



Mike Weinczok

Partner

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Mike Weinczok's practice encompasses all aspects of business restructuring, distress investing and commercial lending. He acts as counsel for creditors and financial institutions in international and cross-border reorganizations as well as represents capital market participants in undervalue or distress investments. He also regularly acts for indenture and collateral trustees in Canadian and cross-border reorganization and commercial transactions.

Mike previously was a managing director and partner of a significant Canadian private equity fund manager focused on distress and undervalue investments across a wide variety of industries including biotech, automotive, manufacturing, communications and transportation. Mike was involved in examining capital structures of targets from both an equity and debt perspective and led a number of key investments and initiatives. During this time he also participated in a variety of merger and acquisition reviews, restructuring opportunities, and shareholder activist rights issues.

Mike has routinely acted as counsel to creditors, debtors, monitors, lenders, boards of directors, syndicates, purchasers, sellers, and underwriters on a wide variety of transactions, including many involving the *Companies' Creditors Arrangement Act* and Chapter 11 of the *US Bankruptcy Code*. He has extensive experience in asset-based lending, commercial lending, private mergers and acquisitions, commercial arbitration, project finance, refinancings, swaps, derivatives, shareholder issues, and corporate restructurings. Mike also has extensive experience in front of the Commercial Court and other Canadian and US courts.

Mike played a significant role in the recent North American automotive industry restructurings. He acted for the Federal Government of Canada, through Industry Canada, in connection with the court-supervised sale of both General Motors and Chrysler. The transactions involved over US\$12.5 billion of new Canadian Government financing and included a host of extremely time-sensitive issues, including cross-border bankruptcy, M&A, financing and litigation. The successful resolution allowed both automakers to maintain production share in the North American market and saved thousands of jobs.

Mike has researched investments, participated in various valuations (e.g., discounted cash flow modeling, comparable transactions analysis and comparable [competitive] industry analysis), examined the capital structure of the target from both an equity and debt perspective, considered potential operational and turnaround review strategies and performed SWOT analysis,

RELATED SERVICES

- Restructuring
- Finance
- Corporate
- Private Equity

RELATED SECTORS

- Financial Services

LANGUAGES SPOKEN

English

Porter analysis, liquidation analysis and arbitrage trading analysis. He has also considered various merger and acquisitions reviews, restructuring opportunities and shareholder activist rights issues.

Mike has been responsible for and led the structuring of an asset-based lending vehicle, significant investment in the BioPharma industry and participated in operational reviews and execution in a variety of investments including the automotive, media, restaurant, manufacturing, BioPharma and other industries.

LANGUAGES SPOKEN

- English

EXPERIENCE

Specific transactions in which Mike has acted as counsel to lenders involving proceedings under the CCAA, the *Bankruptcy and Insolvency Act* and cross-border restructuring have included:

- YM Inc. in acquiring certain assets of West 49 and Aeropostale
- Magna International/Cosma International in the CCAA proceedings of Essar Steel Algoma
- The Indenture and Collateral Trustees in the restructuring proceedings of Cash House, Allied Nevada Gold Corp., Postmedia, Skylink Aviation and numerous other non-public reorganizations
- Apotex Corp. in the restructuring of PRACS Institute
- Wholesome Foods Inc./Hi Flyer (Canada) in acquiring various QSR assets in the Prizm Income Fund CCAA/Receivership
- Johnson Controls Inc. in the Azure Dynamics CCAA
- A class action Group of US based Direct Purchasers in the Arctic Glacier Income Fund CCAA
- CIT Equipment Leasing in the Catalyst Paper CCAA
- YM Inc. in acquiring various retail assets in the Clothing For Modern Times CCAA/BIA
- Gibralt Capital Corp. in the restructuring of Skyservice Airlines
- General Motors and Chrysler (representing the Federal Government of Canada, through Industry Canada)
- Extended Stay Hotels — acting as lead Canadian counsel to Senior Noteholders in the cross-border Chapter 11 restructuring of Extended Stay Hotels, a continent wide long-stay hotel provider
- Richtree Inc. and Richtree Markets Inc. (counsel to Senior and DIP Lender)
- Senior Lending Syndicate to AT&T
- Senior Secured Lending Syndicate to the Hagemeyer Group of Companies
- Brute Manufacturing Limited (counsel to Bank of Montreal)
- Olympia & York Developments (representing The Bank of Nova Scotia)
- Bargain Harolds (representing Banque Paribas)
- Cadillac-Fairview (representing Senior Noteholders)
- Eatons (representing Senior Noteholders)
- Royal Oak Mines (representing Wajax Industries Limited)
- Tiger Lease (representing Bombardier Inc.)
- Laidlaw Inc. (representing Royal Bank of Canada)
- GT Group Telecom (counsel to an equity investor)
- GenTek inc./Noma Company (counsel to Senior and DIP Lenders)
- Jamieson Laboratories Ltd. in its asset purchase from PanGeo Pharma Inc.

Mike has acted as counsel:

- To a money market participant in significant commercial litigation against a credit union

- To Save the Bala Falls in public interest litigation
- To Fifth Third Bank in numerous Canadian syndicated lending transactions
- To Computershare Trust Company of Canada as escrow agent in a significant trust roll-over
- To debtors in many restructurings including Curragh Inc., Agnew, Tool Plas Systems Inc., Tahera Diamond Corporation, Seaquest Group of Companies and NS Technologies Inc.
- To Deloitte & Touche in its capacity as Court Appointed Monitor of Sammi Atlas Steel Company
- To the Special Committee of the Board of Directors of Constellation Copper Inc.
- To the Board of Directors of Algoma Steel
- To Royal Bank in the Kings Health/B.A.C.C. matters
- To Royal Bank, in its capacity as Administrative Agent to a syndicate of Lenders in the Bracknell Corporation matter
- To the Chief Executive Officer of 360 Networks Inc.
- To the Board of Directors and Chief Restructuring Officer of VicWest Corporation
- On behalf of Standard Broadcasting in connection with the financing of the Air Canada Centre and subsequent sale of Standard Broadcasting's controlling interest to the Maple Leaf Group
- To Molson Inc. in its sale of the Beaver Lumber shares to Home Hardware
- To Wilson Logistics Inc. in a commercial arbitration with the City of Toronto regarding the contract for hauling Toronto's waste to Michigan

CREDENTIALS

Admissions

- Ontario, 1992

Education

- LL.B., Dalhousie University, 1990
- B.A., Dalhousie University, 1987

Memberships

- Special Vice-Chair of the Insolvency Section of the International Bar Association

INSIGHTS

Publications

- Co-author, "Canada Chapter," *Financing Company Group Restructurings*, Oxford University Press, 2015
- Author, "Debtor-in-possession loans and the Indalex Principles," *The Lawyers Weekly*, Nov. 19, 2010

Events

SPEAKING ENGAGEMENTS

- Presenter, "What U.S. Business Lawyers need to know about Canadian Insolvency Proceedings," Debtor/Creditor Rights Committee of the Business Law Section of the State Bar of Michigan, Southfield, Michigan, May 7, 2013
- Presenter, "Only the Strong Will Survive: Valuation Studies, modelling and valuing a financially distressed company," International Bar Association 17th Annual Global Insolvency and Restructuring Conference, Paris, France, May 24, 2011

- Presenter, “Speeding Towards the Chequered Flag: Canadian Aspects of Chrysler and General Motors,” International Bar Association 16th Annual Global Insolvency and Restructuring Conference, Hamburg, Germany, May 17, 2010
- Course leader, “Insolvency Masterclass – Reorganizations undertaken under the BIA and CCAA,” Federated Press, April 21, 2010

NEWS

DLA Piper (Canada) LLP welcomes new restructuring partner Mike Weinczok

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