

Neil S. Rabinovitch

Partner



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Overview

Neil Rabinovitch is a member of the Litigation and Dispute Resolution group of Dentons' Toronto office. His practice focuses on commercial litigation and insolvency with an emphasis on class action defence, product liability defence, cross-border restructurings, shareholder disputes, franchising, mortgage remedies, banking, real estate, commercial leasing.

Neil acts for a diverse range of clients including large multinational corporations, groups of bondholders, financial services companies, developers and construction companies. He is lead litigation counsel to a multinational architectural and engineering firm. He also acts for debtors, creditors and Boards of Directors in complicated cross-border restructurings. Neil regularly advises clients on all aspects of dispute resolution and brings a practical solutions based approach to resolving client problems. Neil has litigated in all levels of courts across Canada.

Neil is recognized by *Best Lawyers in Canada* as one of Canada's leading lawyers in the area of Insolvency and Financial Restructuring Law.

Experience

- **OmniTRAX Enterprises:** Acting as counsel in \$150 million NAFTA claim against Government of Canada for wrongful treatment of US investor.
- **Microsoft Corporation:** Acting as counsel in British Columbia cell phone class action and in Quebec EMF class action.
- **Tax Shelter:** Acting as counsel for defendants in British Columbia and Ontario class actions relating to one of the largest tax shelters in Canada.
- **Hudson Bay Port Company:** Acting as counsel in judicial review of arbitral decision with multinational customer.
- **BP Canada:** Acting as counsel in Sunrise Propane class action relating to explosion of propane facility.
- **Death Row Records:** Acting as counsel in cross-border litigation shareholders litigation in Ontario, New

York and Delaware.

- **Ole Media Management:** Acting as counsel to the largest independent music publisher in respect of litigation in Ontario and New York relating to acquisition and administration of catalogue of iconic intellectual property.
- **IBI Group:** Acting as counsel in litigation and arbitration in Ontario and Alabama relating to the design and construction of a steel plant.
- **Urbancorp Inc.:** Acting as counsel in cross-border litigation and insolvency in Ontario and Israel relating to issuance by an Ontario company of public bonds in Israel.
- Representing over CA\$200 million in bonds in respect of Smurfit-Stone Container Canada Inc. cross-border proceeding under the CCAA and Chapter 11.
- **Calpine Corporation:** Acting as counsel to Ad Hoc Second Lien committee.
- **CIT Group Funding Company of Canada bondholders:** Acting as counsel to the Ad Hoc Committee.
- **Plaintiffs:** Acting as counsel for Plaintiffs in a class action against a pay day lender relating to a claim that the lender was charging a criminal rate of interest.

Recognition

- Recognized in *Acritas* as an *Acritas Star™*(2019)
- Recognized in *The Best Lawyers in Canada* as one of Canada's leading lawyers in Corporate and Commercial Litigation (2016–2020) Insolvency and Financial Restructuring Law (2015–2020)
- Ranked by *Benchmark Litigation Canada* as a Future Star (2012) and as a Litigation Star in the areas of General Commercial (2016) and Insolvency (2016)

In the Media

- Quoted in "Missing gold bullion handed to Egyptian scholars, court documents show" by John Goddard, *The Star*, January 4, 2012
- Quoted in "Mystery of the missing CA\$2 million in gold bullion" by John Goddard, *The Star*, December 31, 2011
- Quoted in "Seaquest investors desperately seek millions in assets" by Vanessa Lu and Peter Edwards, *The Star*, December 2, 2011
- Quoted in "Investors set to lose CA\$50 million in Seaquest bankruptcy" by Vanessa Lu, *The Star*, November 23, 2011

Insights

- "Enforcement of Bondholder Rights - Why is Bondholder Activism so Rare When Issuers Default" (Presentation), *International Bar Association Annual Conference 2012, Securities Law Committee Session*, October 2012
- FMC Reports on Approval of BCE Transaction by Top Court

Activities and Affiliations

- Member, Law Society of Upper Canada

- Member, Canadian Bar Association - Civil Litigation Section
- Member, Canadian Franchise Association
- Member, ABA Forum on Franchising
- Member, American Trial Lawyers Association
- Member, Trustee of the Metropolitan Toronto Lawyers Association

Presentations

- Presenter, "Enforcement of Bondholder Rights - Why is Bondholder Activism so Rare When Issuers Default", International Bar Association Annual Conference 2012, Securities Law Committee Session, October 2012
- Presenter, "More Than Just Cold Air - Hot Topics for US Companies Doing Business in Canada", Philadelphia, May 3, 2011

Areas of focus

Practices

- Alternative Dispute Resolution (ADR)
- Arbitration
- Capital Markets
- Class Action Defense
- Commercial Litigation
- Construction and Engineering Disputes
- Creditor and Equity Committee Representation
- Cross-Border Restructuring Matters
- Debtor Representation
- Distressed Assets
- Employment and Labor
- Employment Disputes
- Franchising and Distribution
- Fraud, Corruption and Asset Recovery
- Hedge Funds
- Independent Advice to Directors of Distressed Companies
- Insolvency Litigation and Enforcement
- Litigation and Dispute Resolution
- Mediation
- Pharmaceutical and Medical Device Litigation

- Product Liability and Complex Torts
- Real Estate
- Real Estate Litigation and Dispute Resolution
- Restrictive Covenant Disputes
- Restructuring, Insolvency and Bankruptcy
- Shareholder Activism
- Wrongful Termination and Unfair Dismissal

Industry sectors

- Catastrophe and Major Claims Litigation
- Distressed Asset Investors
- Financial Institutions
- Insurance
- Insurance Litigation and Arbitration
- Life Sciences
- Life Sciences and Health Care
- Litigation, Arbitration, Mediation and other Dispute Resolution
- Manufacturers and Distributors
- Media and Entertainment
- Media, Entertainment and Sports
- Medical Device Companies
- Music
- Product-Related Legal Issues
- Publishing

Education

- McGill University, 1990, LL.B./B.C.L

Admissions and qualifications

- Ontario, 1992

Languages

- English