

## Overturing Fraudulent Preferences and Transfers *Insolvency Law*

**Date:** Friday, May 4, 2018 | 9:00 am to 12:30 pm

**Location:** 20 Toronto Street Conferences & Events  
20 Toronto Street, Toronto, ON M5C 2B8

**Program Chair:** Frank Spizzirri, AUDAXlaw



In-Person



Webcast



This program contains .75 Professionalism Hours  
This program is eligible for up to 2.75 Substantive Hours

*The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.*

Recovering from a non-paying debtor is difficult and it becomes significantly harder if assets are moved out of reach of creditors, or if some creditors are paid at the expense of others. Join us as our stellar faculty explores overturning fraudulent preferences and transfers within the insolvency law context. You will gain a thorough review of the legislation and leading case law in this area, as well as a step by step process of how to overturn fraudulent transactions and turn court orders into monetary recovery. Our highly experienced speakers will also discuss issues of budgeting, costs of litigation and managing client expectations.

Register soon for this insightful and valuable program.

8:30 am	Registration and Coffee	<ul style="list-style-type: none"> <li>o summary judgment motions</li> <li>o bankruptcy and receiverships</li> <li>o oppression remedy</li> <li>o Section 38 proceedings</li> </ul>
9:00 am	Opening Remarks by the Program Chair	
9:05 am	<b>Understanding the Law – Fraudulent Preferences and Transfers under Provincial Legislation and the BIA</b> <b>Deborah Hornbostel, msi Spergel inc.</b> <b>R. Graham Phoenix, Loopstra Nixon LLP</b> <ul style="list-style-type: none"> <li>• Review the key provisions of the <i>Assignment and Preferences Act</i>, the <i>Fraudulent Conveyances Act</i>, the <i>Bankruptcy and Insolvency Act</i> and remedies under the <i>Business Corporations Act</i></li> <li>• Discuss the leading cases and the best practices flowing from them</li> <li>• Explore the proposed consolidation and harmonization of provincial anti-avoidance legislation</li> </ul>	<ul style="list-style-type: none"> <li>• Discuss client management relating to costs and expectations</li> </ul>
		10:40 am Networking Break
		10:55 am <b>Commencing a Proceeding and Marshalling Evidence for Trial</b> <b>The Honourable Justice Fred Myers, Superior Court of Justice</b> <b>Ranjan Das, Berkow Youd Lev-Farrell Das LLP</b> <ul style="list-style-type: none"> <li>• How to draft persuasive pleadings, motion records and affidavits</li> <li>• Conduct effective examinations and prepare evidence for trial</li> <li>• Discuss best practices for court conduct and trial success including the use of checklists</li> </ul>
9:55 am	<b>Identifying Fraudulent Preferences and Transfers, and Choosing the Right Recovery Proceeding</b> <b>Sanjeev Mitra, Aird &amp; Berlis LLP</b> <b>Sheldon Title, MNP LLP</b> <ul style="list-style-type: none"> <li>• Canvass the investigatory options available to identify and prove a fraudulent transfer or payment including: <ul style="list-style-type: none"> <li>o private investigators</li> <li>o court records</li> <li>o public records</li> <li>o social media</li> <li>o statutory investigative options</li> </ul> </li> <li>• Examine the different proceedings available to creditors including court and out of court options, such as: <ul style="list-style-type: none"> <li>o mediation</li> <li>o direct litigation</li> </ul> </li> </ul>	11:50 am <b>“The Transaction Has Been Void and Reversed, Now What?” – Turning the Order into Cash</b> <b>David Filice, Fuller Landau LLP</b> <b>Michael Nowina, Baker &amp; McKenzie LLP</b> <b>Patrick Shea, CS, Gowling WLG</b> <ul style="list-style-type: none"> <li>• How do you draft effective orders such that the orders are turned into monetary recovery</li> <li>• What additional steps are required once an avoidance order is obtained</li> <li>• Discuss best practices for this process including the use of checklists</li> </ul>
		12:25 pm Questions and Closing Remarks
		12:30 pm Program Concludes

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

Questions? [pd@oba.org](mailto:pd@oba.org)