

# Daniel V. Oshinsky

*Partner*

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## Contact

+1 212.756.2111

daniel.oshinsky@srz.com

919 Third Avenue

New York, NY 10022

**Represents hedge funds, private equity funds, asset managers, specialty finance companies and investment banks in a wide range of financing transactions.**

Dan has particular experience in fund finance, ABL facilities and structured credits, including CLOs, CBOs, CFOs, warehouse lines, leveraged finance vehicles, capital call facilities, NAV facilities, GP, LP and management company financings, secondary facilities, rated feeders and fund-of-fund loans.

He also focuses on a variety of other secured and unsecured finance transactions, both on the borrower and lender side, including cash-flow and asset-based loans, acquisition financing, Term B loans, unitranche loans, mezzanine and subordinate loans, distressed debt investments, workout and restructuring transactions, debtor-in-possession and exit financings, cross-border transactions and other complex credit arrangements.

Dan is recognized as a leader in his field by *The Legal 500 US* and *New York Super Lawyers*.

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## Practices

**CLOS**

**FINANCE**

**FUND FINANCE**

**PRIVATE CREDIT**

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## Bar Admissions

New York

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## Education

New York University School of Law, J.D.

- Associate Editor, *Review of Law and Social Change*

Yeshiva University, B.A.

- *magna cum laude*

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# Representations

- Collateral manager and credit fund/equity investor under \$600 million CLO for broadly syndicated loans.
- Collateral manager and credit fund/equity investor under \$520 million CLO for broadly syndicated loans.
- Collateral manager and credit fund/equity investor in \$575 million middle market CLO.
- Collateral manager and credit fund/equity investor in \$555 million middle market CLO.
- New manager in connection with its first asset-based facility, a \$500 million credit facility to finance the purchase of broadly syndicated loans.
- Real estate fund under a \$425 million capital call facility.
- Fund investing in non-performing loans under a \$400 million capital call facility.
- Collateral manager and credit fund/equity investor under \$350 million “static” CLO for middle market loans.
- Collateral manager under \$300 million TruPS CDO.
- Credit fund under \$300 million asset based facility to finance the purchase of broadly syndicated loans.
- Credit fund as borrower under \$265 million warehouse credit facility with both senior and mezzanine loan tranches to finance a middle market loan portfolio in advance of a CLO transaction.
- New manager under a \$250 million capital call facility to main fund and \$250 million capital call facility to co-investment fund.
- Credit fund under \$250 million asset based facility to finance the origination of middle market loans.
- Collateral manager and credit fund/equity investor under \$250 million warehouse credit facility for broadly syndicated loans in

anticipation of a CLO.

- BDC under \$250 million capital call facility.
- Large asset manager under \$215 million credit facility secured by GP interests for the purpose of financing an executive loan program.
- Real estate fund in connection with a \$200 million credit facility for a leveraged feeder transaction.
- Middle market SMA fund as borrower under \$200 million asset-based credit facility.
- Credit fund as borrower under \$150 million asset-based credit facility to finance small to middle market commercial loan portfolio.
- Credit funds under \$150 million sourcing agreement for the purchase of middle market loans.
- Joint venture in \$150 million credit facility to finance the acquisition of music portfolios.
- Fund in \$125 million credit facility to finance the acquisition of music portfolios.
- Asset manager under \$100 million capital call facility for CLO equity fund.
- Asset manager under \$50 million working capital facility secured by management fees.
- VC fund under \$50 million NAV facility.

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# Publications

- “SEC Adopts Final Rule to Prohibit Conflicts of Interest in Certain Securitizations,” *Schulte Alert*, Dec. 15, 2023
- “CLOs Excluded From SEC’s New Private Fund Advisers Rules,” *Schulte Alert*, Aug. 24, 2023
- “Refs to breathe life into US CLOs as Elmwood prices,” *GlobalCapital*, Aug. 15, 2023 (quoted)
- “U.S. and EU CLOs: Market Trends and Recent Regulatory Developments,” *International Comparative Legal Guide to Securitisation 2023*, May 2023
- “CLOs: Adding Flexibility to Engage in Liability Management Transactions,” *Schulte Alert*, Dec. 5, 2022
- “ESMA Template Reporting To Be Required for EU Institutions Which Invest in Non-EU Securitisations,” *Schulte Alert*, Oct. 13, 2022
- “EBA Publishes Final Draft Risk Retention RTS,” *Schulte Alert*, April 21, 2022
- “Private Funds Market Trends Report,” *Schulte Publication*, June 2021
- “LIBOR Transition Update: New York State Legislature Passes LIBOR Transition Bill,” *Schulte Alert*, March 26, 2021
- “FCA Announces Dates LIBOR Settings Will Cease to Be Provided or Be Representative; ISDA Declares Index Cessation Event and Fixing of Spread Adjustment,” *Schulte Alert*, March 8, 2021
- “Private Funds— Market Trends Report,” *Schulte Publication*, Oct. 2020
- “Volcker Rule 2.0— Impact of Final Rule on CLOs,” *Schulte Alert*, June 29, 2020
- “Cash-Squeezed Borrowers Seek Covenant Relief,” *AltCredit Fund Intelligence*, June 8, 2020 (quoted)

- “TALF 2.0: CLOs as Eligible Collateral,” *Schulte Alert*, May 13, 2020
- “CLO Guidance – The Impact of COVID-19 – Considerations for Managers of Collateralized Loan Obligations,” *Schulte Alert*, March 17, 2020
- “Private Funds Guidance – Considerations During Volatile Markets for Hedge Funds and Credit, Direct Lending and Distressed Funds (COVID-19),” *Schulte Publication*, March 16, 2020
- “Regulatory Agencies Request Comments on Proposed Amendments to the Volcker Rule Which Will Affect Collateralized Loan Obligations,” *Schulte Alert*, Jan. 31, 2020
- *Hedge Funds: Formation, Operation and Regulation*, ALM Law Journal Press, co-author; Full Court Press, 2022, co-author
- “Case Study: ZING VII,” *Law360*, Jan. 26, 2012, co-author
- “Bankruptcy Court Approves Plan to Liquidate CDO,” *Schulte Client Alert*, Jan. 19, 2012, co-author
- “Zais Investment Grade Limited VII – CDO Noteholders Take Advantage of Chapter 11,” *Schulte Client Alert*, Oct. 3, 2011, co-author

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# Speaking Engagements

- “Fund Finance Update,” 33rd Annual Schulte Private Capital Forum, January 2024
- “Bespoke CLOs/Alternative CLO Structures,” The Opal Group CLO Summit 2023, December 2023
- “CLO Manager Perspectives,” IMN’s ABS East 2023, October 2023
- “Fund Finance,” Schulte Private Capital Conversations, July 2023
- “SEC Securitization Proposal: First Look,” Managed Funds Association Webinar, March 2023
- “Next Steps for Investment Funds with Exposure to Silicon Valley Bank,” Schulte Webinar, March 2023
- “Middle Market CLO Trends & Strategies,” The Opal Group CLO Summit 2022, December 2022
- “Gaining Credit,” Structured Credit Investor’s 3rd Annual Middle Market CLO Seminar, November 2022
- “Middle Market CLO Manager Roundtable: Poised for Growth,” The Middle Market CLOs and Direct Lending Conference, June 2022
- “Fund Finance,” Schulte 31st Annual Private Investment Funds Seminar, January 2022
- “US CLOs: 2021 Year-End Debrief,” European Leveraged Finance Association, December 2021
- “Middle Market CLOs,” Opal Group CLO Market Outlook Forum 2021, May 2021
- “The Future,” SCI’s 2nd Annual Middle Market CLO Seminar, February 2021
- “Fund Financing,” Schulte 30th Annual Private Investment Funds Seminar, January 2021
- “Middle Market CLOs,” Opal Group CLO Summit 2020, December 2020

- “Future of CLOs— What Next in Turbulent Markets?” Alt Credit U.S. Summit, October 2020
  - “Fund Finance and Structured Finance,” Schulte Webinar, October 2020
  - “Middle Market CLOs,” Opal Group CLO Market Outlook Forum 2020, June 2020
  - “CLOs, Warehouse Facilities and Risk Retention Vehicles,” Schulte 27th Annual Private Investment Funds Seminar, New York, January 2018
  - “Financing for Funds and Managers,” Schulte 26th Annual Private Investment Funds Seminar, New York, January 2017
  - “Investing in Corporate Credit,” Schulte 22nd Annual Private Investment Funds Seminar, New York, January 2013
  - “Leverage for Investment Funds,” Schulte 21st Annual Private Investment Funds Seminar, New York, January 2012
  - “Buy Side Panel,” Yeshiva University Wall Street Connections Series: Industry Forum, New York, October 2011
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## Distinctions

- *The Legal 500 US*
- *New York Super Lawyers*