



Date of this version	October 8, 2019
First name	Joseph
Last name	Nuss
Middle initial	R.
Honorifics	Honourable, C.M., Q.C., Ad.E., FCI Arb
	Invested as a Member of the Order of Canada, 2019.
Professional title	Senior Counsel
Address	Woods LLP
Address	2000 McGill College Ave., Suite 1700
City	Montreal
Province	Quebec
Postal code	H3A 3H3
Secondary address (please indicate street, city, province and postal code)	Residence 4 Chelsea Place Montreal, Quebec H3G 2J9
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LinkedIn URL	
Facebook	
Other social media links	



Region of residence	Quebec
Willingness to travel within and to other provinces? Please specify provinces.	<input checked="" type="checkbox"/> All provinces <input type="checkbox"/> British Columbia <input type="checkbox"/> Alberta <input type="checkbox"/> Saskatchewan <input type="checkbox"/> Manitoba <input type="checkbox"/> Ontario <input type="checkbox"/> Quebec <input type="checkbox"/> New Brunswick <input type="checkbox"/> Nova Scotia <input type="checkbox"/> Newfoundland and Labrador <input type="checkbox"/> Prince Edward Island <input type="checkbox"/> Yukon <input type="checkbox"/> Northwest Territories <input type="checkbox"/> Nunavut
Languages spoken	<input checked="" type="checkbox"/> English <input checked="" type="checkbox"/> French

Education

Please list degree(s), institution(s) attended and year degree(s) conferred below.

Degree	Institution attended	Year degree conferred
Certificat d'Études Supérieures Européennes	INSTITUT UNIVERSITAIRE D'ÉTUDES EUROPÉENNES DE TURIN, ITALIE	1960
Bar of the Province of Quebec		1959
Bachelor of Civil Law	McGill University	1958
Bachelor of Arts	McGill University	1955

Please list accreditations in **mediation**, if any.

Designation	Institution	Year
Accredited Mediator Civil, Commercial & Labour	Barreau du Québec	2016



Please list courses or degrees in **Finance and Accounting**, if any.

Courses	Institution attended	Year
Accounting	McGill Faculty of Law, Articling Year	1958-1959

Please list courses relating to **logistics, transportation or transportation law**, if any.

Courses	Institution attended	Year

Arbitration Designation

Please list below the designation(s), certification(s) or accreditation(s) in arbitration received from any recognized institution(s) and the year(s) conferred.

Designation	Organization	Year conferred
FCI Arb	Chartered Institute of Arbitrators	2019

Arbitration Training

Please list below the **arbitration training** or course(s), if any, along with the institution providing the training and the year that you received this training.

Course	Institutions	Year
International Symposia in Advanced Case Management Issues	International Centre for Dispute Resolution (ICDR)	2012

Commercial Litigation Experience

Please specify approximate number of commercial cases in which you have acted as counsel.

100

Please list range of years over which these cases occurred.

1961-1995



Please list law firms with which you were associated, according to years.

Firm name	Duration
Hyde & Ahern and its successor firms, the last of which was Ahern, Lalonde, Nuss, Drymer	Approximately 34 years April 1961 - May 1995
Woods LLP	8.75 years (since December 2009)

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	65%
Respondent	35%

Please list by subject area, the three most complex commercial cases with which you have been involved as counsel in arbitrations or litigation, the kind of evidence presented, what experts were involved, quantum in issue and duration of case.

Area of commercial litigation (e.g. patent infringement)	Kind of evidence presented	What type of experts were involved	Quantum (value of claim)	Duration (time in court)
<p><u>Oppression Remedy:</u> Under the Canada Business Corporations Act, R.S.C. 1985, c. C-44.</p> <p><u>Case:</u> Frederick H. Sparling (Petitioner) v. John C. Doyle et al. (Respondents) Counsel for Respondent Doyle; Case reported at [1986] R.J.Q. 1073. Appeal to the Quebec Court of Appeal 1991 CanLII 3440 (QC CA)</p>	<p>Actions of directors and officers; value of assets; validity of transactions and analysis of financial statements</p>	<p>Evaluation of the business; value of assets; analysis of financial statements and accounting</p>	<p>Approx. \$15M</p>	<p>Approximately 25 days in first instance</p>



<p><u>Oppression Remedy:</u> Under the Canada Business Corporations Act, R.S.C. 1985, c. C-44</p> <p><u>Case:</u> Bernard J. Kruger and other v. Kruger Inc. and Joseph Kruger II and estate of the Late Eugene Kruger; Counsel (replacing original counsel) for Respondent Joseph Kruger II and Estate of the Late Eugene Kruger</p>	<p>Actions of directors and officers; value of assets; validity of transactions and analysis of financial statements</p>	<p>Evaluation of the business; value of assets; analysis of financial statements and accounting</p>	<p>Approx.\$80M</p>	<p>Approximately 95 days in first instance; Case settled</p>
<p><u>Oppression Remedy:</u> Under the Canada Business Corporations Act, R.S.C. 1985, c. C-44</p> <p><u>Case:</u> Marvin Rosenbloom v. Rosenbloom Paper; Counsel for Petitioner Marvin Rosenbloom</p>	<p>Actions of directors and officers; value of assets; validity of transactions and analysis of financial statements</p>	<p>Evaluation of the business; value of assets; analysis of financial statements and accounting</p>	<p>Approx.\$12M</p>	<p>After 1 day in Court, 10 days of negotiations / arbitration resulting in a settlement</p>

Experience as an Arbitrator, Adjudicator or Judge

Please specify approximate number of cases in which you have acted as an arbitrator, judge or tribunal adjudicator. Please note that there are cells, in the table below, in which you are asked to provide the court level and tribunal.

	Arbitrator	Judge	Tribunal Adjudicator
Number of cases	Approximately 28	Approximately 2,300 cases on the merits as a judge on a panel of 3 or 5 judges and Approximately 1,000 motions as a single judge	
Over what period of years	8.75 years	14.5 years	



Number of commercial cases	28 approx.	400 approx.	
Over what period of years	8.75 years	14.5 years	
Level of court		Appeal	
Please specify tribunal		Quebec Court of Appeal	

Please list by subject area the three most complex commercial cases in which you acted as arbitrator, judge or adjudicator, the kind of evidence presented, experts involved, quantum in issue and duration of hearing.

Please specify your role	Area of commercial litigation	Evidence presented	Experts included	Quantum (value of claim)	Duration (time in court)
<p>In the Matter of a proposed arrangement concerning BCE Inc. et al. v. a Groupe of 1996 Debenture holders et al.</p> <p>Role: Judge on a panel of 5 judges of the Quebec Court of Appeal; Judgment reported at [2008] R.J.Q.1298;</p> <p>Appealed to Supreme Court of Canada, Judgment at [2008] 3 S.C.R. 562</p>	<p>Motion for approval of Plan of Arrangement pursuant to s.192 of the Canada Business Corporations Act, R.S.C. 1985, c. C-44</p>			<p>Value of Plan \$51.7B</p>	<p>4 days in Court of Appeal</p>



<p>In the Matter of the Plan of Compromise or Arrangement of AbitibiBowater Inc. and Abitibi-Consolidated Inc. et al. under the Companies' Creditors Arrangement Act, R.S.C. 1985 c, C36</p> <p><u>Role:</u> Claims Officer</p>	<p>Determination of a Claim by Woodbridge Company Limited, Woodbridge International Holdings Limited and Woodbridge International Holdings SA (woodbridge); (Filed as work sample at section G.)</p>	<p>Value of assets; value of shares; execution of contracts</p>	<p>On value of 47.5% of shares in partnership</p>	<p>\$24M</p>	<p>1 day of hearing</p>
<p>Wilmington Trust Company and Wilmington Trust Corporation v. NAV Canada</p> <p><u>Role:</u> Judge on a panel of 3 judges in the Quebec Court of Appeal Case reported at [2004] R.J.Q. 2966; Appealed to Supreme Court of Canada Judgment at [2006] 1 S.C.R. 872</p>	<p>Seizures of aircraft for failure to pay charges; Airport Transfer (Miscellaneous Matters) Act S.C. [1992], c.5, and Civil Air Navigation Services Commercialization Act S.C. 1996 c. 20</p>			<p>Total unpaid charges in Canada \$33.25M a part of which were in Quebec</p>	<p>3 days in Quebec Court of Appeal</p>

Work Samples

Please provide a written award (redacted) or decision that you have written. Files should be attached to this submission. Only .pdf or .doc files are accepted.

Please find attached the following work samples:

1. A Determination (award) I rendered on December 13, 2010 as Claims officer In the Matter of the Plan of Compromise or Arrangement of AbitibiBowater Inc. and Abitibi-Consolidated Inc. et al. regarding a claim by Woodbridge Company Limited et al. Since there was an appeal to the Quebec Superior Court (500-11-036133-094) which confirmed the Determination (August 23, 2011) there is no issue of confidentiality.



2. I also attach my reasons for judgment in the case of Wilmington Trust Company and Wilmington Trust Corporation v. NAV Canada. The case is reported at [2004] R.J.Q. 2966. The matter went to the Supreme Court of Canada and is reported at [2006] 1 S.C.R. 872. My dissenting reasons are referred to at p.903 para. 63 and following.

Transportation Specific Legislation

FOR RAIL SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar".	Response
<i>Railway Costing Regulations – SOR/80-310</i>	Not familiar
<i>Railway Third Party Liability Insurance Coverage Regulations – SOR/96-337</i>	Not familiar
<i>Railway Traffic Liability Regulations – SOR/91-488</i>	Not familiar
<i>Carriers and Transportation and Grain Handling Undertakings Information Regulations – SOR/96-334</i>	Not familiar
<i>Railway Interswitching Regulations – SOR/88-41</i>	Not familiar

Please provide details explaining how you became familiar with this material.

FOR MARINE SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Canada Marine Act – S.C. 1998, c. 10</i>	Fair
<i>Coasting Trade Act – S.C. 1992, c. 31</i>	Fair
<i>Pilotage Act – R.S.C. 1985, c. P-14</i>	Not familiar
<i>Shipping Conferences Exemption Act, 1987 – R.S.C., 1985, c. 17 (3rd Supp.)</i>	Not familiar

Please provide details explaining how you became familiar with this material.

I was counsel to the Seafarers International Union of Canada (S.I.U.) prior to 1995 and as such was then familiar with the Canada Marine Act and its predecessor, the Canada Shipping Act. I also made submissions on behalf of the S.I.U. to Government Authorities regarding Coastal Shipping and other matters involving shipping.



FOR AIR SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Air Transportation Regulations – SOR/88-58</i>	Not familiar

Please provide details explaining how you became familiar with this material.

Familiarity with Transportation and Transportation Law

Please describe your background involvement in the transportation industry or transportation law, if any.

I represented the Federal Government in a claim involving a shipbuilding contract. The Queen v. Canadian Vickers Ltd; Canadian General Electric Co. Ltd. reported at 102 D.L.R. (3a) 240 (June 20, 1979). The case was settled on the eve of the hearing in the Supreme Court of Canada. I represented the S.I.U. in cases involving shipping, the coastal trade and supply ships. I also, prior to 1995, represented foreign seamen to secure their wages on foreign flag vessels. I represented a plaintiff in a claim against Air Canada for damages pursuant to the death of her husband in the crash at Ste-Thérèse in approximately the early 1960's.

Disclosure

If you have ever worked for, been associated with, or have a current or past interest in a transportation carrier or shipper in rail, marine or air, please provide details below:

N/A

Conflict

If you OR YOUR FIRM currently represent, or have in the past represented, a carrier please advise.

I do not and have not in the past represented a carrier. I make no representations with respect to Woods LLP.

If you OR YOUR FIRM currently represent, or have ever represented, a company in a matter relating to shipment of goods, please advise.

I do not and have not in the past represented a company in a matter relating to shipment of goods. I make no representations with respect to Woods LIP.



Fees

Please provide daily and hourly rates	Response
Daily	
Hourly	\$650

Availability

How many months in advance are you booked for?

I am generally available as required.

Signed Agreement

PLEASE NOTE THAT YOUR APPLICATION IS NOT COMPLETE WITHOUT PROOF OF INSURANCE AND THE SIGNED AGREEMENT THAT YOU WILL FIND BELOW.

The information I have provided describes accurately my qualifications and experience.

I understand that:

- Roster members will be selected based on the criteria set out in this request for biographical information.
- The biographical information provided by me in this request for biographical information will appear online ON the Agency's Web site.
- Rosters and roster members may be reviewed every two years.
- Being accepted as a roster member does not guarantee that I will receive work under the *Canada Transportation Act*.
- The Canada Transportation Agency is in no way responsible for any fees, expenses or outstanding payments, all of which shall be billed by the arbitrator to the parties to any proceeding under the *Canada Transportation Act*.

If my request is accepted, I will comply with all the conditions of the program, including but not limited to the following:

- Compliance with the Canadian Transportation Agency's Code of Values and Ethics.
- Maintenance of insurance at the required level.

Please provide proof of insurance	Response
Policy number #	159094-47
Issuer	Fonds d'assurance responsabilité professionnelle du Barreau du Québec



Signed on	
in the province of	
Signature (Please sign the form digitally by typing your first and last name.)	* Signed on original copy