

# DOMENICO MAGISANO

## Restructuring and Insolvency

PARTNER

"I am not just a "litigator" or an "insolvency lawyer", I see my job as being that of a "problem solver". Litigation and insolvency legislation are tools available to me when solving complex commercial issues."

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### PROFESSIONAL HISTORY

- ◆ Partner, Lerners LLP (2012 to present)
- ◆ Partner, Blaney McMurtry LLP (2009-2012)
- ◆ Associate, Blaney McMurtry LLP (2004-2009)
- ◆ Associate, Blake Cassels & Graydon LLP (2002-2004)

### AREAS OF FOCUS

- ◆ Bankruptcy, Insolvency and Creditor Remedies
- ◆ Corporate Restructuring and Workouts
- ◆ Business and Contractual Disputes
- ◆ Commercial Tenancies and Real Estate Litigation

### REPRESENTATIVE WORK

- ◆ As a corporate restructuring lawyer, Dom represents secured and unsecured lenders, customers, suppliers, debtors, Chief Restructuring Officers, Board of Directors and court appointed trustees and receivers in proceedings commenced under the Companies' Creditors Arrangement Act, the Bankruptcy and Insolvency Act and both the Canada Business Corporations Act and the Business Corporations Act (Ontario). As a restructuring and insolvency lawyer, Dom regularly appears before the Ontario Superior Court of Justice – Commercial List.
- ◆ While Dom has considerable experience in formal restructuring and insolvency proceedings, he is also retained by companies that embark on informal restructuring and workouts. In this capacity he assists companies in creating a restructuring plan and negotiating with stakeholders so that the plan may be implemented.
- ◆ As part of his corporate restructuring practice, Dom regularly advises and negotiates purchase agreements, and loan and security agreements. Historically, Dom has acted on debtor in possession financings, take out financings, debt assignments and various types of purchase agreements, including stalking horse purchase agreements.
- ◆ Dom also maintains a commercial litigation practice, focusing on corporate disputes and real estate matters. Dom is often retained by individuals and companies that are in search of creative and practical solutions to complex commercial disputes. Dom has appeared before all levels of court in Ontario including a number of appearances before the Ontario Court of Appeal.
- ◆ Dom's ability to provide legal guidance to companies while understanding business realities has seen him retained by small and mid-sized companies as an "in house lawyer for hire". These small and mid-sized companies will put Dom on a monthly retainer so that he may be a general resource to their company.

### NOTEWORTHY CASES

- ◆ *PT Holdco Inc. (Re)*, 2016 ONSC 495 (CanLii); Docket: CV-16-11257-00CL; Represented the financial advisors in Primus Telecommunications Canada, Inc. proceedings commenced under the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended.

**LERNERS**  
LAWYERS

**Domenico Magisano** / Restructuring  
and Insolvency

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- ◆ *Target Canada Co. (Re)*, 2015 ONSC 303 (CanLii); Docket: CV-15-10832-00CL; Represent significant supplier in claims dispute with Target Canada Co. and Target Corporation.
- ◆ *Akagi v. Synergy Group (2000) Inc.*, 2015 ONCA 368 (CanLii); Dockets: C57582, C59494, C59496, C59497, C59498; Successful at the Ontario Court of Appeal in overturning receivership over non-debtor third party.
- ◆ *Bennett Estate v. Islamic Republic of Iran*, 2013 CarswellOnt 15994; Co-Counsel to Appellant in successful appeal to obtain leave to intervene as an added party in an action to recognize a foreign judgment.

## ACHIEVEMENTS

- ◆ Selected by his peers for inclusion in Best Lawyers in Canada for Insolvency and Financial Restructuring Law, and Corporate and Commercial Litigation
- ◆ Recognized as a "Rising Star", Lexpert Award honouring Canada's Leading Lawyers Under 40, 2014
- ◆ Recognized as a "Local Litigation Star" in 2014 Benchmark Litigation Ranking – Canada Edition

## SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ Lerner's LLP Response re Concerned Unitholders of Bridging Finance Inc. Matter – [click here for brief statement](#), February 23, 2022
- ◆ Speaker, "Deceased Estates and Redwater Decision", Ontario Association of Insolvency & Restructuring Professionals, April 20, 2019
- ◆ Co-author, "Re: Sino-Forest Corporation – When is an Indemnity Claim Really Just an Equity Claim?", (with Jason Squire), Class Act, Ontario Bar Association's Class Actions Law Section Newsletter, May, 2013 ([Read online](#))

## MEMBERSHIPS

- ◆ The Advocates' Society
- ◆ Ontario Bar Association – Insolvency and Commercial Litigation Sections
- ◆ Executive Member, Canadian Bar Association - National Bankruptcy, Insolvency and Restructuring Section
- ◆ Turnaround Management Association
- ◆ Past Executive Member – Ontario Bar Association – Insolvency Section

## EDUCATION

- ◆ Admitted to Ontario Bar (2002)
- ◆ Masters of Business Administration, York University (2009)
- ◆ Bachelor of Laws, University of Western Ontario (2000)
- ◆ Bachelor of Arts, Geography and Political Science, Wilfrid Laurier University (1997)