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Friday, November 18, 2022

8:30-9:00 Registration and Breakfast | Regency Ballroom F (Seating in Regency ABC)

Breakfast Sponsored by:

McDougall Gauley LLP

9:00-9:15 Opening Remarks | Regency ABC

Co-Chair: David Ullmann, Partner, Blaney McMurtry LLP (Toronto, ON)

9:15-10:00 What's New: Legislative Changes and Corresponding Caselaw | Regency ABC

Over the past two and a half years, we have not only seen changes to the *Companies' Creditors Arrangement Act* (the "**CCAA**") and the *Bankruptcy and Insolvency Act* (the "**BIA**") but also changes to the procedures that we traditionally followed in restructuring cases. What exactly were those changes, have they led to more access to justice and accountability, or have they introduced uncertainty with unintended consequences? Hear from our panel of expert legal and accounting professionals as they identify and assess some interesting changes in the way we navigate restructuring proceedings in Canada.

Speakers: Carole J. Hunter, Counsel, DLA Piper (Toronto, ON)

Stephen Ferguson, Managing Director, Alvarez & Marsal Canada (Toronto, ON)

Gregory R. Azeff, Partner, Miller Thomson LLP (Toronto, ON) **Lisa Hiebert**, Partner, Borden Ladner Gervais LLP (Vancouver, BC)

Moderator: Ian Aversa, Partner, Aird & Berlis LLP (Toronto, ON)

10:00-10:45 Insolvency Professionals Need Closure: Real Estate Security and Enforcement | Regency ABC

With a potential real estate downturn on the horizon, it is more important than ever that lenders and borrowers consider the implications and methods of enforcing real estate security. Make sure that you are fully prepared for the issues that arise when dealing with real estate security, including how to value, protect and enforce.

Speakers: David Gruber, Partner, Bennett Jones LLP (Vancouver, BC)

Michael McDonald, Associate, Soloway Wright LLP (Kingston, ON) Heather Meredith, Partner, McCarthy Tétrault LLP (Toronto, ON)

Moderator: Jeremy Nemers. Partner, Aird & Berlis LLP (Toronto, ON)

10:45-11:00 Morning Networking Break | Regency Foyer

Break Sponsored by:



11:00-12:30 Annual Cross-Canada Update | Regency ABC

A flagship panel of leading insolvency lawyers from across Canada will once again present and discuss the latest significant case law emerging from coast to coast.

Speakers: David Wedlake, Associate, Stewart McKelvey LLP (Halifax, NS)

William Rodier-Dumais, Associate, Stikeman Elliott LLP (Montréal, QC) Derek Harland, Associate, Thornton Grout Finnigan LLP (Toronto, ON) Zachary Soprovich, Associate, Duncan Craig LLP (Calgary, AB) Anjali Sandhu, Associate, MLT Aikins LLP (Winnipeg, MB)

12:30-14:00 Luncheon | Presentation of the Lifetime Achievement Award | King 1 Ballroom

The Honourable Glenn Hainey

Speaker: JJ Burnell, Partner, MLT Aikins LLP (Winnipeg, MB)

Presenter: The Honourable Geoffrey B. Morawetz, Chief Justice, Superior Court of Justice of Ontario

Luncheon Sponsored by:



14:00-14:45 The Judges' Perspective: Hot Topics & Practical Advice | Regency ABC

Gain the perspective of our Judges' panel on a wide range of issues and get practical advice and guidance on how to address them in light of the predicted increase in insolvencies.

Topics will include:

- How to use technology in insolvency proceedings and when
- The use of Court-directed alternative dispute resolution mechanisms in insolvency proceedings
- Cross-border challenges for Judges and counsel.

Speakers: The Honourable Geoffrey B. Morawetz, Chief Justice, Superior Court of Justice of Ontario

The Honourable Madam Justice Corriveau, Superior Court of Québec The Honourable Mr. Justice Kroft, Court of King's Bench of Manitoba

Moderator: JJ Burnell, Partner, MLT Aikins LLP (Winnipeg, MB)

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14:45-15:30 Reverse Vesting Orders - Pitfalls, Future Directions and Cross-border Implications | Regency ABC

Reverse vesting orders have become a commonly used tool in restructuring proceedings both under the CCAA and the BIA. While these orders have many benefits, notably for regulatory and tax reasons, they have also raised many questions regarding their effect on stakeholder consultation. Experienced professionals will explore this trend, identify its pitfalls and future direction, and assess the cross-border implications.

Speakers: Nigel Meakin, Senior Managing Director, FTI Consulting (Toronto, ON)

Jessica Cameron, Partner, Borden Ladner Gervais LLP (Calgary, AB)

Vicki Tickle, Partner, McMillan LLP (Vancouver, BC)

Moderator: Julien Morissette, Partner, Osler, Hoskin & Harcourt LLP (Montréal, QC)

15:30-15:45 Afternoon Networking Break | Regency Foyer

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15:45 – 16:30 Making a Good Faith Effort: Reviewing the Impact of the 2019 Amendments and the Duty of Good Faith | Regency ABC

Since the amendment of the CCAA and the BIA to include an obligation for all "interested persons" to act in accordance with a duty of good faith, courts across the country have had the opportunity to consider whether or not the amendments to the CCAA and BIA have created a new duty, or whether they have merely codified the existing common law. Either way, this duty is now in the spotlight, and lenders, court officers, debtors and others must all ensure that their actions are done with this duty in mind. Hear about recent decisions and how courts are interpreting the amendment and learn best practices for dealing with this issue.

Speakers: Jane Dietrich, Partner, Blake, Cassels & Graydon LLP (Toronto, ON)

Dominico Magisano, Partner, Lerners LLP (Toronto, ON) **Toni Vanderlaan**, Partner, Deloitte Canada (Toronto, ON)

Moderator: David Ullmann, Partner, Blaney McMurtry LLP (Toronto, ON)

Session Sponsored by:



16:30-16:45 Closing Remarks | Regency ABC

Co-Chair: Ian Aversa, Partner, Aird & Berlis LLP (Toronto, ON)

16:45-18:00 Closing Cocktail Reception | King 1 Ballroom

Reception Sponsored by:

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