

Lou Brzezinski

Partner

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CALLED TO THE BAR OF ONTARIO,
1980

EDUCATION

- B.C.L., McGill University, 1978
- LL.B., (Honours), McGill University, 1977
- B.A., (Honours), McGill University, 1974

PRACTICE AREAS

- Restructuring & Insolvency
- Commercial Litigation
- Fraud Investigation Recovery and Enforcement
- Construction Law
- Cannabis

Lou Brzezinski is a partner of the firm's Commercial Litigation Group and practices in all areas of business reorganization, insolvency, liquidation and bankruptcy. He has consistently argued complex cases before all levels of courts and tribunals, including the Supreme Court of Canada, Court of Appeal for Ontario, Federal Court of Appeal, and Divisional Court. Variety in representation, Lou has acted for creditors, debtors, court-appointed monitors and trustees in bankruptcy. Lou has acted for a number of high profile insolvencies in Canada, including Sears Canada, Target Canada, Coopers & Lybrand, Crystallex, US Steel Canada Inc. and Essar Steel Algoma Inc. Commercial litigation high profile clients include Greenwin Property Management Limited and Burger King Canada in critical business issues.

Also noteworthy is Lou's extensive experience in the investigation of fraud on behalf of major financial institutions and with Canada's largest security and investigation. As Chair of the firm's Fraud, Investigation, Recovery and Enforcement (FIRE) group, Lou Brzezinski often times employs Mareva injunctions and Anton Piller orders. Much of this expertise has been derived from dealing with bank fraud including significant cheque kiting cases, Ponzi schemes and breaches of internet protocol and security. Notably, his broad-based experience has extended itself to many varied

clients such as international manufacturers and suppliers, residential and corporate managers of brokers (real estate) and defence contractors. He has acted as legal counsel in many alternative dispute processes, including mediation. Lou is a certified arbitrator.

Lou has developed extensive knowledge in the emerging areas of blockchain and digital currency. He has been called upon by clients to assist in complex legal issues in these areas.

Lou has previously taught seminars on legal aspects of fraud investigation in Canada, detecting and dealing with cheque kiting, remedies for victims of fraud, cross-border insolvencies, Privacy Legislation, Sarbanes Oxley Compliance and Internet Security. He has spoken on internet issues at the University of Toronto and has chaired a series of seminars on Internet Law for the graduate law program at Osgoode Hall, Toronto. Lou has contributed to *Credit Manager's Guides* on Bankruptcy and Insolvency in Canada; Privacy Legislation; Cross-Border Insolvency; Reading and Understanding Contracts; and the Construction Lien Act.

Lou applies an investigative approach, blending legal, innovative, and creative thinking that leads to an implementative strategy for a successful outcome. Lou Brzezinski is known and appreciated for his style in the courtroom and with clients as being open, approachable, with logical and reasonable positions. At times, he will add a touch of humour.

EXPERIENCE

- **U.S. Steel Canada** for pension beneficiaries in the CCAA. Lou introduced equitable subordination and was fully addressed by the Court of Appeal for Ontario, with leave to appeal to the Supreme Court of Canada granted.
- **Essar Algoma Inc.** With CCAA, argued the rights of the union in respect of a number of different matters, including the right of the union to proceed with grievances under the CCAA at the Court of Appeal level and helped clarify the scope of the stay and the rights of the unions to grieve in those circumstances and in this way clarified the intersection between the Provincial Labour Relations statute.
- **Target Canada Insolvency** played a vital role in the Target Canada Insolvency and CCAA proceedings. Lou has been given an unprecedented court-approved mandate to investigate Target's decision-making process leading up to its insolvency announcement. His proposed use of equitable subordination to prevent the suppliers' claims from being swamped by the claims

advanced by Target's own subsidiaries represents an innovative approach to insolvency cases. In essence, the threat of using equitable subordination proved to be a successful outcome. Lou's efforts establish safeguards for creditors and other stakeholders in a CCAA liquidation scenario, and this case will have a significant impact on how large foreign corporations will wind up their affairs in Canada. Lou's unique strategy of engaging with Target's suppliers by providing timely and reliable information with digital engagement through a dedicated website, blog called "*Blaneys on Target*" together with social media, podcasts has allowed him to earn stakeholder trust. As a result of his role on the Consultative Committee, unsecured creditors received an unprecedented distribution of close to 80 cents on the dollar.

- **Financial Advisors Association of Canada** before the Supreme Court of Canada in *Patricia MacLean v. Executive Director of the British Columbia Securities Commission and Financial Advisors Association of Canada and Ontario Securities Commissions* (2013) 3 SCR 895. This decision was cited by Lexology as one of the 10 most important appeal decisions in 2013.
- **Greenwin Properties Ltd.** in respect of fire damage that occurred on one of their properties and involved a class action. There is presently pending a major dispute between Toronto Community Housing Corporation and Lou's client, Greenwin Property Management Inc.
- **Other Cases:** Lou has acted for secured creditors in respect of the appointment of a Receiver over a number of nursing homes. He has represented GE Canada Ltd. and has acted for the Receiver on behalf of Fuller Landau and MNP LLP and the Trustee in Bankruptcy, Liquidator and Receiver, Albert Gelman Inc.

MEMBERSHIPS

- Law Society of Ontario
- American Bar Association
- Ontario Bar Association
- The Advocates' Society
- The Canadian Association of Defence and Security Industries (CADSI)
- Associate Member, Certified Fraud Examiners
- Counsel to the Equifax Food Credit Group, Equifax Pharmaceutical Credit Group, Raw Chemical Credit Group, Credit Executive Association

RELATED SPEAKING ENGAGEMENTS

- [June 16, 2021](#)
Panelist, Understanding Credit Without Borders 21
- [November 26, 2020](#)
Speaker, Bankruptcy Basics for Non-Bankruptcy Lawyers

- [November 16, 2020](#)
Speaker, ACFI 2020 Fraud Conference and Post Conference Workshop – "Best Practices"
- [June 16, 2020](#)
Speaker, "State of Bankruptcies in Canada" (2020) Credit Institute of Canada, Webinar.

RELATED PUBLICATIONS

- [April 7, 2020](#)
Author, The Use of Electronic Documents and Electronic Signatures During COVID-19
- [April 1, 2020](#)
Author, The COVID-19 Pandemic and the Insolvency Laws in Canada: A Primer

IN THE MEDIA

- [December 22, 2022](#)
Cryptocurrency fraud remedies available but enforcement difficult in Ontario
- [December 23, 2021](#)
Blaneys' Partner, Lou Brzezinski was quoted in MidlandToday.ca in an article entitled, 'It's a mess': Former Horseshoe timeshare owners still waiting for proceeds from sale
- [June 04, 2020](#)
Blaneys' Partner Lou Brzezinski is quoted in The Logic's article "COVID-19 roundup: Has the pandemic's economic impact peaked?" on the current state of insolvencies in Canada and what is to come
- [May 13, 2020](#)
Blaneys' Partner Lou Brzezinski speaks to CityNews about his forecast of a surge in bankruptcies and insolvencies this Fall
- [May 08, 2020](#)
Blaneys' Partner Lou Brzezinski quoted in the Financial Post article, "It's all a mess: Pandemic driving businesses to bankruptcy brink, and complicating restructuring"
- [May 07, 2020](#)
Blaneys' Partner Lou Brzezinski speaks to NEWSTALK 1010 about helping families who lost thousands of dollars after youth soccer program abruptly shuts down
- [May 05, 2020](#)
Blaneys' Partner Lou Brzezinski discusses "the great deferral" of bankruptcies with CBC News

COMMUNITY SERVICE

Lou spent five years as a Judge at the University of Toronto Upper Year Court.

He is also an avid photographer and has exhibited his works at Q Gallery. His photograph, "*Harry's Dry Goods*" was selected to appear in the SNAP ACT Exhibition in March 2017.