



## Jeffrey Levine

Toronto

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### education and year of call

- Called to the Ontario bar - 2008
- University of Western Ontario, LLB - 2007
- York University, B.Sc. (Hons. Space Communications Physics) - 2004

### practice areas

business litigation  
restructuring and insolvency  
litigation

### industries

banking, finance and insurance  
commercial real estate  
mining

### profile

Jeffrey is a Partner in the Advocacy and Litigation Group at McMillan LLP. He assists in the resolution of commercial disputes, with a focus on those disputes arising in the context of an insolvency or corporate restructuring. Jeffrey has appeared before all levels of court in Ontario, and regularly argues cases before Judges of the Toronto Commercial List. He has extensive trial experience in court and arbitration forums, and was recognized by Global Restructuring Review as top "40 Under 40" world's leading restructuring specialists for 2016. Jeffrey is the Past Chair of the Ontario Bar Association Insolvency Section.

### directorships and professional associations

- Ontario Bar Association – Chair of the Insolvency Section Executive Committee
- Canadian Bar Association – Executive Member of the National Insolvency Section
- Toronto Lawyers Association
- Advocates' Society

### representative matters

- Acted for a large municipal utility in the settlement of a multi-million delay liquidated damages claim within the CCAA proceeding of an international general contractor
- Represented in Canada an official committee of equity security holders established under US bankruptcy law in a cross-border proceeding involving a multinational sport apparel manufacturer
- Represented a major raw material supplier to a Canadian manufacturer that was the subject of CCAA proceedings
- Represented a US-based landlord in a multi-million dollar contested claim against an insolvent guarantor of a

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disclaimed lease where the guarantor was the subject of CCAA proceedings

- Acted for the debtor in CCAA proceedings, obtaining approval for DIP financing opposed by the company's senior creditor
- Acted for receivers and senior secured creditors in receiverships involving liquidations and going-concern sales
- Represented the interests of landlords in receivership proceedings of insolvent tenants
- At the Ontario Court of Appeal, obtained a declaration as to priority under the *Personal Property Security Act* for a secured equipment supplier
- Advised all players in the construction pyramid on construction law issues including the requirement for holdback, lien rights, preservation and perfection of liens and vacating or discharging liens
- Resolved, in court and out of court, disputes between corporate shareholders, landlords and tenants, manufacturers and distributors and employers and employees

## awards and rankings

- *Global Restructuring Review* 2016 - 40 Under 40

## teaching engagements

- 2019 Osgoode Construction Law Certificate Program – Intersection of Construction and Insolvency Law
- 2018 CBA Insolvency Law Conference – Featured Panel Member – Bricks and Mortars: Even Giants Fall – Panel explored the issues that arise when retail fails
- 2018 - Advocates' Society Mentoring Dinner Series - Mentor
- 2016 Osgoode-Schulich JD/MBA Conference – Featured Panel Member – Confidentiality and Privacy Concerns in Business Transactions

## publications

### November 2019

Amendments to the CCAA, BIA and CBCA Now in Force  
Restructuring Bulletin

### October 2019

Alberta Court of Appeal Ranks CCAA Super-priority Charges Ahead of CRA's Deemed Trust, but Uncertainty Remains  
Restructuring and Insolvency Bulletin

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## **September 2019**

Court Counsels Engagement with Creditor before Ruling on Proofs of Claim  
Restructuring and Insolvency Bulletin

## **May 2019**

Canadian Corporate & Restructuring Legislation: Changes Could be on the Way  
Restructuring, Litigation and Business Law Bulletin

## **November 2018**

The *Queen v. Callidus Capital Corporation* Overturned; Lenders Breathe a Sigh of Relief, But For How Long?  
Insolvency Bulletin

## **August 2018**

Insolvency Proceedings Concerning Canadian-Based Retailers  
CBA Insolvency Law Conference

## **November 2017**

Your Halloween Edition: The Ghost of the Terminated GST/HST Deemed Trust  
Restructuring and Tax Bulletin

## **February 2017**

Broken Break Fee: Investor's Claim for a Break Fee Denied in CCAA Proceeding  
Litigation Insolvency and Restructuring Bulletin

## **October 2016**

Post Up: Creditor Ordered to Deposit Security for Costs in British Columbia Bankruptcy Proceeding  
Litigation and Insolvency and Restructuring Bulletin

## **June 2016**

Perfection is Critical to Maintaining Priority Over Judgment Creditors  
Litigation and Commercial Law Bulletin

## **June 30, 2015**

\$7.3 Billion for Everyone: Nortel Networks Corporation (RE) - Asset Allocation Trial  
OBA Insolvency Section

## **January 2015**

*Re MtGox*: Using the BIA to Recognize Foreign Insolvency Proceedings  
Litigation Bulletin

## **January 14, 2015**

Constructive Trusts in Insolvency Situations: *Wurth v 1135096 Alberta Ltd* and Related Decisions  
Jeffrey Levine and Stephen Brown-Okruhlik, OBA Insolvency Section

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## **November 11, 2014**

New Life For an Old Claim: Bankruptcy Act Offers Route to Litigate Fraudulent Conveyance Action a Second Time  
Jeffrey Levine and Stephen Eddy, OBA Insolvency Section

## **October 2014**

Revisiting, Then Revising, Old Contracts: Court of Appeal Considers Test for Rectification  
Litigation Bulletin

## **May 22, 2014**

Ontario Court of Appeal Overturns Finding of Quistclose Trust  
Jeffrey Levine and Gideon Ng, OBA Insolvency Section

## **May 2010**

Judicial Review - Another Weapon to Challenge Government Tendering Decisions?  
Projects and Construction Litigation Bulletin

## **May 2010**

Construction Law in Canada  
Contributing Author, Book, published by LexisNexis

## **March 2010**

Trust Me! – Ontario Court of Appeal expands pool of trust beneficiaries under the Construction Lien Act  
Construction Litigation Bulletin

## **February 2010**

Exposing the Mess Swept Under the Rug: Supreme Court of Canada Orders Damages for Breach of Tendering Contract  
Construction Litigation Bulletin

## **January 2010**

The Lien Clock Doesn't Tick Forever  
Construction Litigation Bulletin