

Partner

Ken Rosenberg

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Ken Rosenberg is widely respected for his strategic approach to problem-solving in business and financial disputes, including commercial litigation, insolvency litigation, class actions, administrative law/regulated industries, cross-border disputes, and mediation. Ken has acted as mediator in more than 100 cases and has also acted as an arbitrator in several matters. He has appeared at all levels of court in Canada and has appeared in U.S. courts. Prominent litigation cases with significant litigation success have included Sino-Forest Corporation, Lac Megantic Railway disaster, ABCP, Nortel, Sears, Air Canada, Stelco, Algoma, MacDonald vs BMO, Pace Securities Investors Rep. Action plus hundreds of civil litigation cases and administrative law cases. Ken and the Paliare Roland team also developed and advanced the winning “Pro Rata” theory in the approximately \$7.3B Nortel Allocation cross border, bi-national trial, involving many countries and estates and dozens of counsel.

On numerous occasions, Ken has acted as legal counsel to Ontario’s Premier Elect, and then Premier regarding the transition to government and issues thereafter.

For over 15 years, Ken was Secretary of the Ontario’s Commercial List Bench/Bar stakeholder committee – The Commercial List User’s Committee (CLUC).

Ken's recent appointments include acting as a Neutral:

~ Mediator/Facilitator – The Ontario Energy Board (OEB) has appointed Ken to mediate/facilitate an OEB Settlement Conference in the 2023 – 2027 Hydro One Joint Rate Application Case (Transmission and Distribution) involving billions of dollars and many parties, stakeholders and intervenors.

~ Arbitrator – Ken has been appointed by the CCAA Supervising Judge (C.J. Morawetz) as a claims officer in the Laurentian University CCAA proceeding.

Ken has been recognized as a leading advocate and litigator by *Lexpert/ROB Magazine*, *Chambers Canada*, *Best Lawyers*, *Who's Who Legal*, and more.

Education

Osgoode Hall Law School, LL.B., 1979	University of Winnipeg, B.A., 1976
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Bar Admissions

Ontario, 1981

Professional Affiliations

Canadian Bar Association, Member	Commercial List Bench/Bar Users' Committee, Secretary
Insolvency Institute of Canada	The Advocates' Society
Turnaround Management Association	

Practice Areas

Bankruptcy and Insolvency Litigation	Mediation and Arbitration
Class Actions	Pension Litigation
Commercial Litigation	Public and Administrative Law
Energy Law	

Awards and Honours

Best Lawyers in Canada 2024 - Administrative and Public Law, Appellate Practice,

Corporate and Commercial Litigation

Benchmark Litigation - Litigation Star

Chambers Canada - Litigation: General Commercial - Ontario - Repeatedly recognized

Chambers Canada - Restructuring/Insolvency - Nationwide - Canada - Repeatedly recognized

Globe and Mail's Lexpert/Report on Business Magazine - Leading Litigation Lawyer, December 2018

Canadian Legal Lexpert Directory - Repeatedly Recommended - Insolvency & Financial Restructuring - Insolvency Litigation, Financial Restructuring

2021 - Canadian Legal Lexpert Directory - Repeatedly Recommended - Litigation - Corporate Commercial

Best Lawyers - Administrative and Public Law, Corporate and Commercial Litigation - Since 2008

Recognized by Martindale-Hubbell

Representative Work

Insolvency and Restructuring – Algoma Steel 1, 2, 3 & 4, Air Canada, Ivaco, Stelco 1 & 2, HSB 1, 2 & 3, ABCP, Collins & Aikman, Fraser Paper, Nortel, Indalex, Sino Forest, Lac Megantic, Sears Canada, Discovery Air, Labrador Iron Mines, informal restructuring of Ontario Hydro and the Bruce Nuclear plants

Administrative law — Counsel to the Ontario Energy Board since the late 80s, privatization of Ontario's Bruce Nuclear facility, 1996/97 Independent Chair of a task force advising the Ontario government on the deregulation of the natural gas distribution business, funeral and cemetery law

Corporate/Commercial Litigation – RXE proxy dispute, GCGC v. Kepinski, Cohen v. Zagdanski, Investor Loss Rep. Action against Pace Securities et al.

Class Actions — Prendiville v. 407 (re: late penalty fees), Spina et al. v. Shoppers Drug Mart (SDM Franchisees v. SDM), Macdonald et al. v. BMO Investorline et al. (re: foreign exchange trading in registered trust accounts)

Mediation/Arbitration — Acts regularly as a mediator and sometimes as an arbitrator in commercial and regulatory disputes. He has conducted well over a hundred mediations; from one day bilateral cases to multi-month cases involving 20 or more parties and dollar amounts exceeding many billions of dollars. In the late 90's Ken chaired the OEB Task Force on regulating the "burner-tip" in the Ontario Natural Gas Business. The key recommendations were adopted and instituted by the Government. Ken also chaired and mediated an Ontario Task Force that investigated and reported on revamping Ontario's curbside recycling programme. This involved over 600 municipalities and dozens of business interests.

Publications

Speaks regularly on legal matters at professional and business conferences, including training of lawyers and judges.

Has lectured previously at several universities and institutions including:

- Osgoode Hall Law School
- The Harvard Law School Course on Mediation
- University of Toronto Law School and Business School
- York University's School of Business
- Queen's University
- The Advocates' Society

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