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**Shayne Kukulowicz**

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*“Able to diffuse complex situations and bring consensus among stakeholders.” – Client Testimonial, Chambers Canada*

Shayne Kukulowicz is a partner in the firm’s Financial Services Group. The focus of his practice is on structured transactions, corporate reorganizations and commercial restructurings. He has significant expertise in cross-border restructurings and liquidations, formal and informal corporate reorganizations, as well as security enforcement and creditor remedies.

Shayne’s experience includes:

- Acting as counsel for Monitor of Toys R Us Canada
- Acting as counsel to Index Energy in its successful CCAA proceedings
- Acting for FTI in its capacity as receiver of properties related to the Trump International Hotel & Tower (Toronto)
- Acting as counsel to Tenor Capital Management as DIP lender to Crystallex International Corporation in its CCAA/Chapter 15
- Acting as counsel to H.B. White Canada Corp. in connection with its successful reorganization under the CCAA
- Acting as counsel for Connacher Oil and Gas Limited in its CCAA filing
- Acting as Canadian counsel for the Official Committee of Unsecured Creditors of Nortel Networks Inc. and certain of its direct and indirect subsidiaries in the cross-border CCAA/Chapter 11 proceedings
- Representing AVEOS Fleet Performance Inc. in connection with its CCAA proceedings
- Acting as counsel to the Ad Hoc Group of First Lien Lenders of Catalyst Paper Corporation and certain of its subsidiaries in their CCAA/Chapter 15 proceedings
- Acting as Canadian counsel to Trident Exploration Corp. and Trident Resources Corp. in connection with their cross-border CCAA/Chapter 11 restructuring proceedings
- Representing Alvarez & Marsal in its capacity as receiver in connection with Red Leaves Resort
- Representing Burlington Technologies Inc., a Tier 1 automotive supplier, in its proceedings under the CCAA



- Acting as counsel to Bank of Montreal in Masonite International Corporation's financial restructuring and as the leading global manufacturer of residential and commercial doors emerged from protection under both Chapter 11 of the U.S. Bankruptcy Code and the CCAA
- Acting as Canadian counsel to the debtor in connection with the Bombay Furniture Company of Canada's cross-border CCAA and Chapter 11 cases, which resulted in the sale of the Bombay Canada business as a going concern
- Acting for Her Majesty the Queen in Right of the Province of British Columbia in successfully having the CCAA proceedings transferred from the Courts of Ontario to the Courts of British Columbia on the basis of forum conveniens
- Representing Ernst & Young in its capacity as Monitor of Amcan Consolidated Technologies Corp. and its affiliates (an automobile parts manufacturer) in its CCAA proceedings
- Representing KPMG Inc. in its role as court-appointed Monitor in connection with reorganization proceedings under the CCAA for Roman Corporation's, a publicly held company and manufacturer and converter of recycled paperboard packaging
- Acting as counsel for Harris Bank, Bank of Montreal and a lending syndicate with respect to the realization of its security against the Atchison Casting Corp. and its subsidiaries, including Canadian Steel Foundries (Atchison Casting Corp. also had operating entities in the province of Ontario and in the United States)
- Representing Genesys Capital Partners Inc., a major secured creditor and significant equity holder of Affinium Pharmaceuticals Inc., in connection with its successful reorganization proceedings under the BIA
- Acting as counsel for Hunjan International Inc. with respect to its proceedings under the CCAA and U.S. Bankruptcy Code
- Acting as counsel to Ticketmaster Canada Inc., a major stakeholder, with respect to the implementation and court approval of the cross-border restructurings and/or sale of businesses including Livent Inc. and the Ottawa Senators Hockey Club
- Acting for U.S. Unsecured Creditors Committee in respect of cross-border Chapter 11 and CCAA proceedings for Slater Steel, a major North American steel manufacturer
- Representing Export Development Canada, a senior lender, in respect of the cross-border Chapter 11 and CCAA proceedings of Veltri Metal Products Company, a major North American automobile parts supplier
- Acting as Representative Counsel, appointed by the Ontario Superior Court, on behalf of approximately 26,000 Investors of "The Portus Group" (a securities firm placed into receivership by the Ontario Securities Commission)

Consistently recognized as a leading lawyer in the insolvency and restructuring arenas, Shayne is a frequent lecturer and presenter on insolvency-related matters for the Law Society of Ontario, the Ontario



Bar Association and other professional conference providers.

Shayne is a member of the Insolvency Institute of Canada, the Ontario Bar Association – Insolvency Section, and INSOL International – the International Association of Restructuring, Insolvency & Bankruptcy Professionals.

### Client Commentary

- “A brilliant guy ... has a very commanding presence and is at the top end of his game.” – *Chambers Canada* (Restructuring/Insolvency)
- “A very practical lawyer who is able to diffuse complex situations and bring consensus among stakeholders.” – *Chambers Canada* (Restructuring & Insolvency)
- “Incisive in his analysis and has a tremendous feel for the judges and the process.” – *Chambers Global* (Restructuring & Insolvency)
- “A team leader who is not afraid to get into the trenches and get involved.” – *Chambers Canada* (Restructuring & Insolvency)
- “A long-standing presence in the Canadian insolvency community.” – *Chambers Canada* (Restructuring & Insolvency)

### Achievements

- *Benchmark Litigation* 2016 (Litigation Star: Insolvency)
- 2015 *Banking Finance and Transactional Expert Guide* (Insolvency & Restructuring)
- *The Legal 500 Canada* (Restructuring & Insolvency)
- 2014 *Lexpert Zenith Award* Winner
- *Who's Who Legal: Canada* 2011–2017 (Restructuring & Insolvency)
- *The Best Lawyers in Canada* 2015–2020 (Insolvency and Financial Restructuring)
- *Canadian Legal Lexpert Directory* 2011–2019 (Insolvency & Financial Restructuring - Insolvency Litigation; Insolvency & Financial Restructuring - Financial Restructuring)
- *Lexpert Guide to the Leading US/Canada Cross-Border Corporate Lawyers in Canada* 2017 (Insolvency)
- *Lexpert Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada* 2017
- *Lexpert Special Edition - Canadian Litigation Lawyers* 2017
- *Chambers Canada* 2016–2019 (Restructuring/Insolvency)



- *Chambers Global* 2009–2019 (Restructuring/Insolvency)
- *IFLR1000* (Restructuring and Insolvency)
- *Martindale-Hubbell*, Distinguished™ rating
- *The Legal Media Group Guide to the World's Leading Insolvency and Restructuring Lawyers*

## **Call to the bar**

Ontario, 1990

Alberta, 2016

## **Associations**

- Canadian Bar Association
- Harvard Club of Toronto
- Insolvency Institute of Canada
- International Association of Restructuring, Insolvency and Bankruptcy Professionals (INSOL)
- Ontario Bar Association
- Turnaround Management Association (TMA)

## **Expertise**

Private Equity

Restructuring & Insolvency