

Newsletter



Robinson Sheppard Shapiro
Avocats • Lawyers

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A Snapshot of our Recent Activity

A sampling of the firm's Business Law Group's activity over the last few months.

M&As, Financing and Business Transactions

Assisting a Canadian-based supplier of apparel, accessories and other merchandise, together with its affiliates, in concluding an Amended and Restated Credit Agreement with its bank. (**Sharon G. Druker**)

Assisting The Regional Group of Companies Inc., a vertically integrated real estate investment, development and management firm, with the acquisition and secured financing of a major immovable in Gatineau, Quebec, which involved a complex structure including numerous beneficial owners, as well as with creation of Quebec-based documentation for gross and net commercial leases. (**Geneviève Goulet, Sharon G. Druker, Rhona Luger, Ariane Légère-Bordeleau, and Elyssa Leiberman**)

Tax, Estate Planning and High-net-worth Individuals

Assisting and counselling the liquidators of a large estate and their accounting advisors regarding the implementation of bequests in the will and cross-border taxation issues. (**Herbert Z. Pinchuk, Rhona Luger and Éric Boulva**)

Implementing a regime of gifts mortis causa to achieve irrevocable joint bequests of property to the children of a blended family, which could not have been possible through a will that the surviving spouse could have changed. (**Martin Lord**)

Estate freeze for the owner of commercial real estate located in Canada, in favour of his four children, two of whom reside in the USA. There was a risk that the US shareholders would receive shares subject to the US anti-deferral regimes. A limited partnership was created to hold the buildings, thus offering



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Mr. Pinchuk heads the Business Law Group at RSS.

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protection to the shareholders. (**Martin Lord**)

Implementing a structure to minimize the tax impact of dividing the assets of a couple married under the partnership of acquests regime. Sums payable to the ex-wife were paid to a new company incorporated to avoid a personal income tax rate. (**Martin Lord**)

Real Estate and Leasing

Advising and representing a Montreal-based university in the negotiation with the owner of a neighbouring property for access to that property, to facilitate major repair work on a building. (**Martin Côté**)

Advising the owner of a major apartment building on its building by-law in anticipation of the legalisation of cannabis. (**Martin Côté**)

Representing a major real estate group in the sale of a mixed-use complex (\$30M). (**Herbert Z. Pinchuk** and **Rhona Luger**)

Advising a large US-based manufacturer and distributor of branded jewellery on various leasing matters and on the sale of a portion of its retail outlets to its US-based licensor. (**Herbert Z. Pinchuk**)

Continued representation of a Canadian-based real estate developer in matters pertaining to the development of a mixed-use project in Connecticut. (**Herbert Z. Pinchuk** and **Martin Côté**)

Providing ongoing general advice and preparation of long-term commercial leases for commercial real estate developers on various leasing matters. (**Rhona Luger**)

Advising a large industrial property owner on various environmental matters. (**Herbert Z. Pinchuk** and **Rhona Luger**)

Insolvency and Restructuring

Advising the Société de développement des entreprises culturelles (SODEC) for a mortgage foreclosure under judicial authority of a movie house in Montréal. (**Martin Côté** and **Luc Fleurant**)

Labour and Employment

Advising a large aircraft component repair enterprise in its negotiation for the renewal of its collective agreement with the union representing its employees. (**Jean Denis Boucher**)

Challenging the jurisdiction of the Commission des normes, de l'équité, de la santé et de la sécurité du travail to hear a complaint under section 32 of the *Act respecting industrial accidents and occupational diseases* (reprisals against an employee exercising rights under the Act) whereas the alleged facts were psychological harassment, a subject matter falling under the exclusive jurisdiction of the Tribunal administratif du travail. (**Jean Denis Boucher**)

Appearing before the Tribunal administratif du travail and reversing a potentially costly decision of the CNESST that was compelling an employer to perform a pay equity process and audit under Quebec's *Pay Equity Act*. (**Theodore Goloff**)

Intellectual Property

Defending a general contractor and a school board before the Federal Court, for copyright infringement of architectural plans for a soccer stadium and the architectural work (structure) itself. (**Richard Uditsky**)

General Litigation, Arbitration and Mediation

Claim for the balance of amounts due under a construction contract for a car wash, and defence to a



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challenge of the validity of a legal hypothec. (**Normand Laurendeau**)

Appearing before the Court of Appeal for the mayor and a councillor of the City of Westmount, and the City itself, in a litigation over a libel claim for \$300K by a citizen. The claim was summarily dismissed against the mayor and the City. (**Martin Côté** and **David Paradis**)

Representing a commercial landlord in the settlement of a claim against his tenant over unpaid rent and compensation for the tenant's alleged loss of enjoyment. (**Martin Côté** and **David Paradis**)

Defending two individuals who had been gifted the assets of an investment account by their mother during her final illness in a dispute over the validity of the gift by their father, as liquidator of the estate. (**Normand Laurendeau**, with assistance from **Sharon G. Druker** for the corporate law aspects)

Professional and Social Involvement

In March, RSS was present at the convention of the Association des entrepreneurs en maçonnerie du Québec. **Julie Forest**, **Jean Denis Boucher** and **David Paradis** gave a presentation on the legalisation of cannabis and its impact on construction sites.

RSS also attended the convention of the Association québécoise du transport aérien, where **Nicolas Drolet**, **Jean-Marc Fortier** and **Jean-François Bilo-deau** spoke on the powers of Transport Canada: rights and liabilities of aircraft operators.

The firm demonstrated its community involvement on Saturday, June 16, as a

dozen of our lawyers and about as many clients and guests put on their running shoes and tackled the Défi Entreprises Montréal. The event was meant to promote fitness and raise funds for the Fondation Père Sablon.

Sharon G. Druker was selected as Chair of the Bar of Montréal's Liaison Committee with commercial law lawyers, whose primary objective is "to encourage lawyers practising business and corporate law to become more involved in the activities of the Bar of Montréal". Her mandate was also renewed for a fourth consecutive term as a Member-at-Large of the Canadian Bar Association's National Business Law Executive.

New Faces, New Premises

RSS's Estates, Wills and Trusts Practice Group recently welcomed **William Dion-Bernard**, a notary with over ten years' experience in the field. Thanks to William, the Group's clients now have access to services that reflect the training and approach that are characteristic of members of the Chambre des notaires.

After having articulated with us, **Wendy Sfeir** joined our Litigation and Labour and Employment Groups upon being called to the Bar. Wendy comes to us with a law degree from the University of Montréal, with additional courses at the London School of Economics and Political Science and the University of Geneva.

Finally, RSS is now present in Saint-Jérôme. **Frédéric Savard-Scott** and **Sébastien Patry** are operating from this new office, where they will be coordinating an array of services targeted to our ever increasing pool of clients in the Laurentians.