

Lee M. Kirby, Jr.

ATTORNEY

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OVERVIEW

Lee Kirby, a partner at the firm for twenty-two years, joined Smith Anderson in 1995 after almost a decade in New York City practicing with leading international law firms in project finance, syndicated credit facilities, mergers and acquisitions and other corporate matters. As a partner at Smith Anderson, Lee assisted clients in a broad array of domestic and international finance, corporate and energy matters, with particular emphasis on sophisticated financial transactions and corporate combinations. Prior to his transition to Of Counsel status in 2019, Lee served as head of the Smith Anderson Commercial team and chair of the firm's Energy practice group (including Renewable Energy), and assisted the firm in attaining a national ranking for representation of borrowers in leveraged finance transactions. Lee remains Of Counsel in the areas of corporate finance, mergers and acquisitions, public finance, contracts and nonprofit organizations.

EXPERIENCE

- Represented a global provider of biopharmaceutical development services and commercial outsourcing services in \$2.225 billion senior secured revolving and term loan credit facilities for purpose of refinancing outstanding indebtedness and payment of significant dividend, and subsequent \$250 million term loan and revolving credit facility add-on transaction and repricing amendments.
- Represented a Nasdaq-listed bank holding company in its assumption of all customer deposits and certain other liabilities, and acquisition of substantially all loans and certain other assets, of a bridge bank, as successor to the failed bank subsidiary of a Nasdaq-listed bank holding company, from the Federal Deposit Insurance Corporation, as receiver for the bridge bank.
- Represented a holding company in dividend recapitalization utilizing a new \$300 million senior secured term loan.
- Represented a multinational manufacturer and supplier to the papermaking industry in \$280 million multi-currency senior secured credit facilities and \$240 million senior notes offering.
- Represented a major convenience store chain in \$480 million senior secured revolving and term loan credit facilities and \$250 million senior notes offering for purpose of refinancing outstanding indebtedness including redemption of outstanding senior subordinated notes.
- Represented clinical technology provider in going-private transaction utilizing \$445 million senior secured credit facilities and \$250 million senior notes offering.

- Represented global provider of biopharmaceutical development services and commercial outsourcing services in going-private transaction utilizing \$1.2 billion senior secured credit facilities and \$480 million senior subordinated notes offering.
- Represented global provider of biopharmaceutical development services and commercial outsourcing services in series of transactions for the monetization of revenue streams from approved pharmaceuticals.
- Represented the largest electric utility in the United States in series of acquisitions relating to power generation, including gas, wind and solar.
- Advised a publicly traded supplier of water and water dispensers in an agreement to acquire by merger a publicly traded competitor for \$263 million in cash and stock.
- Represented a family-owned national customized food service company in asset based financing transactions, including a \$260 million revolving credit facility and an \$80 million securitization of receivables.
- Represented a major regional hospital in series of tax-exempt bond transactions.
- Represented the largest electric utility in the United States in financing of \$250 million expansion of smart grid capabilities through utilization of federal grant.
- Represented the largest electric utility in the United States in \$478 million revolving credit facility.
- Advised a leading provider of financial software and information products to U.S. financial institutions in a reverse triangular merger with a private equity-backed company.
- Represented shareholders of a major food service and distribution company in the sale of all shares to subsidiary of large publicly-traded holding company.

CREDENTIALS

Recognition

- *Chambers USA: America's Leading Business Lawyers*, Banking & Finance (2014-2022)
- Best Lawyers®
 - Banking & Finance Law (2001-2024)
 - Corporate Law (2011-2024)
- "Lawyer of the Year," *The Best Lawyers in America*®, Raleigh Banking and Finance Law (2020)
- Martindale-Hubbell AV Preeminent Rated

Education

- Harvard Law School, J.D., *cum laude*, 1986

- Carleton College, A.B., *magna cum laude*, 1978
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Bar & Court Admissions

- New York
 - North Carolina
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