbatch and the corresponding distribution of the Nuvectra shares of common stock to Greatbatch's stockholders, including the registration of Nuvectra with the SEC, the listing of Nuvectra's common stock on the Nasdaq Global Market, facilitating the negotiation of agreements between Nuvectra and Greatbatch to establish a framework for their post spin-off relationship; preparation of corporate governance policies and procedures for Nuvectra as a newly publicly-traded company and assisting in the separation of Greatbatch's existing employee benefit programs and the establishment of new programs by Nuvectra. The team of Hodgson Russ attorneys consisted of Craig M. Fischer (securities regulation and corporate compliance); Christofer C. Fattey (banking and finance); Terrence M. Gilbride and Elizabeth A. Holden (real estate); Ryan M. Murphy and Richard W. Kaiser (employee benefits); Peter C. Godfrey (labor and employment); Richard F. Campbell and Andrew D. Oppenheimer (business tax); and paralegal Courtney Scanlon.

## **In the News**

Thought Leaders: Banking Leaders Adapt Quickly to Changing World  
*Buffalo Business First*, June 25, 2021

Largest Buffalo commercial real estate law firms 2020  
*Buffalo Business First*, September 11, 2020

Thought Leaders: Banking  
*Buffalo Business First*, July 18, 2019

Thought Leaders: Craft beverages  
*Buffalo Business First*, June 21, 2019

Meet This Year's 40 Under 40 Honorees  
*Buffalo Business First*, November 14, 2016

Work/Life Balance Is Vital to Success for Young Lawyers  
*Buffalo Business First*, January 13, 2011

Up-and-Coming Attorneys Offer a Glimpse Into 'Real World' of Law  
*Buffalo Law Journal*, January 13, 2011

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Five Hodgson Russ Attorneys Admitted to New York State Bar  
April 11, 2007

## **Press Releases**

55 Hodgson Russ LLP Attorneys Named to 2023 *Upstate New York Super Lawyers* List  
August 23, 2023

83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*  
August 17, 2023

Hodgson Russ LLP Names Christofer C. Fattey Real Estate, Finance & Bankruptcy Practice Area Leader  
February 14, 2023

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of *Upstate New York Super Lawyers*  
*Hodgson Russ Press Release*, August 23, 2022

71 Hodgson Russ Attorneys Ranked in 2023 Edition of *Best Lawyers in America*  
*Hodgson Russ Press Release*, August 19, 2022

Fifty-Four Hodgson Russ Attorneys Ranked in 2021 Edition of *Upstate New York Super Lawyers*  
*Hodgson Russ Press Release*, August 20, 2021

55 Hodgson Russ Attorneys Ranked in 2022 Edition of *Best Lawyers in America*  
*Hodgson Russ Press Release*, August 19, 2021

Sixty-Two Hodgson Russ Attorneys Named to 2020 *Upstate New York Super Lawyers*  
*Hodgson Russ Press Release*, September 8, 2020

Sixty Hodgson Russ Attorneys Named to 2019 *Upstate New York Super Lawyers*  
*Press Release*, August 12, 2019

Three Hodgson Russ Attorneys Selected as Fellows of the Construction Lawyers Society of America  
*Hodgson Russ Press Release*, September 19, 2018

## **Publications**

**Inter-Agency Fire Safety Working Group Releases Proposed Revisions to NYS Fire Code Related to Battery Energy Storage Systems**

*Hodgson Russ Renewable Energy Alert*, February 22, 2024

**Applicant's Partial Loss of Site Control Results in First ORES Denial of Section 94-c Permit Application**

*Hodgson Russ Renewable Energy Alert*, February 20, 2024

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New York State Liquor Authority Moves to Tackle Backlog of Items

*Hodgson Russ Wine, Beer & Spirits Practice*, November 29, 2023

Warning: Don't Ignore Your Customers' Secured Lenders, You Could be Required to Pay Twice!

*Hodgson Russ Banking & Finance Alert*, March 27, 2023

The Collapse of Silicon Valley Bank and Signature Bank and FDIC Receiverships Generally

*Hodgson Russ Banking & Finance Alert*, March 13, 2023

SBA Issues Interim Final Rule to Implement the American Rescue Plan Act's Modifications to the Paycheck Protection Program

*Hodgson Russ COVID-19 Litigation and Employment Action Team Alert*, March 25, 2021

SBA Issues Updated PPP FAQ and Clarifies Interplay between the Necessity Certification and 25% Revenue Reduction Test for Second Draw Loans

*Hodgson Russ COVID-19 Litigation and Employment Action Team Alert*, March 11, 2021

SBA Provides Relief to Self-Employed Schedule C Filers and Relaxes PPP Eligibility Restrictions Stemming from Certain Convictions and Student Loan Defaults

*Hodgson Russ COVID-19 Litigation and Employment Action Team Alert*, March 10, 2021

Borrower Beware V: Prepare Your PPP Loan Forgiveness Questionnaire Before the SBA Asks For It, and Thoughtfully Identify the "Totality of Circumstances" Supporting Your Necessity Certification

*Hodgson Russ COVID-19 Litigation and Employment Action Team Alert*, February 8, 2021

SBA Releases Trio of New Interim Final Rules Addressing Eligibility, Forgiveness, and SBA Review of First Draw and Second Draw PPP Loans

*COVID-19 Litigation and Employment Action Team Alert*, January 29, 2021

## **Presentations & Events**

A Day with Hodgson Russ: Selected NY State and City Tax Topics Workshop Webcast Parts 1 & 2

NYSSCPA, December 2, 2020

NAIOP Upstate NY PPP Update

July 7, 2020

2020 Hodgson Russ/CCH (Summer) Tax Webinar Series

CCH CPENLink, Wednesdays, May 6 - June 17

The Hodgson Russ CARES Act Webinar Series – A Primer for Businesses

April 6 & 13, 2020

Hodgson Russ/FAE COVID-19 Webinar Series

Foundation for Accounting Education: An Affiliate of the NYSSCPA, April 1 & 2, 2020

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Clear Law Institute Webinar  
Key Issues for Negotiating and Financing Ground Leases  
October 24, 2017

Hotels 2016: Law and Practice - Financing of Hotel Transactions  
Practising Law Institute, Practising Law Institute, 1177 Avenue of the Americas, New York, NY, November 28, 2016

Commercial Mortgage Backed Security Transactions and Defeasance  
Buffalo, NY, February 27, 2015

Federal Reserve Bank of New York/Puerto Rico Department of Economic Development & Commerce Forum on EB-5  
Program  
San Juan, Puerto Rico, February 13, 2015

Federal Reserve Bank of New York/NAIOP Forum on EB-5 Program  
Rochester, NY, November 18, 2014

### **Professional Affiliations**

- Bar Association of Erie County
- Construction Lawyers Society of America

### **Community & Pro Bono**

- Board Member, Theodore Roosevelt Inaugural Site
- Former President and Member, Board of Directors: Hasek's Heroes