

December 1, 2011

Supreme Court will hear Appeal in Indalex Canada Pension Priority Case

The Supreme Court of Canada today granted an application brought by Goodmans on behalf of Sun Indalex Finance, LLC for leave to appeal from the Ontario Court of Appeal's decision released in April of this year. At issue is whether the Court of Appeal erred when it granted priority after the fact in favour of two groups of pensioners ahead of a Court ordered super-priority debtor-in-possession financing charge that had been approved by the Court handling Indalex Canada's restructuring under the *Companies' Creditors Arrangement Act*.