



D.J. Miller

djmiller@tgf.ca
416.304.0559

Representative Mandates

- + Represented the Insolvency Institute of Canada as intervenor in a successful appeal heard by the Supreme Court of Canada on November 8, 2018 in the precedent-setting Callidus case confirming the priority of secured creditors over the Crown for unpaid HST upon bankruptcy.
- + Canadian counsel for SquareTwo Financial Corporation and its Canadian and US subsidiaries in Chapter 11 and CCAA recognition proceedings, with respect to a US\$400 million prepackaged restructuring plan.
- + Canadian counsel for Charming Charlie Holdings Inc. and its affiliates in CCAA recognition proceedings.
- + Counsel to Durham College of Applied Arts & Technology in obtaining an Order for a court-appointed Receiver over the joint student association for the college and another institution representing more than 20,000 students.

D.J. is the recipient of a Lexpert Zenith Award (2017) and TMA Toronto Women of Excellence Award – Exemplar (2017), and has twice been recognized as Insolvency Litigator of the Year (2018) by Benchmark Canada where she was lauded for having achieved “a fabulous result on behalf of Nortel pension claimants using novel strategies and against tremendous odds.”

D.J. is consistently listed as a leading practitioner in both the Insolvency Litigation and Financial Restructuring practice areas of The Canadian Legal Lexpert Directory, and in Who’s Who Legal for Restructuring and Insolvency. D.J. is also ranked as a leading individual by Chambers Canada and by Chambers Global where she is recognized for her involvement in significant matters and is described by interviewees as “extremely strategic.” She is considered a “go-to” counsel for all types of stakeholders requiring creative advice to achieve effective workouts both within, and outside of, formal court proceedings.

D.J. is known for her deep knowledge of the insolvency framework, both domestic and international, and for applying analytical and strategic skills to achieve successful outcomes for her clients.

Professional Involvement

D.J. currently serves as Chair of the Chapter Presidents’ Council representing 53 worldwide Chapter Presidents of Turnaround Management Association (TMA) as a member of the Global executive Board. She is past President of the Toronto Chapter of TMA.

Representative Mandates

- + Counsel to Oxford Properties Group Inc. as landlord of several properties in the CCAA proceedings involving Target Canada Corporation, and in completing a pre-emptive transaction removing its properties from the court-approved sales process.
- + Canadian insolvency counsel for the UK Pension claimants (the largest single creditor in the worldwide Nortel Networks proceedings), in successfully obtaining a decision of the Canadian and U.S. Courts allocating \$7.3 billion of sale proceeds on a pro rata basis among more than 40 worldwide insolvency estates in 19 countries.
- + Obtained a \$600 million judgment from the Canadian Court in the Nortel Networks CCAA proceedings, following a disallowance of the claim in its entirety by the Monitor.
- + Participated in the first joint trial involving the Canadian and U.S. Courts in a cross-border proceeding, and has appeared as counsel at all levels of Court in Canada.
- + Counsel for a secured creditor in successfully obtaining a precedent-setting Order replacing a court-appointed Monitor in a CCAA proceeding.
- + Counsel to Fraser Papers Inc. and its Canadian and U.S. affiliates in a restructuring under the CCAA and Chapter 15 of the U.S. Bankruptcy Code, obtaining amendments to provincial pension legislation to facilitate a Plan of Arrangement.
- + Counsel to the Insolvency Institute of Canada, as intervenor on an appeal to the SCC (2012) in the precedent-setting Indalex case involving the deemed trust priority of pension deficits.
- + Canadian counsel to California class action claimants in the Muscletech CCAA and Chapter 15 restructuring.
- + Represented one of the largest suppliers in the cross-border restructuring of Anicom Multimedia.
- + Counsel to the operating lender, DIP Lender and largest creditor in the restructuring of one of the largest pork producers in Ontario.

Professional Involvement

D.J. is a member of:

- + Turnaround Management Association (Toronto Chapter)
- + International Insolvency Institute
- + Insolvency Institute of Canada
- + Toronto Lawyers Association
- + Canadian Bar Association
- + American Bankruptcy Institute
- + The Advocates' Society
- + International Women's Insolvency & Restructuring Confederation (IWIRC)
- + INSOL International

D.J. co-developed and taught a course in Advanced Insolvency Law at The University of Windsor Law School, and has also been a guest lecturer in the Bankruptcy/Insolvency course and the Pension Law course at the Faculties of Law at The University of Western Ontario and Queens' University. She is regularly requested to speak at conferences and is the author of papers on various issues affecting her clients.

Recent professional involvement includes:

- + Oct 10, 2018
Panelist at the FTI Women's Initiative event entitled "Own Your Narrative".
- + Dec 8, 2017
Panelist on Cross-Border Issues at a two-day event hosted by Turnaround Management Association (Global), in Chicago.
- + Oct 14, 2016
Panelist at the TMA Global NextGen Leadership Summit in Chicago on the topic "View From the Top".
- + Jun 20, 2016
Panelist speaking about "Creative Solutions for Resolving Complex Insolvency Litigation" at the Advocates' Society program.
- + May 26, 2016
Co-chair of the TMA Spring Gala, which raised over \$80,000 for a local charity.

Representative Mandates

- + Represented Hollinger Inc. in its Canadian and U.S. restructuring.
- + Independent Counsel to the Monitor and court-appointed Receiver in Livent Inc.'s CCAA proceeding and joint Chapter 11 proceeding.
- + Regularly represents lenders and other parties in Canadian and cross-border insolvency and enforcement proceedings.

Education

- + LL.B. (University of Windsor), 1991
- + B.A. (Hons.) (University of Western Ontario), 1988

Recognition

D.J.'s accolades include:

- + Leading Practitioner for both Insolvency Litigation and Financial Restructuring (2020) – Canadian Legal Expert Directory
- + Leading Lawyer (2020) – Chambers Global Guide
- + Leading Lawyer (2020) – Chambers Canada Guide
- + Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys 2019 (Litigation Star in Ontario)
- + Insolvency Litigator of the Year (2018 and 2016) – Benchmark Canada
- + Who's Who Legal – Restructuring and Insolvency (2018)
- + Euromoney's Expert Guides (2018)
- + Lexpert Zenith Award (2017)
- + Women of Excellence Award "The Exemplar" (2017) – TMA Toronto
- + Leading Expert in Bankruptcy and Restructuring Handbook (2015) – Financier Worldwide

Professional Involvement

- + Mar 01, 2016
Moderator of a panel at the TMA Network of Women (NOW) Event, "Best Practices in Client Relationships".
- + Feb 05, 2016
Speaker at the 13th Annual ARIL Conference: "Nortel: The Long and Winding Road."
- + Nov 23, 2015
Panelist at the Ontario Network of the International Women's Insolvency and Restructuring Confederation (IWIRC) event "Reaching the Top of the Ladder (The Reality of the Ascent)."
- + Oct 19, 2015
Co-chair of the TMA Network of Women (NOW) Event.
- + Sep 25, 2015
Panelist at the Insolvency Institute of Canada conference: "Nortel: What's Next?"
- + Jun 25, 2015
Panelist on the Financier Worldwide Roundtable on Bankruptcy Litigation.
- + Dec 01, 2014
Co-chair of a half-day workshop entitled "Pension Plans in Trouble: Bankruptcy and Insolvency".
- + Apr 17, 2013
Co-chair of the TMA Toronto's 15th Annual Symposium: "Taking the Pulse of Canadian Industries".
- + Mar 28, 2013
Speaker at the Law Society of Upper Canada (LSUC) Complex Commercial Litigation Matters Conference: "Insolvency Issues Affecting Complex Commercial Litigation".
- + Feb 15, 2013
Panelist in the Insolvency Institute of Canada Webinar: "Indalex Ltd. Decision".
- + Feb 08, 2013
Speaker at the 12th Annual ARIL Conference: "Best Practices When Dealing with Employees, Pensioners and Union Stakeholders in a Restructuring".
- + Nov 14, 2012
Speaker at Osgoode Professional Development Advanced Program in Corporate Insolvency and Restructuring: "The Impact of Insolvencies and Restructurings on Pension Plans: Post Indalex".

News & Media

- + Jan 28, 2019
D.J. Miller has been invited to join the International Insolvency Institute (III).
- + Feb 08, 2018
D.J. Miller was quoted in Lexpert Magazine's Top 10 Deals of 2017.
- + Jun 30, 2017
D.J. Miller was profiled in the June 2017 issue of TMA NOW (Network of Women) newsletter, published by TMA Global.
- + Jun 22, 2017
D.J. Miller was presented with a 2017 Lexpert Zenith Award at a gala held in Toronto.
- + May 28, 2017
D.J. Miller was presented with the 2017 TMA Toronto "Women of Excellence" award (The Exemplar) at its Spring Gala.
- + Feb 13, 2017
D.J. Miller was featured in Lexpert Magazine's Top 10 Business Decisions of 2016.
- + Nov 10, 2016
D.J. Miller was appointed Vice-Chair of the Chapter Presidents' Council (CPC) for 2017 at the TMA (Global) Annual meeting in Florida.
- + Jun 22, 2016
D.J. Miller was featured in Financier Worldwide's Roundtable on Bankruptcy Litigation.
- + Mar 21, 2016
D.J. Miller was quoted extensively in an article appearing in the Law Times regarding the ongoing Nortel proceeding.
- + Mar 01, 2016
D.J. Miller was elected President of the Board of Directors of the Toronto Chapter of TMA (Turnaround Management Association).
- + Sep 23, 2014
D. J. Miller was quoted in an article in LAW360 regarding the worldwide pro rata allocation advanced on behalf of TGF's client in the Nortel proceedings in respect of the US \$7.3 billion in sale proceeds.

Professional Involvement

- + May 22, 2012
Speaker at the LSUC Civil Litigation Summit: "Mini Law School - Bankruptcy/Insolvency".

Publications

- + Jan 01, 2019
Global Restructuring Review of the Americas 2019 – Canadian Chapter
- + Feb 01, 2018
Global Restructuring Review of the Americas 2018 – Canadian Chapter
- + May 10, 2017
Flexibility and Creativity: Hallmarks of Canada's Restructuring Framework
- + Feb 04, 2016
"Nortel: The Long and Winding Road".
- + Apr 01, 2013
When Two Worlds Collide: The Supreme Court of Canada's Decision in *Re: Indalex*
- + Feb 06, 2013
Re Indalex: "Giving, And Taking Away"
- + Feb 04, 2013
Charting A New Course: Best Practices When Dealing with Employees, Retirees, and Union Stakeholders in a Restructuring
- + Oct 01, 2011
20 Questions Directors Should Ask About Insolvency
- + Nov 01, 2010
BIA and CCAA Amendments - One Year Later
- + Sep 24, 2009
Proposals Under the BIA
- + Nov 30, 2003
Licences to Kill: Preserving the Value of Licences in a Realization
- + Dec 31, 1999
"Virtual Security": Enforcement Issues in Knowledge-Based Industries

News & Media

- + Feb 15, 2013
D.J. Miller was interviewed and quoted extensively in Cristin Schmitz' article "Federal priority trumps deemed trust, SCC rules" in the February 15, 2013 edition of The Lawyers Weekly.
- + Feb 07, 2013
D.J. Miller was interviewed and quoted extensively regarding the Supreme Court of Canada's decision in Indalex Ltd. in Jeff Gray's article "Lenders Dealt Blow in Pension Decision" in the February 7, 2013 edition of The Globe and Mail.
- + Oct 10, 2012
D.J. Miller's "Re-Thinking Work Life Balance" was featured as one of "5 Big Ideas: What Law Needs Now" in Precedent Magazine's 5th Anniversary edition.
- + Jun 05, 2012
D.J. Miller appeared at the Supreme Court of Canada on Indalex.