



Alan Merskey

Partner

Contact Information

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Office

Toronto

Expertise

- Litigation
- Restructuring & Insolvency
- Construction

Biography

Alan Merskey (he/him/his) is a partner in the Litigation and Restructuring & Insolvency Groups at Cassels. Alan's substantive and procedural experience across various industry sectors informs his overall strategic approach to complex commercial litigation. Alan offers extensive insolvency litigation experience, having acted for court officers, debtors and creditors in a wide range of contested restructuring matters, including many of the major public and private company restructurings of the last 15 years, including the liquidation of Nortel Networks.

His approach to restructuring litigation is informed by applying the financial considerations and measurements common to the large project disputes often seen in technology and construction law, where Alan also offers extensive experience, working for both vendors and customers in software development, project management, delivery and infringement disputes as well as for owners, contractors, and sub-trades across a spectrum of public and private sector disputes.

Within the broad areas of corporate and commercial litigation, Alan has acted as counsel in proceedings stemming from complex contractual disputes, pension regulation, takeover applications, share purchase and other merger and acquisition vehicles, oppression and shareholder's rights, duties of directors and officers, product liability, stockbrokers', accountants' and solicitors' negligence, and business torts, including defamation and interference with economic relations claims.

Alan has appeared before all levels of courts in Ontario, as well as the Supreme Court of Canada, and various administrative tribunals and arbitration panels. He articulated as a law clerk to the Chief Justice of the Ontario Superior Court of Justice.

Prior to joining Cassels, Alan served as the Toronto Chair of the Litigation Group at a large global firm and a member of the Conflicts and Ethics Committee for over a decade.

Achievements

- *Best Lawyers in Canada* (Construction)
- *Canadian Legal Lexpert Directory* (Construction, Insolvency & Financial Restructuring: Insolvency Litigation)
- *Lexpert Special Edition*, Leading Lawyers in Infrastructure
- *Lexpert Special Edition*, Leading Litigation Lawyers

Recent Representative Work

- Cassels Successful in Terminating the Ashcroft Homes CCAA and Appointing an Interim Receiver
- Cassels Successfully Represents Monitor at the Supreme Court of Canada and Helps Clarify Test for Corporate Attribution
- Cassels Successfully Defends \$77 Million Breach of Trust/Constructive Trust Claim Against Receivership Assets
- Cassels Successfully Defends \$21 Million Judgment in Ontario Court of Appeal Case on Transfer at Under Value Application Pursuant to the CCAA
- Cassels Obtains \$2.7 Million Substantial Indemnity Costs Order in Transfer at Under Value Application Pursuant to the CCAA

Insights

- Hot Topics: Cassels Construction Law Update (Cassels Seminar)
- Reinforcing the Foundations: Legal Fundamentals for the Construction Industry (Cassels Webinar)

Education / Bar Admissions

- LL.B., Queen's University, 1997
- B.A., University of Toronto, 1994
- Ontario, 1999

Associations

- Canadian Bar Association
- Law Society of Upper Canada
- The Advocates' Society