



Thornton Grout Finnigan LLP
RESTRUCTURING + LITIGATION



John L. Finnigan

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416.304.0558

Representative Mandates

- + Counsel to JTI-Macdonald Corp., one of the largest tobacco companies in Canada, in its proceedings under the CCAA with a goal to achieve a global resolution of the myriad of litigation claims against it exceeding \$500 billion. The two other largest tobacco companies have also filed for CCAA protection resulting in unprecedented industry-wide proceedings.
- + Senior litigation counsel representing the Trustees of the UK Pension Plan and the UK Pension Protection Fund (on behalf of 42,000 UK pensioners with a US\$3 billion pension plan deficit) in successfully obtaining a groundbreaking pro rata allocation among the global Nortel Networks insolvency estates following an unprecedented joint trial of the Canadian and U.S. Courts, involving \$7.3 billion in proceeds.
- + Senior litigation counsel on behalf of the UK Pension Claimants in successfully proving and obtaining an Order allowing a CDN\$600 million claim against the Canadian Nortel estate following its disallowance by the court-appointed Monitor.

John has a broad practice in complex commercial litigation with significant experience in insolvency and restructuring litigation. John has been lauded as “a spectacular lawyer in huge insolvency proceedings” and “a very credible, no-nonsense litigator who is extremely effective in court” in Chambers Global.

John is consistently recognized as one of Canada’s top lawyers in the Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada, as a leading lawyer for US/Canada Cross-border Litigation in Lexpert and is recommended in dispute resolution (Canada) by Chambers Global. The 2019 Canadian Legal Lexpert Directory lists John as a leading lawyer in three practice areas: Litigation – Corporate Commercial, Insolvency Litigation and in Financial Restructuring.

Professional Involvement

John is a frequent speaker at CLE events. He has spoken at The Advocates’ Society Fall Convention on the use of the receivership remedy in investment fraud cases, and to the Insolvency section of the Ontario Bar Association on minimizing investor losses in Ponzi schemes. John recently conducted a live demonstration of an effective cross-examination and spoke on a panel discussing advanced cross-examination techniques at The Advocates’ Society Program “Cross-Examination: Strategies for Success”.

Formerly, John instructed the Civil Procedure section of the Ontario Bar Admission course. The University of Western Ontario, Faculty of Law awarded John the Carson-Killeen Award for Oral Advocacy. John is active as a director of Worldwide Orphans Foundation of Canada, a charity dedicated to improving the lives of institutionalized orphans throughout the world.

Representative Mandates

- + Court-appointed counsel representing 630,000 policy holders in the demutualization of Economical Mutual Insurance Company. Mandate to represent policy holders in negotiation of the allocation of \$2 billion in benefits among policy holders. Cutting-edge mandate in first-ever demutualization of a property and casualty company in Canada.
- + Acted on behalf of a committee of contesting bondholders in the BCE privatization, which involved the world's largest leveraged buy-out with an enterprise value of \$52 billion, ultimately appearing at the Supreme Court of Canada.
- + Court-appointed litigation counsel to the Litigation Trustee of Cash Store Financial Services Inc.
- + Acting on behalf of a power producer in a nine figure damage arbitration against a provincial government agency for the cancellation of a contract to build a power plant.
- + Acting on behalf of the Ontario Municipal Employees' Retirement System before a major municipal judicial inquiry.
- + Representing the former principal of Lakeport Brewing Corp. in the defence of a \$50 million officer and director liability case. The case resulted in an \$1.8 million cost award in favour of TGF's client.
- + Lead litigation counsel to KPMG Inc., in its capacity as receiver in the receivership and bankruptcy of the Portus Group of Companies, which involved over \$800 million of investor funds at risk in Canada's largest hedge fund scandal.
- + Acted on the prosecution of claims against, and ultimate bankruptcy of, Boaz Manor arising out of the Portus insolvency.
- + Lead litigation counsel to the receiver, RSM Richter Inc., in the Norshield hedge wefund scandal involving the tracing and attempted recovery of over \$400 million in funds in several jurisdictions.

Professional Involvement

John is a member of:

- + The Advocates' Society
- + INSOL International
- + Toronto Lawyers Association
- + Canadian Bar Association
- + Ontario Bar Association, Civil Litigation Section

Publications

- + Mar 2017
The Curtain is Coming Down on Nortel's eight-year run on the Global Insolvency stage
- + Jul 01, 2012
Canada's Newest Tort
- + Apr 03, 2012
The Tort of Snooping: Intrusion upon Seclusion
- + May 31, 2009
The Supreme Court of Canada provides guidance for corporate directors, shareholders, creditors and their advisers
- + Dec 31, 2000
Directors' Due Diligence: Tips and Traps

Recognition

John is recognized as a leading lawyer in:

- + The Best Lawyers in Canada 2020 (Corporate and Commercial Litigation)
- + Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys 2020 (Litigation Star in Ontario)
- + The Canadian Legal Lexpert Directory 2020 (Litigation - Corporate Commercial)
- + Lexpert 2019 Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada (Dispute Resolution)
- + Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada 2017

Representative Mandates

- + Counsel to a committee of unsecured bondholders of Calpine Corporation subsidiaries in oppression proceedings, as well as the subsequent cross-border restructuring of Calpine and its subsidiaries.
- + Represented General Motors Corporation in troubled supplier litigation to secure its automotive manufacturing supply chain.
- + Acted on a significant \$250 million commercial arbitration on behalf of a private power company in connection with a declaration of force majeure under a power purchase agreement by a leading pulp and paper company.
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Education

- + J.D. (Western), 1982

News & Media

- + **Jan 20, 2017**
John L. Finnigan conducted a live demonstration of an effective cross-examination and spoke on a panel discussing advanced cross-examination techniques at The Advocates' Society Program "Cross-Examination: Strategies for Success".
- + **Mar 03, 2015**
John L. Finnigan presented 'Chasing Assets Around a Wired World' at the Osgoode Professional Seminar - Setting Up / Knocking Down Asset Protection Structures.
- + **Sep 03, 2014**
John L. Finnigan spoke at the 2014 Annual Conference of the Canadian Association of Insolvency and Restructuring Professionals (CAIRP) in August on the topic 'Fraud and Insolvencies-Lessons Learned.
- + **Oct 26, 2012**
John L. Finnigan was featured and quoted extensively in Bruce Livesey's article "Chasing Manor's Millions" in the November 2012 issue of Report on Business magazine (The Globe and Mail).