

SUPREME COURT OF CANADA -- JUDGMENT IN APPEAL

OTTAWA, 2013-02-01. THE SUPREME COURT OF CANADA HAS TODAY DEPOSITED WITH THE REGISTRAR JUDGMENT IN THE FOLLOWING APPEAL.
FROM: SUPREME COURT OF CANADA (613) 995-4330

COUR SUPRÊME DU CANADA -- JUGEMENT SUR APPEL

OTTAWA, 2013-02-01 LA COUR SUPRÊME DU CANADA A DÉPOSÉ AUJOURD'HUI AUPRÈS DU REGISTRAIRE LE JUGEMENT DANS L'APPEL SUIVANT.
SOURCE: COUR SUPRÊME DU CANADA (613) 995-4330

COMMENTS/COMMENTAIRES: comments-commentaires@scc-csc.ca

APPEAL / APPEL

Reasons for judgment will be available shortly at: /Motifs de jugement disponibles sous peu à:
<http://scc.lexum.org/decisia-scc-csc/scc-csc/en/nav.do>
<http://scc.lexum.org/decisia-scc-csc/scc-csc/fr/nav.do>

34308 Sun Indalex Finance, LLC v. United Steelworkers, Keith Carruthers, Leon Kozierok, Richard Benson, John Faveri, Ken Waldron, John (Jack) W. Rooney, Bertram McBride, Max Degen, Eugene D'Iorio, Neil Fraser, Richard Smith, Robert Leckie and Fred Granville – AND BETWEEN – George L. Miller, the Chapter 7 Trustee of the Bankruptcy Estates of the U.S. Indalex Debtors v. United Steelworkers, Keith Carruthers, Leon Kozierok, Richard Benson, John Faveri, Ken Waldron, John (Jack) W. Rooney, Bertram McBride, Max Degen, Eugene D'Iorio, Neil Fraser, Richard Smith, Robert Leckie and Fred – AND BETWEEN – FTI Consulting Canada ULC, in its capacity as court-appointed monitor of Indalex Limited, on behalf of Indalex Limited v. United Steelworkers, Keith Carruthers, Leon Kozierok, Richard Benson, John Faveri, Ken Waldron, John (Jack) W. Rooney, Bertram McBride, Max Degen, Eugene D'Iorio, Neil Fraser, Richard Smith, Robert Leckie and Fred Granville – AND BETWEEN – United Steelworkers v. Morneau Shepell Ltd. (formerly known as Morneau Sobeco Limited Partnership) and Superintendent of Financial Services – and – Superintendent of Financial Services, Insolvency Institute of Canada, Canadian Labour Congress, Canadian Federation of Pensioners, Canadian Association of Insolvency and Restructuring Professionals and Canadian Bankers Association (Ont.)
2013 SCC 6 / 2013 CSC 6

Coram: McLachlin C.J. and LeBel, Deschamps, Abella, Rothstein, Cromwell and Moldaver JJ.

The appeals of Sun Indalex Finance LLC, George L. Miller and FTI Consulting Canada ULC from the judgment of the Court of Appeal for Ontario, Numbers C52187 and C52346, 2011 ONCA 265 dated April 7, 2011, heard on June 5, 2012, are allowed. The orders of the Court of Appeal are set aside with the exception of paragraphs 9 and 10 in the former executives' appeal. The orders of Campbell J. dated February 18, 2010, are restored. All parties shall bear their own costs in the Court of Appeal and in this Court. LeBel and Abella JJ. are dissenting.

The appeal of the United Steelworkers from the judgment of the Court of Appeal for Ontario, Numbers C52187 and C52346, 2011 ONCA 578, dated September 7, 2011, heard on June 5, 2012, is dismissed without costs.

Les appels de Sun Indalex Finance LLC, de George L. Miller et de FTI Consulting Canada ULC interjetés contre l'arrêt de la Cour d'appel de l'Ontario, numéros C52187 et C52346, 2011 ONCA 265, en date du 7 avril 2011, entendus le 5 juin 2012, sont accueillis. Les ordonnances de la Cour d'appel de l'Ontario sont annulées sauf les paragraphes 9 et 10 concernant l'appel des anciens cadres. Les ordonnances du juge Campbell en date du 18 février 2010, sont rétablies. Chacune des parties paiera ses propres dépens devant la Cour d'appel et devant notre Cour. Les juges LeBel et Abella sont dissidents.

L'appel du Syndicat des Métallos interjeté contre l'arrêt de la Cour d'appel de l'Ontario, numéros C52187 et C52346, 2011 ONCA 578, en date du 7 septembre 2011, entendu le 5 juin 2012, est rejeté sans dépens.