

JEFFREY LEVINE*



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Jeffrey Levine is an experienced litigator with a corporate commercial practice that focuses on restructuring, bankruptcy, director and officer obligations, banking and finance.

Known for his ability to resolve commercial disputes, Jeffrey is recognized for outstanding expertise in matters relating to insolvency or corporate restructuring. He regularly acts for creditors, debtors, purchasers, landlords and court officers in proceedings under the *Companies' Creditors Arrangement Act* and the *Bankruptcy and Insolvency Act*.

With particular expertise in the oppression remedy, Jeffrey frequently represents companies, directors and officers in cases involving oppression, breach of fiduciary duty and negligence, most notably acting for a group of former directors and officers of Sino-Forest Corporation.

Appearing before all levels of court in Ontario, Jeffrey regularly argues cases before judges of the Toronto

Commercial List and appears at arbitration forums.

Jeffrey is recognized as a leading lawyer under 40 by Lexpert (2020), by *Benchmark Litigation: Canada* (2020) as a future star, and as a leading lawyer to watch in the *Canadian Legal Lexpert Directory* (2020). He is a past chair of the Ontario Bar Association Insolvency Section.

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Expertise: Banking & Finance, Corporate Commercial Litigation, Litigation & Dispute Resolution, Restructuring & Insolvency

Location: Toronto

Phone: 416.865.7791

Position/Title: Partner, Corporate Commercial Litigation

Directorships & Affiliations:

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

Publications:

- "[Be Careful Up There: Special Aspects of Director and Officer Liability in Canada](#)," co-author with Stephen Brown-Okruhlik, American Bar Association (March 2022)
- "[Watch As That Construction Trust is Swept Away](#)", Construction Law Letter (January 2022)
- "[Insolvency Proceedings Concerning Canadian-Based Retailers](#)", CBA Insolvency Law Conference (August 2018)
- "[\\$7.3 Billion for Everyone: Nortel Networks Corporation \(RE\) - Asset Allocation Trial](#)", OBA Insolvency Section (June 30, 2015)
- "[Constructive Trusts in Insolvency Situations: Wurth v 1135096 Alberta Ltd and Related Decisions](#)", OBA Insolvency Section (January 14, 2015)
- "[New Life For an Old Claim: Bankruptcy Act Offers Route to Litigate Fraudulent Conveyance Action a Second Time](#)", OBA Insolvency Section (November 11, 2014)

- "[Ontario Court of Appeal Overturns Finding of Quistclose Trust](#)", OBA Insolvency Section (May 22, 2014)
- "[Lift Stay Motion More Likely to Succeed in a Liquidating CCAA](#)", OBA Insolvency Section (January 8, 2014)
- "[He Who Suffers Later, Suffers Less: Among Ponzi Scheme Victims, Court Favours Those Who Invested Towards Fund's End](#)", OBA Insolvency Section (April 16, 2013)
- "[Beware – indemnify a Canadian company and you may just find yourself stuck in a Canadian Court](#)", Cross-Border Litigation Bulletin (October 2010)
- "[Ontario Court of Appeal clarifies enforceability of exclusive jurisdiction clauses](#)", Cross-Border Litigation Bulletin (August 2010)
- "[verify those verification clauses – an update to account agreements may be in order](#)", Financial Services Litigation Bulletin (July 2010)
- "[Judicial Review - Another Weapon to Challenge Government Tendering Decisions?](#)", Projects and Construction Litigation Bulletin (May 2010)
- "[Construction Law in Canada](#)", Book, published by LexisNexis (May 2010)
- "[Trust Me! – Ontario Court of Appeal expands pool of trust beneficiaries under the Construction Lien Act](#)", Construction Litigation Bulletin (March 2010)
- "[Exposing the Mess Swept Under the Rug: Supreme Court of Canada Orders Damages for Breach of Tendering Contract](#)", Construction Litigation Bulletin (February 2010)
- "[The Lien Clock Doesn't Tick Forever](#)", Construction Litigation Bulletin (January 2010)
- "[Show Me the Money: Security for Costs in Commercial Arbitrations](#)", Litigation Bulletin (December 2009)
- "[The Rules, They Are A Changin'](#)", Litigation Bulletin on Upcoming Amendments to Ontario Rules of Civil Procedure (October 2009)
- "[A Broker's Word is Its Bond: Verbal Contract Held Binding in UBS v. Sands](#)", Litigation Bulletin (August 2009)
- "[Creditors' Use of the Oppression Remedy](#)", Ontario Bar Association (May 2009)

Education & Admissions:

Degree: Called to the Ontario bar

Year: 2008

Degree: LLB

University: University of Western Ontario

Year: 2007

Degree: B.Sc. (Honours, Space Communications Physics)

University: York University

Year: 2004

Rankings & Recognition:

- Recognized in the 2024 Benchmark Litigation: Canada Guide
- Recognized by *Best Lawyers* in Canada (2024) as a leading lawyer in the area of Insolvency and Financial Restructuring Law
- Recognized in the 2023 *Benchmark Litigation: Canada Guide* as a Future Star
- Recognized by *Best Lawyers* in Canada (2023) as a leading lawyer in the area of Insolvency and Financial Restructuring Law
- Recognized in the 2022 *Benchmark Litigation Canada's 40 & Under Hot List!* as a leading litigator
- Recognized in the 2022 *Benchmark Litigation: Canada Guide* as a Future Star
- Recognized in the 2021 Lexpert Special Edition on Canada's Leading Litigation Lawyers as a Leading Litigation Lawyer
- Recognized by *Best Lawyers* in Canada (2022) as a leading lawyer in the area of Insolvency and Financial Restructuring Law
- Recognized in the 2021 *Benchmark Litigation Canada's 40 & Under Hot List!* as a leading litigator
- Recognized in the 2021 *Benchmark Litigation: Canada Guide* as a Future Star
- Recognized in the 2021 Canadian Legal Lexpert Directory as a Leading Lawyer to Watch in the area of Insolvency & Financial Restructuring: Insolvency Litigation
- Recognized by the Best Lawyers in Canada (2021) as a leading lawyer in the area of Insolvency and Financial Restructuring Law
- Recognized in the 2020 Canadian Legal Lexpert Directory as a Leading Lawyer to Watch in the area of Insolvency & Financial Restructuring: Insolvency Litigation
- Winner in Lexpert's 2020 Rising Stars Awards: Leading Lawyers Under 40
- Recognized in the 2020 *Benchmark Litigation: Canada Guide* as a Future Star
- Global Restructuring Review 2016 - 40 Under 40

Speaking Engagements:

- A Conversation with Tomorrow's Legal Leaders: What Does it Meant to be an Effective Lawyer in 2021? – Panel Member

- 2020

- Osgoode Construction Law Certificate Program – Intersection of Construction and Insolvency Law
- 2020 and 2019

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- CBA Insolvency Law Conference – Featured Panel Member – Bricks and Mortars: Even Giants Fall – Panel explored the issues that arise when retail fails
 - 2018

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- Advocates' Society Mentoring Dinner Series - Mentor
 - 2018

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- Osgoode-Schulich JD/MBA Conference – Featured Panel Member – Confidentiality and Privacy Concerns in Business Transactions
 - 2016

Representative Matters:

- Succeeded in converting a CCAA proceeding into a receivership, acting for the fulcrum secured creditor
- Acted for publicly traded Canadian corporation with operations throughout the United States in obtaining court approval of a plan of arrangement with creditors opposed by shareholders
- 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 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

Teaching Engagements:

- January, 2021 and 2022 – Delivered lecture on Plans of Arrangement, Oppression and Insolvency and Restructuring Litigation to students at the Faculty of Law, Queen's University
- 2020 and 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

Industries: Banking & Finance

Practices: Corporate Commercial Litigation, Litigation & Dispute Resolution, Restructuring & Insolvency