

Kimberley A. Robertson

Kimberley is an associate in the Banking and Insolvency Group. She has represented debtors, creditors and court officers, on the various issues that arise with respect to restructurings, receiverships, bankruptcies, formal and informal proposals and workouts, and remedies including enforcement of judgments and security realization.

Kimberley routinely acts for bankrupts and trustees/receivers with respect to various issues that arise in the insolvency context including fraudulent preference/conveyance claims, and for major banks and financial institutions on debt recovery, including matters relating to security realization and priority disputes, foreclosures and guarantees. She has also acted as counsel in a number of applications for the recognition of foreign judgments, and to enforce and realize upon monetary judgments and orders.

Professional Activities

- Canadian Bar Association, National Bankruptcy, Insolvency & Restructuring Section, Executive Member
- Canadian Bar Association, Insolvency Sub-Section, Secretary
- CLE BC Creditors' Remedies publication, Editorial Board
- Insolvency Discussion Group, Member
- Canadian Insolvency Foundation, Member
- International Women's Insolvency Confederation, Member
- The Young Insolvency Professionals of British Columbia and Alberta, Co-founder
- Vancouver Bar Association, Executive
- Canadian Bar Association, Law Week Sub-Section Executive
- Law Society Practice Checklist, Contributing Author

Community Activities

- Western Canada Society for Access to Justice, Insolvency Pro Bono Clinic Supervising Lawyer

Bar Admissions

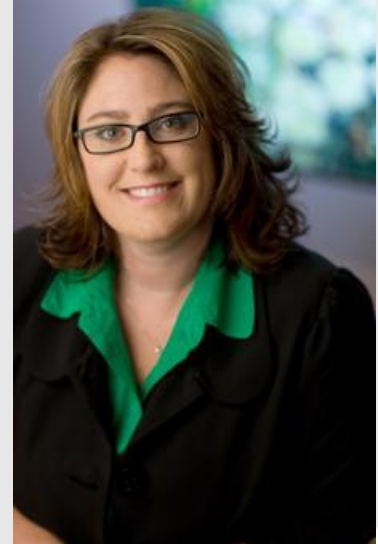
- British Columbia (2003)

Education

- University of British Columbia (LL.B, 2002)

Experience

- Successfully defeated trust claims against a bankrupt estate, argued to be sham trusts (2010 Re: Sran)
- Acted as lead counsel for group of Canadian creditors being sued in the US Bankruptcy Court for Avoidance Actions in which the US Trustee sought to recover payments received by those Creditors for accounts rendered. As a result of various joint hearings with the US Delaware Court, we were successful in having the Trustee abandon actions against approximately 270 Canadian Creditors (2010 Re: Pope & Talbot)



Kimberley A. Robertson

Associate

Vancouver

P: 604.631.9142

F: 604.669.1620

E: kroberson@lawsonlundell.com

Miriam Dominguez

Legal Assistant

604.408.5364

Practices

- Insolvency and Restructuring
- Litigation & Dispute Resolution

Kimberley A. Robertson (Cont.)

- Acted for a counter-party to an International Swap Dealers Association agreement in resolving jurisdictional disputes regarding the proper forum in respect of the ISDA swap agreement (In the Matter of North American Steamship Inc., 2007 BCSC 267)
- Acted for debtor in CCAA restructuring, and appeared as counsel in numerous court applications (Westbay Sonship Yachts Ltd., 2006 – 2007) (Co-Counsel)
- Successfully defended application by secured creditor, both at trial and on appeal, to have claim for value of security sold prior to CCAA filing determined a post filing breach of trust (Caterpillar Financial Services v. 360networks Corporation et al., 2004 BCSC 1066, appealed 2007 BCCA 14) (Co-Counsel)
- Represented debtor in post receivership claim for legal fees incurred by former directors of company. In finding against the former director's solicitor, the Judgment clarified and defined the extent of the residual authority of directors during a receivership (Lang Michener v. American Bullion Minerals Ltd., 2006 BCSC 504; BcMetals v. American Bullion Minerals Ltd., 2004 BCCA 114) (Co-Counsel)
- Acted for the Trustee in Bankruptcy in defending disallowance of a claim by the bankrupt's spouse that corporate shares were held in trust for her benefit, on the basis of the document evidencing the trust being a sham not intended to be acted upon (Bankruptcy of Larry Peter Biggar, 2004 BCSC 290, appeal of the Master's Decision 2005 BCSC 1657) (Co-Counsel)
- Successfully defended application by a third party creditor to have judgment previously obtained for our client set aside as a fraudulent preference (HLT v. Rystar Communications Ltd.)

Conferences

- CAIRP Canadian Insolvency Foundation's presentation of the Houlden Fellowship, (October 2010)
- Bankruptcy CLE, (May 2009)
- Foreclosure CLE, (April 2009)
- Canadian Association of Insolvency Professionals Forum, (2009)
- Credit Counselling Society of BC, (2006)

News / Publications

- "Executory Contracts in Reorganizations: Proposed amendments to the BIA and CCAA", (2009), Author
- "2009 Commercial Insolvency Update", (2009), Author
- "Executory Contracts", Bankruptcy CLE, (May 2009), Author
- "The View from the Other Side: Foreclosure Defence Strategies Foreclosure", CLE, (April 2009), Author
- "Goodbye Tysoe J., Hello Tysoe, J.A." Annual Review of Insolvency Law, (2007), Co-author
- "Recent Developments in Insolvency and Restructuring – case updates", Author
- "Creditor's Remedies Selected Topics", (2006), Author
- "British Columbia Creditor's Remedies, An Annotated Guide", *CLE of BC*, Contributing Author
- "Law Society Practice Checklists – Examination in Aid of Execution", Contributing Author
- "Adverse Inference: Consequences of the failure to call treating and independent medical experts", 60 *The Advocate* 233, (2002), Co-author

