

## A Year in Review – December 2024

The Commercial List Users' Committee ("CLUC" or the "Users' Committee") is pleased to provide the following updates to the Commercial List Bar with respect to the activities of CLUC and the Commercial List.

### Message from Justices Conway and Penny

It has continued to be a busy time for the Commercial List. We have set out some reminders in the Guidelines section below to assist court operations in running smoothly and enabling us to hear cases on a timely basis.

There are a few changes that we wish to highlight. Justice Wilton-Siegel retired in July 2024 after an outstanding 22-year judicial career. Justice Jane Dietrich will be joining the Commercial List team in January 1, 2025. All of the other current judges will remain on the team.

We will be stepping down as Commercial List Team Leads at the end of this year, but will remain on the Commercial List team in the New Year. We would like to thank all CLUC members for their co-operation, dedication and good humour throughout our tenure.

Justices Kimmel and Osborne will assume the role of Commercial List Team Leads as of January 1, 2025.

We all look forward to continuing to work with you.

Justices Conway and Penny

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## Administration

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### Commercial List Judges

Current judges sitting on the Commercial List are: Justices Black, Cavanagh, Conway, Kimmel, Osborne, Penny, and Steele. As noted above, Justice Jane Dietrich will be joining the Commercial List on January 1, 2025.

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## Practice Notes

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### Guidelines

General practice tips from the Court:

- If a hearing or matter is not proceeding or being adjourned, or the nature of the hearing changes so as to lessen the Court time required, please advise the Court office as soon as possible (even if the change arises after hours).
- When seeking an interim order, book the comeback date when you are seeking the original order. This helps to avoid booking comeback dates on an urgent basis.
- Please upload materials to Case Center as far in advance as possible.
- The counsel/party who is sending the attendance request form to the Court is responsible for also sending Case Center invitations to all other counsel/parties on the service list.
- Hyperlinking in factums and compendiums is the best way for the Court to navigate the large records typically filed in Commercial List matters. The hyperlinking does not always interact seamlessly when uploaded to Case Center. Please triple check links before the hearing. Be prepared to provide Case Center page numbers for all references, taken from the appropriate hearing bundle.
- Be realistic when booking hearing time on the Commercial List. Do not try to squeeze in a two-hour hearing into one hour just to get your matter on sooner. Likewise, counsel are expected to be in a position to proceed on the appointed day. No placeholders!
- The Court welcomes the use of Aide Memoires for Case Conferences in appropriate cases (particularly where a factum is not filed, so that the Court has some sense of the purpose of the hearing or attendance). Where employed, the Aide Memoire should *briefly* (maximum two pages) state the purpose of the appearance, what the issue(s) is (are) and whether it is on consent.
- The Commercial List is for Toronto matters, subject to discretion in appropriate cases. This is one of the means by which the Commercial List regulates workload and preserves the ability of the Court to provide real-time services where necessary.
- Zoom Court is real court. Appropriate attire, surroundings and decorum must be observed. Counsel must gown for all motions, applications and trials. For scheduling appointments, case conferences and judicial pretrials, business attire is required.
- Be familiar with the updated Commercial List Practice Direction as of June 2023.

- If a trial date is being requested, counsel must be prepared to address the matters described in paragraph 25 of the Commercial List Practice Direction and in the Trial Hearing Requirements Checklist included in Appendix A to the Commercial List Practice Direction.

## Current Time Outs

APPEARANCE	TIME OUT
Chambers Appointment	2 weeks
Short Motion	4 weeks
Long Motion	From January 20, 2025 onwards
Trial	55 weeks
Urgent Trial (10 days or less)	February/March 2025

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## The 2024 Justice Glenn Hainey Memorial Award

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On June 25, 2024, the Justice Glenn Hainey Memorial Award was presented to **Joshua Foster** of Bennett Jones LLP.

CLUC presents this award annually to a lawyer in their first five years of practice, who demonstrates the characteristics and values that Justice Hainey embodied as a judge and lawyer including enthusiasm, professionalism, civility and advocacy on the Commercial List. Joshua demonstrates these traits through his practice and accomplishments.

Joshua was called to the Bar in 2020 after graduating from the University of Toronto in 2019. Joshua's practice is focused on insolvency and restructuring matters, and he has experience working with a wide range of stakeholders in these proceedings as well as court officers.

The ceremony was attended by judges of the Commercial List, members of CLUC and other professionals.

Congratulations to Joshua on this very well-deserved award. CLUC also thanks Gowling WLG for hosting this event.



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## Connecting to Court Wi-Fi

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The below information is provided to assist with connecting to the Ontario Public Service Guest (OPSGuest) Wi-Fi Account, and is from materials provided by the Ontario Court Wi-Fi Team. This information is current as of November 2024, and is subject to change.

### STEP 1 - APPLY FOR AN ACCOUNT (VALID FOR 6 MONTHS):

- Complete the OPSGuest Wi-Fi Account Application for Parties to a Matter Form, found at: <https://ontariocourtforms.on.ca/en/opsguest-wi-fi-forms/>
  - Email completed application form to [wifi@ontario.ca](mailto:wifi@ontario.ca).
  - You will receive, via email, a username and password.
  - OPSGuest Accounts expire 6 months after activation. Upon expiry, you can re-apply for a new account by resubmitting an application form.

### STEP 2 – CONNECTING TO OPSGUEST WI-FI:

- Search for available Wi-Fi signals within the courthouse.
- Choose “OPSGuest,” then click “[Connect](#)”.
- Open the web browser on your device, and attempt to browse the Internet. The following webpage should appear: “Welcome to Government of Ontario Guest Wi-Fi Service.”
  - NOTE: Do not access the network by completing the form on the “Welcome” page. This only provides temporary internet access for 8 hours of service.
- On the “Welcome” page, scroll down until you see “[If you already have an account, please Sign In.](#)” Then click “[Sign In.](#)”
- You will be taken to the Login page. Enter the “[Guest Account](#)” username and password that was sent to you, and then click “[Log In.](#)” It will take approximately 30 seconds to establish connection. Once connected, you should see a screen advising that you are successfully logged in.

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## Posting of Newsletters

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The creation of a newsletter was important for two main reasons. First, so that members of the Bar and other organizations who use the Commercial List are informed of the workings of the Users' Committee. Second, so that users of the Commercial List are given the opportunity to make recommendations for the continued improvement of the operation and administration of the Court.

Copies of this Issue and all previous issues of the Newsletter may be found on the following websites:

- [Commerciallist.com](http://Commerciallist.com)
- [Toronto Lawyers Association](#)

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## Users' Committee Members

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### Commercial List Judges

- Chief Justice Morawetz
- Justice Black
- Justice Cavanagh
- Justice Conway
- Justice J. Dietrich (as of January 1, 2025)
- Justice Kimmel
- Justice Osborne
- Justice Penny
- Justice Steele

### Committee Members

- Associate Justice Ilchenko
- Associate Justice Rappos
- Andrew Gray, Torys LLP
- Arif Dhanani, TDB Restructuring Limited
- Brendan Bissell, Reconstruct LLP
- Brian Empey, Goodmans LLP
- Caitlin Fell, Reconstruct LLP
- Chantelle Cseh, Davies Ward Phillips & Vineberg LLP
- Clifton Prophet, Gowling WLG (Canada) LLP
- Debbie Dykstra, Supervisor, Court Operations, Ontario Ministry of the Attorney General
- Delna Contractor, KPMG Canada
- Denise Cooney, Paliare Roland Rosenberg Rothstein LLP
- Derek J. Bell, DLA Piper LLP
- Emily Y. Fan, Lerner LLP
- Eric Block, Ross Nasser LLP
- George Benchetrit, Chaitons LLP
- Jeffrey Larry, Paliare Roland Rosenberg Rothstein LLP
- Jennifer Stam, Norton Rose Fulbright Canada LLP
- Ken Pearl, Fuller Landau LLP
- Maria Konyukhova, Stikeman Elliott LLP
- Miranda Spence, Aird & Berlis LLP
- Monica Simion, Manager of Court Operations, Ontario Ministry of the Attorney General
- Monique Jilesen, Lenczner Slaght LLP
- Sharon Hamilton, Ernst & Young LLP
- Shayne Kukulowicz, Cassels Brock & Blackwell LLP
- Shaun Laubman, Lax O'Sullivan Lisus Gottlieb LLP