Case In Point

Indalex Pension Decision to be Rendered Friday

Date: January 29, 2013

On Friday, February 1, 2013, the Supreme Court of Canada will be rendering its decision in *Sun Indalex Finance, LLC et al. v. United Steelworkers et al*. The appeal relates to an April 2011 decision of the Ontario Court of Appeal which granted "super-priority" to pension funding deficits in a *Companies' Creditors Arrangement Act* proceeding. A detailed discussion of the Court of Appeal decision is found in our *FTR Now* of April 15, 2011,"Ontario Court of Appeal Revisits Pension and Insolvency Principles: *Indalex*."

Hicks Morley's Pension and Benefits Group's review of the decision is now available in an *FTR Now* dated February 4, 2013, "Supreme Court of Canada Weighs in on Plan Deficits and the Fiduciary Duty of Pension Plan Administrators in an Insolvency: *Sun Indalex Finance, LLC v. United Steelworkers*."