

MLT AIKINS LLP - INSOLVENCY & RESTRUCTURING GROUP

2017 YEAR IN REVIEW



The MLT Aikins LLP Insolvency & Restructuring Group carried out assignments in 2017 as counsel to debtor companies, lenders and court officers administering insolvency proceedings. Notable highlights are as follows.

ALBERTA ASSIGNMENTS

932282 Alberta Ltd. operating as Coach Motel (Receivership)

Dean Hutchison acts as counsel for the Court-appointed Receiver of 932282 Alberta Ltd., an Alberta company that owned and operated a motel.

Andy's Dream Distributions Corp. (Receivership)

Dean Hutchison acted as counsel for the Court-appointed Receiver of Andy's Dream Distributions Corp., a company that operated a convenience store and gas bar in rural Alberta.

Alta Ready Mix Inc. (BIA Division I Proposal)

Dana Nowak acted as counsel for Alta Ready Mix Inc. ("Alta Ready"), a company providing concrete in Alberta. Alta Ready filed a Notice of Intention to Make a Proposal under Division I of Part III of the *Bankruptcy and Insolvency Act* (the "BIA"), resulting in an agreed upon creditor arrangement.

Brayden McCue Professional Corporation and 1727363 Alberta Inc. (Receivership)

Dean Hutchison and *Catrina Webster* acted as counsel to the senior secured creditor of Brayden McCue Professional Corporation ("BMPC"), a dental practice, and 1727363 Alberta Inc. ("172 Alberta"), a related holding company, in obtaining an Order appointing a receiver of both BMPC and 172 Alberta.

Faust Harbour Developments Ltd. (Receivership)

Dean Hutchison acts as counsel for the Court-appointed Receiver of Faust Harbour Developments Ltd., a real estate development company.

Glencoe Resources Ltd. (Receivership)

Dean Hutchison acts as counsel to the principal secured creditor and a debenture holder of Glencoe Resources Ltd. ("Glencoe"), a private oil and gas exploration and production company. Dean was successful in obtaining an order appointing a receiver of Glencoe and has acted regarding the assignment of debt and security of secured creditors of Glencoe.

Kuzzii Motorsports Inc. (Receivership)

Dean Hutchison and *Catrina Webster* acted as counsel to the senior secured creditor of Kuzzii Motorsports Inc. ("Kuzzii"), an automobile parts and detailing business, in obtaining an Order appointing a receiver of Kuzzii.

Peace River Heating (1971) Ltd. (Bankruptcy)

Dana Nowak acted as counsel to the senior secured lender regarding the bankruptcy of Peace River Heating (1971) Ltd., a supplier and installer of mechanical and heating installation systems in Peace River, Alberta.

Petrospec Engineering Inc. (Receivership)

Dana Nowak acted as counsel to the Court-Appointed Receiver of Petrospec Engineering Inc., an oilfield service and technology business providing reservoir monitoring systems to oil and gas operators producing unconventional resources globally. Dana assisted the Court-Appointed Receiver in reporting to the Court and making recommendations regarding a Sales and Investment Solicitation Process.

Walton International Group Inc., et. al (CCAA)

Dean Hutchison and *Catrina Webster* act as counsel for a large municipality in proceedings under the CCAA regarding the Walton International Group Inc. group of companies engaged in the business of real estate investment and development.

WREM Marketing Incorporated and 1151394 Alberta Ltd. (Receivership)

Dean Hutchison acts as counsel for the Court-appointed Receiver of WREM Marketing Incorporated, a manufacturer of modular buildings, and 1151394 Alberta Ltd., a related real estate holdings company.

SASKATCHEWAN ASSIGNMENTS

Prowell Stimulation Services Ltd. (Receivership)

Jeff Lee and Paul Olfert acted as counsel to the secured lender of Prowell Stimulation Services Ltd., a Saskatchewan oilfield services company, in negotiation with the debtor on opportunities for a going concern sale and, failing the same, obtaining a receivership order on a consensual basis, in January of 2017.

JMV Enterprises Ltd. (Receivership)

Jeff Lee and Paul Olfert acted as counsel to the secured lender of JMV Enterprises Ltd., a Saskatchewan real estate holding company, in obtaining an Order appointing a receiver of the debtor company and Orders authorizing a sales and marketing process for its real estate properties in the Spring of 2017.

King Well Control Inc. (Receivership)

Jeff Lee and Paul Olfert acted as counsel to the secured lender of King Well Control Inc., a Montana-based oilfield services company with a significant quantity of oilfield service equipment located in Saskatchewan, in obtaining an Order appointing a receiver of the debtor company in the Spring of 2017.

Vortex Drilling Ltd. (CCAA & Receivership)

Jeff Lee and Paul Olfert acted as counsel to the principal secured lender to Vortex Drilling Ltd., an oil and gas drilling company based in Southeastern Saskatchewan ("Vortex"), in successfully resisting an application by Vortex for creditor protection under the CCAA and in obtaining an Order appointing a receiver of Vortex, in July of 2017.

Copper Sands Group (CCAA)

Jeff Lee and Paul Olfert acted as counsel to Copper Sands Group, a Saskatchewan group of companies involved in real estate development, operation of a mobile home park and development of a sustainable waste water treatment utility, in obtaining an Initial Order under the CCAA and a Sale Approval and Vesting Order regarding a transaction for the sale of land in December of 2017.

KC Boys Services Ltd. (Receivership)

Jeff Lee and Paul Olfert acted as counsel to the secured lender of KC Boys Services Ltd., a Saskatchewan transportation business, in obtaining an Order appointing a receiver of the debtor company in October of 2017.





MANITOBA ASSIGNMENTS

Schroeder Freight Inc. (“SFI”) (BIA Division I Proposal)

Bruce Taylor and JJ Burnell acted as counsel to the Proposal Trustee in proceedings commenced by SFI, a trucking company, pursuant to the filing of a Notice of Intention to Make a Proposal under Division I of Part III of the BIA. They then acted for the court-appointed Receiver and Manager of SFI and certain related companies following the adjournment of a vote on SFI’s Proposal to Creditors.

390 Assiniboine Ave. Inc. (“390”) (Receivership)

Bruce Taylor and JJ Burnell acted as counsel to the court-appointed Receiver and Manager of 390, a developer of a 24-storey, 92 unit Winnipeg condominium project.

5274398 Manitoba Ltd. (“527”) (BIA Division I Proposal)

Bruce Taylor and JJ Burnell acted as counsel to 527, which filed a Notice of Intention to Make a Proposal, and thereafter made a Proposal. The engagement included the successful court-approved sale of one of 527’s plants and related assets in Ontario.

R. Litz & Sons Company Limited (“Litz”) (BIA Division I Proposal)

Bruce Taylor and JJ Burnell acted as counsel to a major secured equipment lessor to Litz, a specialized operator in the construction and heavy equipment moving industry, which filed Notice of Intention to Make a Proposal and thereafter filed a Proposal under Division I of Part III of the BIA.

MULTI-PROVINCE ASSIGNMENTS

Petrowest Group of Companies (Receivership)

Jeff Lee, Dean Hutchison and Catrina Webster acted as counsel to a secured lender to the Petrowest Group of Companies, a heavy construction business serving the oil and gas, real estate, railway, logging and civil construction industries in Alberta, Saskatchewan and British Columbia.

Spareparts (BIA Proposal; CCAA & Receivership)

Jeff Lee, Dean Hutchison, Paul Olfert and Catrina Webster acted as counsel to a secured lender to corporations operating as Spareparts, a retail clothing and accessories business with locations across Canada, initially in proposal proceedings under the BIA in Alberta and later in CCAA proceedings in Alberta. The assets of Spareparts were purchased by 102036378 Saskatchewan Ltd. *Dean Hutchison and Catrina Webster* acted as counsel to a secured lender in obtaining an Order from the Alberta Court appointing a Receiver of 102036378 Saskatchewan Ltd.

SPEAKING ENGAGEMENTS, PAPERS & OTHER MILESTONES



Jeff Lee
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Jeff Lee published a paper entitled "The Glorious Uncertainty of The Law: Taking and Enforcing Security in Saskatchewan" in the 2017 Annual Review of Insolvency Law ("ARIL") and presented the paper at the ARIL Conference in Vancouver on February 9, 2018. He presented a Course entitled "Identifying & Managing Risks in Your Business or Professional Practice" to the Institute of Chartered Accountants of Saskatchewan in November of 2017.



William Skelly
Vancouver
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Bill Skelly joined MLT Aikins in November of 2017. He practices insolvency, commercial lending and real estate, and has worked with many of Canada's largest financial institutions and court officers. He is a member of the Insolvency Institute of Canada and was the first Canadian to serve as Chairman of the Turnaround Management Association. Bill has been featured in many publications for his work in restructuring and insolvency, transportation and asset-based lending. He also co-authored "Canada's Supreme Court Narrows Banks' Legal Defence To Check Fraud" (along with Chase Salembier) in the January, 2018 edition of *The Journal of Corporate Renewal*.



Dana Nowak
Edmonton
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Dana Nowak joined the firm's partnership on January 1, 2018. Dana was panelist at the Canadian Bar Association National Insolvency Conference held in St. John's, Newfoundland. She also presented at the Annual CAIRP Forum on "Managing Difficult Players in Insolvency Proceedings" in May 2017. Dana was appointed to the Alberta Bankruptcy Practice Committee in the fall of 2017.



Paul Olfert
Saskatoon
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Paul Olfert provides practical advice on insolvency, commercial litigation and corporate law matters to businesses, lenders, professional services firms and individuals. He presented a Course entitled "Identifying & Managing Risks in Your Business or Professional Practice" to the Institute of Chartered Accountants of Saskatchewan in November of 2017.



Dean Hutchison
Calgary
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Dean Hutchison oversees our Insolvency and Restructuring practice group in Alberta. Dean has acted for clients in insolvency and restructuring matters across Western Canada, including companies in financial distress, secured lenders, unsecured creditors and court officials.



JJ Burnell

Winnipeg

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J.J. Burnell was a panelist at the Canadian Bar Association National Insolvency Conference held in St. John's, Newfoundland in September of 2017 on the topic of a National Model Order.

She presented at the Annual CAIRP Forum on "Mock Examinations s. 163" in May 2017. JJ is also on the Law Reform Commission Committee - Construction Law Advisory Council and was a Learning Group Facilitator for the CPLED Program Client Relationship Management.



Bruce Taylor

Winnipeg

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Bruce Taylor practices in the area of financial services, corporate restructuring, recovery and insolvency and bankruptcy. He is a member of the Insolvency Institute of Canada and a recognized leading practitioner. He will present to the annual 2018 CAIRP Insolvency & Restructuring Forum on the topic of "Hostage Payments."



Catrina Webster

Calgary

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Catrina Webster practices corporate and commercial litigation in our Calgary office, with a focus on restructuring and insolvency matters. She has previously worked in the oil and gas sector.



James Rose

Regina

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James Rose is a commercial litigator in our Regina office, with a practice focusing on restructuring and insolvency law, debtor/creditor law and business litigation. He has extensive expertise with construction disputes and with enforcement under Saskatchewan's *Enforcement of Money Judgments Act*.

MLT Aikins LLP is a full-service law firm of more than 240 lawyers with a deep commitment to Western Canada and an understanding of this market's unique legal and business landscapes.

Based out of six key centres across the four western provinces, MLT Aikins is the only law firm to have offices in Winnipeg, Regina, Saskatoon, Calgary, Edmonton and Vancouver. As one of the 15 Largest Law Firms in Canada (Lexpert, American Lawyer Media), we have the bench strength and geographic scope to meet the increasingly complex needs of clients - from the personal concerns of individuals to the highly sophisticated and comprehensive requirements of major business enterprises.

MLT Aikins is the result of the merger of two widely respected and distinguished law firms, MacPherson Leslie & Tyerman LLP (MLT) and Aikins, MacAulay & Thorvaldson LLP (Aikins).