

CITATION: Laurentian University of Sudbury, 2021 ONSC 8382
COURT FILE NO.: CV-21-00656040-00CL
DATE: 2021-12-20

SUPERIOR COURT OF JUSTICE - ONTARIO

**RE: IN THE MATTER OF THE *COMPANIES' CREDITORS*
ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF LAURENTIAN UNIVERSITY OF
SUDBURY**

BEFORE: Chief Justice G.B. Morawetz

COUNSEL: *D.J. Miller, Mitch W. Grossell, Andrew Hanrahan and Derek Harland*, for the Applicant

Ashley Taylor, Elizabeth Pillon and Ben Muller, for the Court-appointed Monitor Ernst & Young Inc.

Aryo Shalviri, for Royal Bank of Canada

Dylan Chochla, for Toronto-Dominion Bank

George Benchetrit, for Bank of Montreal

Peter J. Osborne, for the Board of Governors

Charles Sinclair, for Laurentian University Faculty Union

Danielle Stampley, for Laurentian University Staff Union

Barry Stork, Roderic McLauchlan, and Fred Tayar, for Canadian Universities Reciprocal Insurance Exchange (CURIE)

Andrew Hatnay, for Thorneloe University

André Claude, for University of Sudbury

Joseph Bellissimo, for Huntington University

HEARD: December 20, 2021

ENDORSEMENT

[1] Laurentian University of Sudbury (the “Applicant” or “LU”) brings this motion for:

1. An order (the “Claims Officers Order”) substantially in the form attached at Tab 3 of the Motion Record dated December 13, 2021 (the “Motion Record”) appointing the Honourable Clement Gascon, the Honourable J. Douglas Cunningham, Q.C, and W. Niels Ortvad as claims officers to determine claims that have been disputed pursuant to the Amended and Restated Claims Process Order dated June 9, 2021;
2. An order (the “Grievance Resolution Process Order”) substantially in the form attached at Tab 4 of the Motion Record:
 - a. approving the grievance resolution process attached as Schedule “A” to the Grievance Resolution Process Order for all grievances filed by the Laurentian University Faculty Association (“LUFA”) (the “Grievance Resolution Process”); and
 - b. appointing Ken Rosenberg (the “Grievance Resolution Officer”) to case manage and, if necessary, determine and resolve any issues arising as a result of the Grievance Resolution Process; and
3. An order substantially in the form attached as Tab 5 of the Motion Record removing a cap on Board Counsel’s professional fees.

[2] The evidentiary basis for the requested relief is set out in the affidavit of Dr. Robert Haché sworn December 13, 2021, as well as the Ninth Report of the Monitor.

[3] The relief requested was not opposed. In addition, draft orders have been circulated and no party had adverse comment with respect to the proposed form of orders.

[4] However, I was advised that LU is continuing to have discussions with its insurer, CURIE, regarding the appropriate process for dealing with proofs of claim that have been presented to CURIE. These parties requested that the following language form part of this endorsement.

[5] CURIE is investigating and reviewing whether there is coverage for the presented proofs of claim and, if so, to what extent. CURIE does not object to the form of Order appointing the Claims Officers. However, in relation to those proofs of claim presented to CURIE, this Order is without prejudice to CURIE’s and LU’s positions on the appropriate process for determining if and to what extent coverage may exist, or for addressing those claims where coverage exists. In the event of any dispute that cannot be resolved with the assistance of the Monitor, the parties may return to court for a determination. For the avoidance of any doubt, neither CURIE nor LU hereby waive any rights they may have under the policies or at law.

[6] The foregoing language is acceptable to me and forms part of this endorsement.

[7] I am satisfied that the requested relief is appropriate in the circumstances.

[8] The motion is granted and I have signed the Claims Officers Order, the Grievance Resolution Process Order and that the Order removing the cap on Board Counsel's professional fees.



Chief Justice G.B. Morawetz

Date: December 20, 2021