

**ARIL 2025**

**DR. JANIS SARRA OPENING PLENARY: Cross-Border Consequences: The Impact of the Purdue Pharma Ruling in Canada**



**Chief Justice Geoffrey Morawetz, Superior Court of Justice, Toronto**

Chief Justice Geoffrey Morawetz was admitted to the Ontario Bar in 1980. He is a Fellow of The Insolvency Institute of Canada, a Fellow of the American College of Bankruptcy, and a member of INSOL International and The International Insolvency Institute. He is an editor of the Canadian Bankruptcy Reports. Since his appointment to the Court in 2005, CJ Morawetz has been based in Toronto, hearing civil, commercial and Divisional Court matters. He served as Team Leader of the Commercial List from 2010-2013 at which time he was appointed Regional Senior Justice for the Toronto Region. On July 1, 2019, he was appointed Chief Justice of the Ontario Superior Court of Justice. In the area of international insolvency, CJ Morawetz has been an advisor to the Canadian Delegation at the United Nations Commission on International Trade Law (UNCITRAL) – Insolvency Law since 2008. He has also participated in Experts’ meetings in connection with ongoing projects of UNCITRAL in the area of insolvency law.



**Rebecca Kennedy, Thornton Grout Finnigan LLP, Toronto**

Rebecca Kennedy is a Partner at Thornton Grout Finnigan LLP and is a noted lawyer in the restructuring and insolvency industry. She has extensive experience in receiverships, security enforcement, debt collection, creditors’ rights, debtor protection and forbearance agreements. Rebecca has a balanced practice, representing both debtors and creditors, in regional, national and cross-border insolvencies. She works with clients across a range of industries including cannabis, telecommunications, consumer products, real estate, oil and gas, renewable energy and private equity. Rebecca is the recipient of various industry awards, including the Benchmark Litigation Canada Future Star award (2013), TMA Toronto “Women of Excellence” award for Emerging Talent (2018) and the Lexpert Rising Star award (2017). She was recognized as an “Up and Coming Lawyer” in Chambers Canada 2019 and continues to be ranked in Chambers Canada (2023 and prior years) and Lexpert (2023 and prior years).



**Bruce Markell, Northwestern University, Chicago, Author**

Bruce A. Markell is the Professor of Bankruptcy Law and Practice, and Edward Avery Harriman Lecturer in Law at the Northwestern Pritzker School of Law in Chicago, Illinois. He is a retired bankruptcy judge and a former member of the Ninth Circuit Bankruptcy Appellate Panel. He is also a member of the Collier on Bankruptcy Board of Editors, a lifetime member of the American Law Institute, a fellow and former scholar in residence at the American College of Bankruptcy, a conferee of the National Bankruptcy Conference and a founding member of the International Insolvency Institute. He received the Commercial Law League’s 2022 Lawrence P. King Award and was recently short-listed by the Global Restructuring Review as the 2024 Cross-border Insolvency Academic of the Year.



### **Holly Palmer, MNP Ltd., Vancouver**

Holly Palmer is a member of MNP's Insolvency and Corporate Recovery group in Vancouver. Holly has acted as a financial advisor providing strategy and transactions solutions to businesses in various jurisdictions. Holly specializes in providing solutions to distressed companies by way of informal restructuring and acting in a formal capacity administering proposals, receiverships, bankruptcies, liquidations, and business reviews.

Holly also has significant experience working in London, UK on multi-billion dollar cross-border/multi-jurisdictional liquidations in the financial sector with large and complex debt and group structures. Holly has experience working with restructuring regulations in the US, the UK, Cayman Islands, Australia, and EMEA. Holly is a Chartered Accountant and a Chartered Professional Accountant (CPA), a Chartered Insolvency and Restructuring Professional (CIRP), a Licensed Insolvency Trustee (LIT), has a Certificate of Insolvency from the Institute of Chartered Accountants in England and Wales, and is a member of the Insolvency Institute of Canada.



### **Alain Tardif, McCarthy Tétrault LLP, Montréal**

Alain N. Tardif is a partner in the Bankruptcy and Restructuring Group of McCarthy Tétrault LLP in Montréal. His practice focuses on corporate restructuring and insolvency matters. In recent years, Alain has acted in a significant number of restructurings and reorganizations, advising various large corporations (at both the board and management levels), as well as shareholders, financial advisors, trustees, monitors and receivers. Alain has also represented the World Bank as an insolvency law expert with regard to dealings with countries such as Côte D'Ivoire, Haiti, Burkina Faso, Tunisia and Madagascar. Alain

lectures at the Faculty of Law of the Université de Montréal on the subject of commercial restructuring. He is a member of the Canadian Turnaround Management Association, the American Bankruptcy Institute and INSOL International. He sat on the committee for the accreditation of bankruptcy trustees and served as President of the Canadian Bar Association, Bankruptcy and Insolvency Division (Québec chapter).

## **PANEL A: RVOs: The Journey from “Extraordinary” to Ordinary**



### **Justice Jessica Kimmel, Superior Court of Justice, Toronto**

The Honourable Madam Justice Jessica Kimmel is a justice of the Ontario Superior Court of Justice. Previously litigation counsel with an extensive corporation/commercial and insolvency litigation and arbitration practice. Justice Kimmel remains a judicial fellow of the ACTL, and served on many professional and bar committees, including as President (2009) and a board member of the Toronto Lawyers' Association and as a member of the board of the Advocates' Society. Over her extensive career she has been a regular presenter at CPD seminars and has written extensively on substantive and procedural topics in her areas of specialty and on matters of practice on topics such as electronic trials, privilege and civility.



### **Julie Mortreux, Deloitte Restructuring Inc., Montréal**

Julie Mortreux is a Partner in Deloitte Restructuring Inc.'s Strategy, Risk & Transaction group. Her primary focus is working with our clients to provide reorganization and insolvency advisory services. She has over 22 years of experience in the restructuring practice and worked in various type of mandates: monitor under the Companies' Creditors Arrangement Act, trustee in bankruptcy, consultant to debtor to assist senior management of underperforming companies, and consultant for banks in the analysis of operations and financial projections. She has acted in various roles for debtors and creditors in Canada and in cross-border situations across various sectors. She has also worked on complex and high-profile projects across various industries. Proven experience advising Canadian entrepreneurs in their turnaround efforts. Julie is CPA, CIRP LIT. She received the Jack Biddell gold Medal for her highest mark on the National Insolvency Exam and the CAIRP Award of Merit for practicing her profession with excellence and distinguishing herself through leadership.



### **Victor Olusegun, McMillan LLP, Vancouver, Author**

Victor Olusegun is an articling student at McMillan LLP in Vancouver, where he works with the firm's Insolvency and Restructuring group, as well as other practice groups. His role involves supporting corporate reorganizations and insolvency matters under the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act. Victor recently completed a Master of Laws (LLM) program at the University of Alberta, where he received prestigious awards, including the Alberta Graduate Excellence Scholarship and the Honourable ND McDermid Graduate Scholarship. His academic research focused on the evolving landscape of corporate restructuring in Canada, culminating in a thesis on judicial discretion in Canadian insolvency jurisprudence and reverse vesting orders. He also holds an LLM specializing in business law from the University of KwaZulu-Natal, South Africa, and a Bachelor of Laws (LLB) from Bowen University, Nigeria.



### **Lance Williams, McCarthy Tétrault LLP, Vancouver**

Lance Williams is a partner in the Bankruptcy & Restructuring Group of McCarthy Tétrault LLP in Vancouver. Lance's practice includes advising and representing trustees, debtors, directors, and creditors on complex insolvency and restructuring issues including debt restructuring, corporate reorganizations, loan workouts, fraudulent preference actions, foreclosures, bankruptcies and receiverships. Lance is frequently involved in proceedings pursuant to the *Companies' Creditors Arrangement Act*, the *Bankruptcy and Insolvency Act*, the *Canada Business Corporations Act*, and other provincial corporate statutes. He has particular experience regarding restructurings involving mining, cannabis, forestry, oil & gas, retail, real estate, technology and agriculture. Lance has acted on numerous cross-border and multi-jurisdictional restructurings and is widely recognized for his international restructuring experience. Lance is a Fellow of the INSOL International, a designation granted to a limited number of practitioners who have undertaken extensive study and examination on cross-border insolvency law and practice. He is also a member of the invitation-only Insolvency Institute of Canada, consisting of Canada's leading insolvency professionals.



### **Bradley Wiffen, Goodmans LLP, Toronto**

Bradley Wiffen is a partner in the corporate restructuring group at Goodmans LLP. He acts for debtors, bondholders, ad hoc committees, court-appointed officers, sponsors and other stakeholders in complex corporate restructurings and recapitalization transactions. Brad has represented key stakeholders in many leading cases involving restructurings by reverse vesting order (RVO) and is the author of a paper in the 2020 *Annual Review of Insolvency* relating to the emergence of the RVO in Canadian restructurings.

**PANEL B: Peoples Department Stores Inc. (Trustee of) v. Wise: 20 years later, where do we stand?**



**Justice Chantal Corriveau, Superior Court of Québec, Montréal**

The Honourable Chantal Corriveau was appointed to the Superior Court of Québec in 2005. Prior to her appointment, she had been a member of the Québec Bar since 1983. Justice Corriveau obtained her law degree from the University of Montréal in 1982. In 1985, she completed a Masters degree in medical law at the University of Sherbrooke. For several years, she taught civil and professional liability as a lecturer at the University of Montréal. During her career as a lawyer the Justice Corriveau practiced in the fields of civil and commercial litigation, class actions, professional liability and insurance. Between 2012 and 2015, Justice Corriveau was responsible for the class action division of the Superior Court, Montréal appeal division. From 2015 to 2018, Justice Corriveau was responsible for the continued legal education of the Judges of the Montréal Appeal division. Justice Corriveau is a member of the commercial list in Montréal since 2007.



**Joe Healey, Healey Consulting Services Inc., Winnipeg**

Joe Healey is the president of Healey Consulting Services Inc., undertaking strategic finance projects for clients, including fractional CFO, financial advisory, and financial distress workout services. He was previously the managing partner of a Big Four professional services firm in Winnipeg, MB. Joe has over 29 years of experience restructuring, operating and selling companies, including mandates on a going concern basis and via formal insolvency proceedings. He has executed insolvency assignments for both debtors and secured lenders. Joe has advised clients across a wide range of industries, including agriculture, transportation, construction, aviation, oilfield services, pipeline and facility construction, manufacturing and distribution, real estate, aquaculture, forestry, food processing, technology, and retail. Joe currently serves on the boards of ARIL Society Inc. (founding board member), Agrihub Inc., RMA Manitoba chapter, MS Canada, and serves as an advisory board member for Penfor Construction LP. He completed the ICD Directors Education Program and received his ICD.D designation in fall 2023.



**Kyla Mahar, Miller Thomson LLP, Toronto**

Kyla Mahar is a Partner at Miller Thomson LLP and her practice focuses on corporate restructuring and insolvency, distressed acquisitions and enforcement of creditors' rights. Kyla is ranked in Chambers Canada Legal Guide, and recognized by *Chambers and Partners (Canada and Global)*, *Lexpert and Best Lawyers* for her practice in Insolvency & Financial Restructuring. Kyla's practice focuses primarily on leading debtor companies through restructuring proceedings under the *Companies' Creditors Arrangement Act* and the *Bankruptcy and Insolvency Act* and on acting for court officers in restructuring and insolvency proceedings. Her experiences span a wide range of industries including manufacturing, cannabis, steel, technology, real estate, mining, maritime, automotive, not-for-profit, media and publishing.



**Guillaume Michaud, Norton Rose Fulbright LLP, Montréal, Author**

Guillaume Michaud is the Canadian head of restructuring at Norton Rose Fulbright LLP in Montréal. He practises in the areas of insolvency and corporate restructuring and in connection with insolvency-related transactions and litigation. Guillaume represents and protects the interests of different stakeholders during corporate restructuring, distressed M&A, realization of assets or bankruptcies. The clientele he represents includes insolvent companies, trustees/monitors and receivers, purchasers and investors in a distressed M&A context, creditors, shareholders and directors. Guillaume guides clients during every aspect of asset sale or restructuring transactions, and during every aspect of litigation, including the provision of advice, the drafting of pleadings and representations before the various courts.



**Julien Morissette, Osler, Hoskin & Harcourt LLP, Montréal**

Julien Morissette is a partner of Osler, Hoskin & Harcourt LLP, based in Montréal. His practice is centred on restructuring, insolvency and litigation matters. He has been involved in many high-profile commercial insolvency and restructuring matters in the last decade, notably in the retail, mining, technology, health and real estate sectors. He was awarded the Elizabeth Torrance Gold Medal of McGill University's Faculty of Law, and was a law clerk to the Honourable Marie Deschamps and the Honourable Thomas Albert Cromwell, Justices of the Supreme Court of Canada.



## **PANEL C: Secured Creditors' Rights to Asset Value Post-Discharge: Revisiting the Boundaries**



**Associate Judge Kimberley Robertson, Supreme Court of British Columbia, Vancouver**

Kimberley Robertson was appointed as Associate Judge (formerly Master) on December 21, 2020. Prior to that, she had significant experience representing debtors, creditors, court officers, and other stakeholders on the various issues that arise with restructurings, plans of arrangements, receiverships, bankruptcies, formal and informal proposals and workouts, enforcement of judgments, security vetting and realization. She is a frequent contributor and speaker for both UBC's Allard School of Law, and continuing legal education courses and publications, and is past president of the CBA National Insolvency Subsection.



**Eugénie Lefebvre, Borden Ladner Gervais, Montréal**

Eugénie Lefebvre is a partner at Borden Ladner Gervais, in Montréal, in the Financial Services Group. Eugénie's practice mainly focuses on banking law, bankruptcy and insolvency, as well as financial restructuring. She regularly represents financial institutions as well as alternate lenders, trustees, debtor companies and other stakeholders in insolvency, bankruptcy and restructuring matters. Eugénie is a member of the Executive Committee of the Bankruptcy and Insolvency Section, Québec Division, of the Canadian Bar Association.



**Ian Penney, Janes Noseworthy Ltd., St. John's**

Ian Penney lives in St. John's, NL and is the President of the independent insolvency and restructuring firm Janes & Noseworthy Ltd. Ian is focused on both commercial and consumer insolvency. Over the past 35 years, Ian has provided restructuring services to banks, government agencies, private companies and consumer debtors. He has served as an executive member and has chaired and participated in numerous committees and work groups for the Canadian Association of Insolvency and Restructuring Professionals. Ian is also a past president of the NL Association of Insolvency and Restructuring Professionals. Prior to joining Janes & Noseworthy Ltd., Ian was a NL-based partner, the Atlantic Canadian financial advisory director of operations and a national consumer insolvency service line leader for a Big 4 accounting firm. An active volunteer in the community, Ian is the vice-chair of the Newfoundland Symphony Orchestra, a past president of the Rotary Club of St. John's and a past chair of the Historic Sites Association of NL and has served with numerous other not for profit groups and committees.



### **Freida Richer, Doane Grant Thornton LLP, Edmonton**

Freida Richer is a Managing Partner with Doane Grant Thornton, a leading Canadian accounting and business advisory firm. She has worked exclusively in the insolvency industry for 29 years having experience in both consumer and commercial insolvency engagements. Freida is a Chartered Insolvency & Restructuring Professional (CIRP) and a federally appointed *Licensed Insolvency Trustee*. She is a member of the Canadian Association of Insolvency & Restructuring Professionals (CAIRP) and served as a Board of Director for the Alberta Association of insolvency practitioners (AAIRP). Freida is dedicated to the importance of financial literacy in her community and was a member of the Women & Money initiative commenced by the City of Edmonton which was focused on empowering women financially. She has written numerous thought leadership pieces including her op-ed piece on “*The Culture of Credit*” which was published in The Globe and Mail. Freida is heading into her 10th year as a regular monthly commentator on Global TV on timely debt-related topics affecting consumers across the country.



### **Aminollah Sabzevari, Justice Canada, Vancouver, Author**

Aminollah Sabzevari, BSc (Honours), JD, LL.M., is an experienced litigator with the Department of Justice Canada. He represents the Federal Crown in complex insolvency proceedings. Amin teaches insolvency law (Law 444) and creditors’ remedies (Law 443) as an adjunct professor at the University of British Columbia. He has been a panelist for events hosted by the Centre for Business Law at UBC, the Continuing Legal Education Society of British Columbia, and the DOJ’s National Commercial Taxation Committee. Amin is a mentor for law students via the Canadian Bar Association and the Federation of Asian Canadian Lawyers. He has volunteered as a science fair judge for twenty years, with experience judging at the Greater Vancouver Regional Science Fair, the Edmonton Regional Science Fair, the Calgary Youth Science Fair, and the Canada-Wide Science Fair. He is a past recipient of Allard’s Outstanding Young Alumni Award and the British Columbia Community Achievement Award.



## PANEL D: Calming Troubled Waters



### **Associate Chief Justice Blair Nixon, Court of King's Bench of Alberta, Calgary**

Prior to being appointed a Justice to the Court of Queen's Bench of Alberta in June of 2014, Justice Nixon practiced law with the firm of Felesky Flynn LLP for 26 years. He was Co-Managing Partner of Calgary law firm Felesky Flynn LLP, where he engaged in the practice of Canadian tax law. Mr. Nixon provided tax counsel to a wide variety of Canadian and multinational corporations. He also advised Canada's Department of Finance, Department of Justice, and Department of National Revenue with respect to policy and legislative initiatives. He represented a number of First Nations in Northern Canada in their land claim negotiations, including an Indigenous umbrella organization. Mr. Nixon has been a guest lecturer for the Canadian Tax Foundation, the Institute of Chartered Accountants of Alberta, the Canadian Institute of Chartered Accountants, and the National Judicial Institute. He was a technical advisor to the Joint Committee on Taxation of the Canadian Bar Association and the Canadian Institute of Chartered Accountants for four years, and subsequently a member of that committee for another four years.



### **Keely Cameron, Bennett Jones LLP, Calgary, Author**

Keely Cameron is a partner at Bennett Jones LLP in the commercial litigation and insolvency and restructuring group. Her practice focuses primarily on assisting clients navigate Alberta's oil and gas regulatory regime, including licensing, environmental liability and transfer issues, as well as understanding regulatory obligations during insolvency proceedings. She was counsel for the AER on the Supreme Court of Canada decision involving Redwater Energy and she has experience representing lenders, debtors, creditors and insolvency professionals.



### **Michelle Grant, PwC, Vancouver**

Michelle Grant is a partner with PwC's Deals practice in Vancouver. Her practice specialty is corporate advisory and restructuring. Michelle provides insolvency, restructuring advisory and distressed mergers and acquisition services. Her engagements have included turnaround advisory, viability assessments, business reviews and other informal mandates. She has also acted as CCAA monitor, information officer, receiver and trustee. She has experience advising clients across a wide range of industries including agriculture, food and beverage, manufacturing, mining and metals, real estate, technology and transportation.

Michelle is a recipient of the Business in Vancouver Top 40 Under 40 Award (2016) and the Association of Women in Finance, Rising Star Award (2016). She is a member of the Insolvency Institute of Canada and the Western Canada International Women's Insolvency and Restructuring Confederation network.



**Dana Nowak, MLT Aikins LLP, Edmonton, Author**

Dana Nowak is a partner at MLT Aikins LLP with a litigation practice focused on commercial restructuring and insolvency, where she acts for lenders, court officers, debtors, and key stakeholders in informal and formal insolvency proceedings. She has appeared before various levels of court in Alberta, Saskatchewan, British Columbia and the Yukon. In 2025, Dana was recognized as a Best Lawyer in Canada for her work in insolvency and financial restructuring law.



**Vicki Tickle, Cassels Brock & Blackwell LLP, Vancouver**

Vicki Tickle (she/her/hers) is a partner in and serves as Co-Chair of the Restructuring & Insolvency Group at Cassels, Brock & Blackwell in Vancouver. Vicki offers over 20 years of experience in Australia, England, and Canada. She acts on behalf of lenders, insolvency professionals, challenged companies, suppliers, directors and officers, and other stakeholders, in Canada and internationally. Vicki crafts commercial solutions for clients in such diverse fields as financial services, cannabis, retail, construction, forestry, technology, mining, and manufacturing. She is recognized as a leader in her field by *Best Lawyers*, *Chambers* and *Lexpert*.

## **PANEL E: When Bankruptcy Does Not Forgive: Lessons from the Poonian Case**



### **Justice Luc Morin, Superior Court of Québec, Montréal**

Luc Morin was appointed to the Superior Court of Québec in March 2024. Previously Luc was Managing Partner, Montréal office at Norton Rose Fulbright LLP. He was also the Canadian head of their restructuring practice. Mr. Morin regularly advised his clients on complex restructuring and liquidation processes and proceedings, notices of intention, reverse vesting orders and bridge financings at both the regional and international levels. Over the years, he has earned multiple distinctions for the high quality of his professional work. Luc Morin was also invited to join the Insolvency Institute of Canada in 2018, an invitation-only organization dedicated to the promotion of insolvency excellence in Canada. This organization is made up of the most senior and experienced solvency professionals in Canada.



### **Wesley Cowan, MNP Ltd., Kitchener**

Wes Cowan, CIRP, MA, LLM is a Senior Vice-President (Partner) and Licensed Insolvency Trustee in the Kitchener Insolvency and Restructuring Group of MNP Ltd. Wes has nearly 25 years of experience in insolvency matters; 20 of those years as a federally licensed Insolvency Trustee. In 2019, Wes was appointed the national Director of Consumer Insolvency at MNP Ltd. Wes has a diverse range of experience in both personal and corporate insolvency engagements. With a focus on restructuring as an initial position, Wes has often found alternatives to bankruptcy that benefit both debtors and creditors alike. In addition, Wes has a unique perspective on tax related debt given his former role as a collections officer and auditor with the Canada Revenue Agency (Revenue Canada). In 2016 Wes completed a Master of Laws degree (LL.M.) at Osgoode Law School specializing in Bankruptcy and Insolvency.



### **Colleen Craig, C.E. Craig & Associates Inc., Victoria**

Colleen Craig, graduated with a BComm from the University of Manitoba and started articling in Winnipeg with Arthur Andersen. In 1994 she transferred to Victoria BC, working with PWC and then Grant Thornton. Colleen began her own firm in 2002, C.E. Craig & Associates Inc, which focuses on small to medium corporate insolvency engagements and a range of diverse personal insolvency issues. Colleen often volunteers her time for the Canadian Insolvency and Restructuring Professional Association including sitting previously as Chair of the National Professional Conduct Committee, as Board Member for CAIRP, and is the current President of the BCAIRP Board. Colleen is happy to take part in speaking engagements including speaking on previous occasions for the Annual Review of Insolvency Law (and Past Co-Chair), CAIRP Forums, and CAIRP Annual Conferences. Colleen has also acted as a CPABC Financial Literacy volunteer. Colleen also volunteers on many NFP Boards ranging from arts and culture boards, to the Sidney Aquarium and various youth advocacy groups.



### **Elisabeth Lang, Office of the Superintendent of Bankruptcy, Ottawa**

Elisabeth Lang was reappointed Superintendent of Bankruptcy for a five-year term, effective October 7, 2023. Originally appointed in October 2018, Elisabeth and the OSB team have achieved significant results in support of an effective insolvency system in Canada. This work includes IT modernization, leveraging Artificial Intelligence, the achievement of important compliance and enforcement outcomes, a focus on meaningful engagement and organizational excellence, all in support of business, investor, and consumer confidence in the Canadian marketplace. For more information, please see the OSB's Business Plans and Annual Reports published on its website. Elisabeth brings a wealth of experience and deep understanding of the mandate and mission of the organization, having served as a member of the Executive team of the Office of the Superintendent of Bankruptcy (OSB) from 2007 to 2016. After OSB, she held leadership positions at the Competition Bureau, where she served as Chief of Staff to the Commissioner of Competition and then the Associate Deputy Commissioner of Deceptive Marketing Practices. A lawyer by training, Ms. Lang acquired experience in private practice before joining the Department of Justice as Legal Counsel for Industry Canada. Ms. Lang earned a Bachelor of Arts degree in Political Science from King's College at the University of Western Ontario before completing her Law Degree at York University's Osgoode Hall. Born in Saskatoon, Elisabeth has lived in Winnipeg, London, Toronto, and Ottawa. She is married with three daughters.



### **Ari Sorek, Fishman Flanz Meland Paquin LLP, Montréal, Author**

Ari Y Sorek is a partner at the Montréal specialty firm of Fishman, Flanz, Meland, Paquin LLP, which he joined in 2024 after acting as a prosecutor at the Autorité des marchés financiers (Québec's prudential authority and financial markets regulator). Prior to that, he spent over a decade as partner and then lead of the restructuring and insolvency practice of an international law firm. Ari specializes in complex commercial disputes, with a focus on bankruptcy, insolvency, and restructuring. He has over 20 years' experience representing clients in a wide range of industries, with a results-driven and pragmatic approach, while advancing novel developments in the realms of insolvency, corporate litigation, civil litigation and securities, in which he has acted in some of the leading cases in Québec and Canada. Ari has a proven track record of hard work and dedication to his clients, colleagues, and community, in which he is constantly active. Writing is one of his passions, and he is regularly called upon to publish and present on developments in commercial litigation and insolvency law. Ari has been listed in several peer review publications as a leading practitioner, in particular in the areas of insolvency and restructuring, as well as director and officer liability.

## **PANEL F: Balancing Act: Evaluating Interim Financing Terms in Insolvency Proceedings**



### **Justice Shelley Fitzpatrick, Supreme Court of British Columbia, Vancouver**

Madam Justice Shelley Fitzpatrick was appointed to the Supreme Court of British Columbia in June 2010. Since her appointment, Madam Justice Fitzpatrick has sat on a variety of matters before the British Columbia Supreme Court with some emphasis on insolvency matters. She has been and continues to be the supervising Judge on a number of Companies' Creditors Arrangement Act proceedings before the court.



### **Geneviève Cloutier, Gowling WLG (Canada) LLP, Montréal**

Geneviève Cloutier is the leader of Gowling WLG's Canadian Restructuring & Insolvency Group, and a partner in the firm's Montréal office. Her practice is primarily focused on the areas of insolvency and restructuring, distressed acquisitions, and banking and commercial litigation. Geneviève regularly represents financial institutions and private lenders with respect to the enforcement of security agreements and personal guarantees, the negotiation of standstill agreements, and various insolvency-related issues. She has been involved in matters related to corporate reorganizations, arrangements, bankruptcies, receiverships, and other forms of liquidation of assets. Throughout her career, she has acted for debtors, lenders, purchasers, secured and unsecured creditors, and directors, as well as various accounting firms in their capacity as trustees, monitors, and receivers. She frequently appears before the Superior Court and the Court of Appeal of Québec, and has appeared before the Supreme Court Canada. Geneviève is the current president (2021-2022) of the Montréal chapter of the Turnaround Management Association (TMA), and has served as a director of the TMA (Montréal chapter) for the past seven years. She also teaches priorities and security enforcement at the Québec Bar School (*École du Barreau du Québec*).



### **Robyn Gurofsky, Fasken Martineau DuMoulin LLP, Calgary, Author**

Robyn Gurofsky is a Partner at Fasken based in Calgary. She advises companies, boards of directors, shareholders, creditors and accounting professionals with respect to all aspects of restructuring and insolvency proceedings, whether informal or formal proceedings, both within Canada and on a cross-border basis. Robyn also acts for clients involved in general commercial disputes, banking specific litigation and debtor creditor matters. Robyn's practice focuses on insolvency and restructuring, banking and oil and gas related litigation and general commercial litigation. Robyn also acts for clients involved in general commercial disputes, banking specific litigation and debtor creditor matters. Robyn has appeared before the Courts in Alberta and British Columbia, the Federal Court of Canada as well as courts in the United States on cross-border matters.



### **Philippe Mendelson, EY-Parthenon, Vancouver, Author**

Philippe Mendelson is a Vice President in EY-Parthenon's Strategy and Transactions Practice specializing in financial restructuring matters. In this role, Philippe has had significant experience acting in corporate restructurings in Canada for various stakeholders including on behalf of debtors, shareholders, lenders, and bondholders involving formal court proceedings and informal consulting assignments related to debt and operational restructuring across several industries including aviation, manufacturing, mining, real estate development, pulp and paper, technology, and retail. Philippe is active in the insolvency community as a current director and President of the Young Insolvency Professionals Society, Chair of the Canadian Association of Insolvency and Restructuring Professionals Vancouver Forum, a guest speaker at Vancouver's Insolvency Discussion Group and a speaker with the Chartered Professional Accountants of Canada's Financial Literacy Program.



### **Dean Shillington, Knightsbridge Capital Group, Vancouver**

Dean Shillington is the Founder and President of Knightsbridge Capital Group and has extensive experience as an entrepreneur, in business development and commercial finance. After spending several years in risk management and business development, Dean founded Knightsbridge Capital in 2007 after learning firsthand the challenges businesses experience in navigating outside-the-box situations in business credit through the Canadian institutions. Fueled by a desire to help support businesses in times of need, he launched Maynbridge Capital in 2013, a lender purely focused on helping fund clients through turnaround, liquidity challenges and periods of rapid growth. Today Maynbridge has more than \$300 million invested in Canada and is considered one of the market leaders in alternative debt financing, having saved several dozens of companies from bankruptcy and fueling their own resurgence over the past decade. He holds a degree in Finance and Marketing from the University of Saskatchewan and is currently serving on the Board of Directors for various other corporate and not-for-profit entities.



## **PANEL G: Creating a Baseline: The Role of Stalking Horse Bids and Break Fees in Asset Maximization**



### **Justice Paul Walker, Supreme Court of British Columbia, Vancouver**

The Honourable Mr. Justice Paul Walker was appointed to the Supreme Court of British Columbia in June 2008. Prior to his appointment, he was the managing partner at Guild, Yule & Company LLP. Mr. Justice Walker practiced law at the Guild Yule law firm since being called to the bar in 1980. His practice focused on insurance defence and commercial litigation, including products liability, class action, and coverage litigation. In his practice, Mr. Justice Walker had significant experience in the defence of complex multi-party and cross-border litigation. He was appointed a Queen's Counsel in 2004. While at the bar, Mr.

Walker was listed in a number of peer review publications including *Best Lawyers in Canada*, *L'Expert*, and the International Bar Association's publication, *Who's Who Legal* (in the fields of products liability, insurance and reinsurance, and life sciences). Since his appointment, he has presided over numerous insolvency cases.



### **Corey Geenan, EY-Parthenon, Montréal**

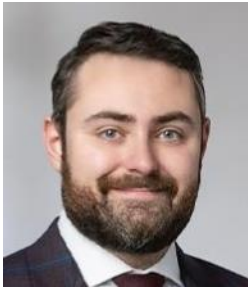
Corey Geenan is a partner in Ernst & Young Inc.'s Turnaround and Restructuring Strategy practice based in Montréal. Leveraging his expertise, Corey often serves as the strategic and financial advisor to management of companies facing operational and financial challenges and to major financial institutions dealing with distressed investments. In addition, he has acted as court officer in many formal insolvency proceedings. His experience encompasses the preparation and review of financial models, reports to Court, security positions, financial

viability reports, financing agreements, and sales processes. He has worked across a range of sectors including but not limited to consumer products and retail, manufacturing, technology, and food and beverage. Corey is a licensed insolvency trustee and a chartered professional accountant and holds a master's degree in business administration.



### **Julie Kennedy, KPMG, Calgary**

Julie Kennedy is a Chartered Insolvency and Restructuring Professional and Licensed Insolvency Trustee with KPMG and is based in Calgary. Drawing on more than 16 years of experience, she specializes in corporate recovery services, including restructurings, monitoring, bankruptcies and receiverships. Julie works closely with large and mid-sized private enterprises that are experiencing financial difficulty, including companies in the oil and gas, construction, agriculture, real estate, manufacturing and retail sector, as well as not-for-profit organizations.



### **Ilia Kravtsov, Osler, Hoskin & Harcourt LLP, Montréal**

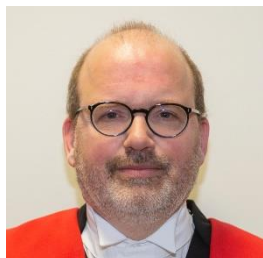
Ilia Kravtsov is a restructuring and insolvency lawyer at Osler, Hoskin & Harcourt LLP and the current chair of the National Insolvency Law Section of the CBA. Ilia regularly represents debtors, appointed court officers and creditors in restructuring and insolvency matters before the courts. He is often called upon to enforce and provide advice regarding rights of lenders and other secured creditors. Ilia also has an active litigation practice and regularly acts in matters involving alleged director liability. When he is not working on restructuring a business, you may find Ilia in your local Crossfit box.



### **Christopher Yung, Lenczner Slaght LLP, Toronto**

Christopher Yung is a partner at Lenczner Slaght. Chris' practice focuses on commercial litigation and arbitration, insolvency and restructuring, and securities litigation. Chris has extensive experience representing clients in contract disputes, corporate governance, oppression and shareholder litigation, securities law matters and proceedings under the *Companies' Creditors Arrangement Act* and the *Bankruptcy and Insolvency Act*. He has appeared as counsel before all levels of Court in Ontario, the Federal Court, the Federal Court of Appeal, as well as administrative tribunals and regulators, and in private and international arbitrations. Prior to joining Lenczner Slaght, Chris practiced with a leading international Canadian firm as a corporate transactional lawyer in Toronto and London, UK, specializing in mergers and acquisitions, corporate finance, and general corporate commercial matters. Chris previously co-authored an article for the 2021 Annual Review of Insolvency Law titled: "Shutting Off the Tap: When Can (and Should) Suppliers Seek to Cut Off Post-Filing Supply?".

## **PANEL H: Blurring the Lines for Creditors, Investors and Equityholders: Allocation and Consolidation Issues in Complex Corporate Structures**



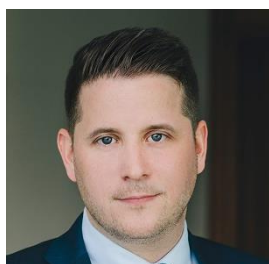
**Justice Christian Immer, Quebec Court of Appeal, Montréal**

Christian Immer has just been appointed to the Court of Appeal of Québec in Montréal (January 2025). Justice Christian Immer received a Bachelor of Civil and Common Law from McGill University (1991) as well as a Bachelor in Secondary Education in History and Geography from the Université du Québec à Montréal (2008). He was called to the Bar of Québec in 1992. Prior to his appointment to the Superior Court of Québec in 2019, he had participated in the foundation of Sheahan LLP in 2011 and worked there until he was appointed to represent institutional, corporate and individual clients in civil and criminal liability lawsuits, especially in environmental and employment law. He had done his internship and worked as a commercial litigation and employment lawyer with Woods LLP until 2005.



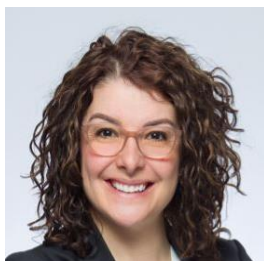
**Carole Hunter, DLA Piper (Canada) LLP, Calgary, Author**

Carole Hunter is Counsel in the Insolvency and Restructuring Group at DLA Piper (Canada) LLP. Carole is experienced in all aspects of corporate restructuring including litigation and commercial issues relating to receiverships, reorganizations, enforcement of security, reviewable transactions, and liquidations. Carole has represented a broad spectrum of clients including court-appointed monitors, receivers, trustees in bankruptcy, purchasers, debtors, directors, creditors' committees, secured and unsecured creditors and suppliers in all types of Canadian and cross-border insolvency and restructuring proceedings and transactions.



**Kyle Plunkett, Aird & Berlis LLP, Toronto, Author**

Kyle Plunkett is a partner and member of the Aird & Berlis Financial Services and Insolvency & Restructuring Groups. He divides his time between commercial restructuring matters and asset-based lending and structured finance work. Kyle's insolvency and restructuring practice encompasses both the litigation and commercial aspects of turnarounds, reorganizations, liquidations, security enforcement, receiverships and plans of arrangement in the context of formal and informal restructuring proceedings. With particular experience in all areas of Canadian insolvency and restructuring proceedings and transactions, Kyle has acted for and advised secured and unsecured creditors, debtor-in-possession lenders, debtors, suppliers, boards of directors, chief restructuring officers, purchasers, receivers, interim receivers, Companies' Creditors Arrangement Act monitors and bankruptcy trustees. He regularly advises parties on issues relating to reorganizations under the CCAA, the Bankruptcy and Insolvency Act and the Canada Business Corporations Act.



### **Jacqueline Shellon, KPMG LLP, Calgary, Author**

Jacqueline (Jackie) Shellon is a Director with KPMG LLP and the head of the Calgary Turnaround and Restructuring practice. Jackie is a Chartered Professional Accountant, Chartered Insolvency and Restructuring Professional and a Licenced Insolvency Trustee. Jackie has extensive experience in developing and implementing financial restructuring and corporate turnaround strategies, as well as formal corporate proceedings, across a range of industries.



### **Anthony Tillman, Alvarez & Marsal Canada ULC, Vancouver**

Anthony Tillman is a Managing Director with Alvarez & Marsal in Vancouver, British Columbia. He specializes in formal and informal restructuring and insolvency mandates, and has acted as an advisor to corporate debtors, boards, lenders and other stakeholders facing financial difficulties. With more than 20 years of restructuring experience, Mr. Tillman has worked across Canada and the United States on many major restructuring projects. Mr. Tillman's notable assignments include acting as *Companies' Creditors*

*Arrangement Act* (CCAA) Monitor of SunnivaInc. (CNX:SNN), Monitor of Entrec Corporation (TSX:ENT), Monitor of MinisoCanada, Monitor of Walter Energy Canada Holdings Ltd. (subsidiary of Walter Energy, NYSE:WLT), Monitor of RB Energy Ltd. (TSX:RBI), Monitor and Trustee under the *Bankruptcy and Insolvency Act* of Great Panther Mining Limited (TSX:GPR) , and Receiver of Washington Properties. Mr. Tillman has worked with clients across various industries, including mining (coal, precious and base metals), cannabis and other agriculture, forestry (logging, lumber and pulp and paper), energy, real estate development, retail, software development, distribution, business services and various manufacturing sectors.

## PANEL I: Statute Barred Claims: Implications and Consequences



### **Associate Justice Sam Rappos, Superior Court of Justice, Toronto**

Associate Justice Rappos was appointed as an Associate Judge of the Superior Court of Justice of Ontario effective March 9, 2023. Prior to his appointment, Associate Justice Rappos practised in the insolvency and restructuring groups at Chaitons LLP, Borden Ladner Gervais LLP and Osler, Hoskin & Harcourt LLP. Associate Justice Rappos is a former Chair and member of the Executive of the OBA Insolvency Law Section (2017-2021), and was a member of the Executive of the CBA Insolvency Law Section (2022-2023). Associate

Justice Rappos received a Bachelor of Arts (Honours) degree in Political Science and Law & Society from York University in 2001, a Bachelor of Laws degree from Osgoode Hall Law School in 2004, and was called to the Ontario Bar in 2005. Associate Justice Rappos has spoken and written extensively about bankruptcy and insolvency law, and his work has been published in a wide variety of publications.



### **Daniel Budd, Forvis Mazars Groups Inc., Montréal**

Daniel Budd CIRP, LIT has been a Licensed Insolvency Trustee since May 2014 and has 14 years of industry experience. He is presently a Leader at Forvis Mazars Group Inc. Previously Daniel was a senior Trustee with M. Diamond & Associates Inc. Daniel was the winner of the 2018-2019 New Members Award of Merit (CAIRP). He previously acted as Secretary of the Conseil des Syndics Autorisés en Insolvabilité de Québec (CSAIQ) and is a member of the board of directors of the CSAIQ. Daniel is also a member of the Media and Communication Committee (CAIRP), and previously (and proudly last) president of the

new members committee (CAIRP). He also acts as a board member for Canadian Magen David Adom, Eastern Region.



### **Deryck Helkaa, FTI Consulting Canada Inc., Calgary**

Deryck Helkaa is a Senior Managing Director in the FTI Consulting Corporate Finance & Restructuring practice and is based in Calgary. Mr. Helkaa has more than 25 years' experience in providing transaction and restructuring advisory services to companies and their stakeholders. He is experienced in representing creditors, lenders, shareholders, management and boards of directors in both formal and out-of-court restructurings and

cross-border cases. Mr. Helkaa's experience comprises a wide variety of industries including: oil and gas (companies operating in exploration and production, midstream and oilfield services sectors), agriculture, mining, retail, real estate and construction. Mr. Helkaa has been involved with a wide variety of clients including public and private companies, various lender groups, with many of his assignments involving international operations, including many cross-border cases. Mr. Helkaa has significant experience assisting both debtors and creditors in preparing business and/or restructuring plans, debt facility amendments, forecasting/budgeting, and overall strategy and negotiations with stakeholder groups, including all the major Canadian banks.



**Sara Scott, Stewart McKelvey, Halifax**

Sara L Scott, P.Eng. is a partner in the law firm of Stewart McKelvey in Halifax, Nova Scotia. Her insolvency practice focuses on providing advice to financial institutions and court officers in insolvency proceedings. Outside of insolvency, Sara's practice focuses on professional liability matters, primarily for engineers and architects and on other commercial litigation.



**Paul Olfert, MLT Aikins LLP, Saskatoon**

Paul Olfert is a partner in the Saskatoon office of MLT Aikins LLP working in the areas of insolvency, restructuring, secured enforcement, and civil litigation, with a focus on agricultural insolvency and litigation. He provides practical restructuring, dispute resolution, and secured realization solutions to businesses, lenders, insolvency professionals and individuals.



## **PANEL J: Judicial Discretion: Balancing COMI, Mandamus Relief, and Autonomous Relief under Part IV of the CCAA**



**Justice Peter Osborne, Superior Court of Justice, Toronto**

Justice Peter Osborne is the Co-Team Lead of the Commercial List of the *Ontario* Superior Court of Justice in Toronto. Prior to his appointment, he practised in Toronto for thirty years where his counsel practice had an emphasis on commercial, insolvency and restructuring, securities and class action matters. He was widely recognized as one of Canada's leading commercial litigators. Justice Osborne is a Fellow of The American College of Trial Lawyers and of the International Insolvency Institute, and prior to his appointment was repeatedly recognized by Chambers and Lexpert, among others, including in the Top 40 Under 40, the Top 500 Cross-Border Lawyers and Top Commercial Lawyers in Canada.



**Sean Kimak, Reconstruct LLP, Toronto, Author**

Sean Kimak is a third-year law student at the University of Calgary. He is a registered Architect in Alberta and worked previously in the areas of architecture, urban planning, and real estate development. Sean was introduced to restructuring and insolvency law while working as a summer law student at Miller Thomson LLP (Calgary) where he will return to pursue articles in May 2025. Sean is intrigued by the evolution of companies—how they form, grow, and navigate conflict. This curiosity drives his interest in restructuring and insolvency law, and in particular its public policy dimensions.



**Caitlin McIntyre, Blake, Cassels & Graydon LLP, Toronto, Author**

Caitlin McIntyre is an associate at Blake, Cassels & Graydon LLP. Caitlin regularly acts on complex mandates involving insolvency litigation, financial restructurings and debt enforcement, in addition to providing more general insolvency advice. She focuses on cross-border insolvencies and acts for debtors, creditors, monitors, receivers and DIP lenders in some of Canada's most significant insolvency files. Caitlin developed her specialized expertise in cross-border restructurings through regularly advising clients in multi-jurisdictional mandates which demand practical, results-driven solutions.



### **Alfonso Nocilla, Western University, London, Author**

Professor Alfonso Nocilla has broad interests in commercial law, with emphasis on bankruptcy, insolvency and restructuring. His research is methodologically diverse, incorporating comparative and empirical approaches, and has been cited favourably by courts at all levels across Canada, including the Supreme Court of Canada. He is a co-editor of *Canadian Bankruptcy and Insolvency Law, 2<sup>nd</sup> Edition*, 2024 CanLIIDocs 2210, the first open access casebook on Canadian bankruptcy law. He is also a co-editor of the

*Journal of the Insolvency Institute of Canada*, a member of the editorial advisory boards of the *Canadian Business Law Journal* and the *Annual Review of Insolvency Law*, and an Affiliated Researcher with the Desautels Centre for Private Enterprise and the Law. He has consulted on commercial and/or insolvency law matters for the Canadian government, professional associations, and private parties. He has been interviewed by *CTV News*, *CBC Radio One*, *The Globe and Mail*, and *Law360 Canada*, among other media, regarding significant insolvency and restructuring cases. Prior to joining Western Law full-time in 2018, he was a Visiting Professor and Catalyst Capital Fellow in Insolvency Law there.



### **Toni Vanderlaan, Deloitte Restructuring Inc., Toronto**

Toni Vanderlaan is a Partner in Deloitte's Financial Advisory practice in Toronto and has more than 20 years' experience in turnaround and restructuring across a broad range of industries. Toni's work includes assisting stakeholders of financially troubled companies, including: providing strategic turnaround services to corporations in financial distress; developing and implementing reorganization strategies for both out

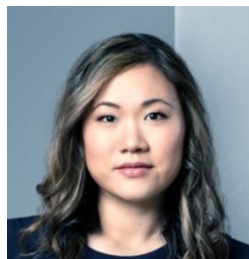
of court restructurings and in court insolvency proceedings; conducting business and lending due diligence reviews; review and development of financial forecasts; managing divestiture processes; and, operating underperforming companies in formal bankruptcy/receivership proceedings.

## PANEL K: Do Equitable Remedies Have a Place in Canadian Insolvency Law?



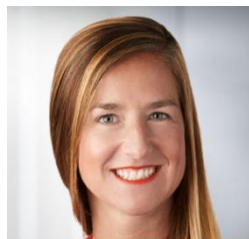
### **Justice David Kroft, Manitoba Court of Appeal, Winnipeg**

Justice David Kroft was appointed to the Manitoba Court of Appeal in August 2023 having served on the Court of King's Bench (General Division) since October 2016. While serving on the King's Bench, he chaired the court's Commercial Judges and Model Order Committees and served on the Civil Practices Committee. He currently sits as a board member of the Canadian Superior Courts Judge's Association, chair of the Manitoba Judicial Advisory Committee, chair of the National Judicial Institute's Insolvency Law planning committee, and on the Editorial Board for the Annual Review of Insolvency Law. For more than 25 years, Justice Kroft practiced at Fillmore Riley LLP in the areas of commercial litigation, bankruptcy, insolvency, restructuring and banking litigation. He was a long-time member of the firm's management team. He was recognized by L'Expert, Best Lawyers, and Benchmark Litigation. Both as a lawyer and judge, Justice Kroft has been a frequent presenter on topics concerning insolvency and litigation more generally and a contributor to the Law Society of Manitoba's Bar Admission Course. He chairs the Law Society's A. Montague Israel's Prize Committee. Justice Kroft has been the recipient of the Manitoba Bar Association's Community Service Award (2000) and the Jewish Federation of Winnipeg's Harry Silverberg (2004) and Max and Mollie Shore (2024) community leadership awards.



### **Sharon Kour, Reconstruct LLP, Toronto, Author**

Sharon Kour is a founding partner of Reconstruct LLP, a boutique insolvency and litigation firm based in Toronto. Prior to that she practiced at a full-service national firm. Sharon practices in Ontario and Atlantic Canada in restructuring and commercial litigation proceedings, with a special focus on debtor mandates in court-supervised and out-of-court restructurings. Sharon is regularly engaged as counsel for court-appointed officers, including monitors, trustees, and estate administrators. In her practice, Sharon advises clients in cannabis, construction, real estate development, mining, fisheries, technology, healthcare and capital markets. Sharon is a past chair of the Ontario Bar Association's insolvency section, as well as an executive member of the Canadian Bar Association's insolvency section. Sharon has been recognized by Chambers Canada and Lexpert as a leading insolvency practitioner. She received a Lexpert Rising Star award in 2024. Sharon is called to the bar in Ontario and Newfoundland & Labrador.



### **Matti Lemmens, Stikeman Elliott LLP, Calgary, Author**

Matti Lemmens is a partner in Stikeman Elliott's Litigation and Dispute Resolution Group. With over 15 years of experience, Matti has represented clients before all levels of court in Canada, handling significant domestic and cross-border cases. Her broad practice focuses on all aspects of dispute resolution, including domestic and international litigation, arbitration and insolvency matters. She has a diverse background across all industries in her practice, having handled litigation and insolvency matters with a particular emphasis on oil and gas, securities, intellectual property, construction, real property, utilities, insurance, mining, and environmental issues. Matti has acted as counsel to trustees, creditors and debtors. She is a past recipient of the International Bar Association's insolvency scholarship forecasting the outcome in the *Redwater* insolvency and has written numerous articles on insolvency matters over the years.



### **Afshan Naveed, Dentons Canada LLP, Calgary**

Afshan Naveed is a partner at Dentons Canada LLP. Afshan is an accomplished bankruptcy, insolvency, restructuring, and litigation lawyer with a notable practice in commercial foreclosure and corporate restructurings. She acts for creditors, debtors, court-appointed monitors, receivers, and trustees in bankruptcy in complex and sensitive insolvencies and restructurings of all sizes. Afshan's clients span across all industry sectors, and she has been a trusted, high-level advisor to them. As part of her practice, Afshan regularly appears before all levels of Court in Alberta. Afshan is also qualified to practice law in Scotland, where she was admitted as a Solicitor in 2009 and is presently retained on the Rolls of Solicitors. Afshan is committed to giving back to the community through her extensive volunteer work both as part of the legal profession and to the community at large.



### **Mitch Vininsky, KSV Advisory Inc., Toronto**

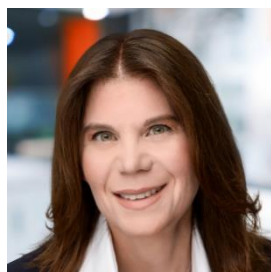
Mitch Vininsky, MBA, LIT, CIRP is a Managing Director as well as a Vice-President of KSV. Mitch has practiced in the restructuring and turnaround field since 1998. Mitch has worked with distressed businesses in a wide variety of industries, including real estate, financial services, steel, pharmaceutical, technology, electronics, manufacturing, mining, retail, printing, automotive, agriculture as well as oil and gas. His work involves consulting for lenders, trade creditors, debtors, purchasers and other stakeholders in both formal proceedings and informal restructuring and shareholder dispute mandates. Mitch has also been involved in several high profile mandates, including Ashcroft Homes, Halifax Herald, Elevate, Regus Corporation, Go-To Developments, First Swiss Mortgage, PACE Savings & Credit Union, Primus, Coventree, iMarketing, Ornge, MuscleTech, CashCode, Cooper Standard, Linens n' Things, Grocery Gateway, Dylex Limited and The T. Eaton Company. Mitch has written articles on restructuring topics for American Bankruptcy Institute, Commercial Insolvency Reporter, CA Magazine and the Law Society of Upper Canada.

## PANEL L: Navigating the Complexities of Fraudulent Preferences



### **Justice Christopher Simard, Court of King's Bench of Alberta, Calgary**

Justice Christopher Simard was appointed to the Court of King's Bench of Alberta in June 2023. Prior to that, he practiced law at Bennett Jones LLP for 26 years, specializing in bankruptcy and restructuring, as well as commercial litigation. He was a frequent presenter on bankruptcy and restructuring topics, including at the Annual Review of Insolvency Law, Insolvency Institute of Canada, Canadian Bar Association and American Bar Association. He is the co-Chair of the Court's Commercial Practice Committee.



### **Sheri Aberback, MNP Ltd., Montréal**

Sheri L. Aberback, CIRP, LIT, CFE is a Senior Vice-President and practice leader for Insolvency & Corporate Recovery at MNP Ltd. Based in Montréal, Sheri assists businesses facing financial turmoil, providing strong advice and solutions that fit their situations. Highly knowledgeable, with more than 30 years' experience in corporate bankruptcy and insolvency, Sheri ensures clients understand the options available to them so that they can make informed decisions. Sheri is adept at guiding clients through each stage of the corporate bankruptcy and proposal restructuring process. She also consults with various stakeholders (financial institutions, private equity firms, etc.), when they are dealing with clients in financial difficulty. Sheri received the Chartered Insolvency and Restructuring Professional (CIRP) designation in 1997 and was licensed as Licensed Insolvency Trustee (LIT) in 1998. She was designated as a Certified Fraud Examiner (CFE) in 2004. She is a member of the Board of the Quebec Association of Insolvency and Restructuring Professionals (QAI RP) as well as a member of the Canadian Association of Insolvency and Restructuring Professionals (CAIRP) as well as the *ARIL Editorial Advisory Board*. She has presented to both CAIRP and the Canadian Bar Association on insolvency-related matters.



### **André Bolduc, BDO Canada Limited, Ottawa**

André Bolduc is a Senior Vice-President and Partner at BDO Canada in Ottawa. André is a CPA, FCIRP and Licensed Insolvency Trustee with over 30 years of experience in consumer and commercial insolvency matters. André is the current Chair of the Board of Directors for the Canadian Association of Insolvency & Restructuring Professionals (CAIRP) and a past Board member of the Ontario Association of Insolvency and Restructuring Professionals (OAI RP).



### **Jenna Clark, McCarthy Tétrault LLP, Vancouver**

Jenna Clark is a partner in the Bankruptcy & Restructuring and Financial Services Groups at McCarthy Tétrault LLP, based in Vancouver. She offers expertise in bankruptcy and restructuring, corporate finance, and commercial matters, and delivers strategic advice to clients in all stages of their business cycles. Jenna represents clients across a wide variety of industries, including natural resources, cannabis, technology, real estate, and financial services, with a specialized focus in mining. She acts for parties in complex and multi-jurisdictional insolvency mandates and finance transactions, including debt restructurings, distressed and debtor-in-possession financings, corporate reorganizations, bankruptcies, receiverships, other matters and transactions under the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act, lending transactions, project finance facilities, metal streams and royalties. Prior to joining McCarthy Tétrault LLP, Jenna practiced at another leading Canadian national firm and as in-house legal counsel for a dual-listed (TSX/NASDAQ) public company with global operations. Jenna holds degrees from Dalhousie University and the University of British Columbia, and she is a member of the Canadian Bar Association, the Law Society of British Columbia, and the Law Society of Ontario.



### **Emmanuel Phaneuf, Raymond Chabot Grant Thornton, Montréal**

As a member of the Recovery and Reorganization group at RCGT since 2000, Emmanuel Phaneuf, M.Sc., CIRP, LIT, has participated in the restructuring of multiples companies of various sizes and in several industries. Emmanuel deals with both complex and financial crime cases on a daily basis. For example, Emmanuel has been involved in several receiver cases at the request of the Autorité des marchés financiers, including, more recently: PlexCoin (cryptocurrency related file) and Cape Cove Financial Management Inc. (Ponzi scheme). Finally, Emmanuel has acquired solid international experience having worked for Grant Thornton U.K. He holds a Master of Science with a Major in Finance from HEC Montréal. Moreover, he has been actively involved with the CAIRP, notably as a former Board member, in CAIRP educational mission or on the Corporate Practice Committee.



## JUDICIAL PANEL



### **Justice David Collier, Superior Court of Québec, Montréal**

Justice David R. Collier was appointed to the Québec Superior Court in 2011 and named coordinator of the Court's commercial division in 2022. The Superior Court's commercial division hears cases in bankruptcy and insolvency, restructuring, and shareholders' disputes. Prior to his appointment, Justice Collier practiced as a commercial litigator at Norton Rose Fulbright Canada (Ogilvy Renault) for 27 years.



### **Chief Justice Suzanne Duncan, Supreme Court of Yukon, Whitehorse**

Chief Justice Suzanne Duncan holds a B.A. (1982) and an LL.B. (1985) from Queen's University, and an LL.M. (2000) from Osgoode Hall Law School. She began practising in 1987 with McCarthy Tétrault in Toronto in the areas of civil litigation, labour and employment, and immigration. In 2001, she joined the civil litigation section of the federal Department of Justice in Toronto. In January 2006, she relocated permanently to the Yukon and continued to work for Justice Canada in the areas of Aboriginal law and Crown liability. In early 2018, she became the in-house legal counsel for the Kwanlin Dün First Nation government in Whitehorse. On November 29, 2018, she was appointed to the Supreme Court of Yukon, and on October 1, 2020, she was appointed as Chief Justice of the Supreme Court of Yukon. Chief Justice Duncan served on the Executive of the Law Society of Yukon as First Vice President and Chair of Discipline. She has been a member and Chair of the Board of Directors of the Yukon Legal Services Society and Chair of the Yukon Employment Standards Board. Chief Justice Duncan previously served as Chair of the Board of Homes First Society, an agency in Toronto that provides shelter and support to individuals who are among the hardest to house. She is a former co-author of the book *The Law of Privilege in Canada*.

### **Justice Michael Penny, Superior Court of Justice, Toronto**

The Honourable Justice Penny obtained his Bachelor of Laws from the University of Toronto in 1982 and was called to the Ontario Bar in 1984. Justice Penny articulated at Torys LLP and then served as a law clerk to the Ontario Court of Appeal. He practised in the Torys Litigation and Dispute Resolution Practice until 2009: his main area of practice was business litigation, including regulated industries such as energy, securities and pensions. He served on the executive of the Civil Litigation Section of the Ontario Bar Association and on the Board of Directors of The Advocates' Society. Justice Penny was appointed to the Superior Court of Justice in November 2009. Since his appointment, Justice Penny has presided over civil, family and criminal matters and has served on the Divisional Court. Justice Penny currently sits on the Commercial List in Toronto.



### **Justice Barbara Romaine, Court of King's Bench of Alberta, Calgary**

Justice Barbara Romaine was appointed to the Court of Queen's Bench in 1997. She is a graduate of the University of Alberta, (B.A. 1971; LL.B, 1974) and was called to the bar of Alberta in 1975. Prior to her appointment, Justice Romaine was a partner with the Calgary office of McCarthy Tétrault, involved primarily with national and inter-national project development and financing and securities law. She was a Bencher of the Law Society of Alberta from 1990 to 1997 and served as President in 1997. Justice Romaine is often assigned to commercial insolvency and complex commercial matters at the Court. She is a member of the Court's Commercial Practice Group., serving as Co-Chair until 2016. Justice Romaine, together with Professor Janis Sarra, co-edited the 2012 to 2018 volumes of the Annual Review of Insolvency Law. She was a member of the Editorial Advisory Board of the Review until 2023, and a member of the board of the International Insolvency Institute until 2022. She is an International Judicial Affiliate member of the US National Conference of Bankruptcy Judges, and a member of INSOL International, the International Women's Insolvency and Restructuring Confederation, the International Exchange of Experience on Insolvency Law, and the Bowen Group. She has participated as a faculty member and panelist in a number of programs for the National Judicial Institute and for the international associations to which she belongs. As a member of the Bowen Group, she has co-authored two books related to international insolvency: Micro, Small and Medium Enterprise Insolvency and Financial Institutions in Distress, both through Oxford Press.



### **Justice Darrell Stephenson, Court of King's Bench of New Brunswick, Saint John**

Justice Darrell Stephenson was appointed to the Court of Queen's Bench of New Brunswick in 2013. He received his Bachelor of Laws degree from the University of New Brunswick in 1985. Prior to his appointment, he was a partner with the Saint John office of Stewart McKelvey where he maintained a diversified practice in corporate commercial law with a focus on financing, security enforcement, insolvency and corporate restructuring matters. Justice Stephenson's professional and civic involvement included being a member of the Insolvency Institute of Canada, a member of the Board of Directors of Enterprise Saint John and a member of the Lord Beaverbrook Scholarship in Law Selection Committee.