

## **Timminco**

We represented the pension plan administrator of the Timminco Haley Pension Plan in the CCAA proceedings of Timminco and its related companies. The Haley Pension Plan had been underfunded by Timminco when the company obtained CCAA protection from the court, and the plan members were facing losses to their pension benefits on the wind up of the plan. We prepared and filed a claim on behalf of the plan administrator for the amount owing to the Haley Pension Plan. We negotiated with the company, monitor, and other stakeholders as Timminco underwent a sales process to sell its assets to third party purchasers and then distribute the sales proceeds to creditors. We advanced the Pension Benefits Act deemed trust on behalf of our client and the Supreme Court's ruling in the Indalex case and were successful in obtaining the first priority recovery of all the cash assets in the estate of Timminco, which were paid into the Haley Pension Plan. This result will help improve the pension benefits of the Haley Pension Plan members. [Andrew Hatnay](#) led the Koskie Minsky team.