



## Josef Krüger KC

### Senior Counsel

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[Insolvency & Restructuring](#)  
[International Arbitration](#)  
[Commercial Arbitration](#)  
[Gas Contracting](#)

Josef focuses his practice on bankruptcy and insolvency, commercial litigation, and international arbitration.

Josef's experience includes:

- national and cross-border insolvency and restructuring
- oil and gas litigation
- the unravelling of commercial frauds
- the recovery of assets across borders
- Mareva injunctions and Anton Pillar Orders
- defending auditors' liability claims

With more than 40 years' experience in commercial litigation and insolvency law, Josef is a veteran of more than 400 trials and arbitrations. He has extensive experience arguing matters on appeal, and has acted in numerous insolvency and bankruptcy proceedings, including cross-border restructurings.

Prior to moving to Calgary in 1998 and joining one of BLG's founding firms, Howard Mackie, Josef articulated and practised for 18 years as a barrister in South Africa

Within BLG, Josef was Regional Manager of our Commercial Litigation Group from January 2007 to July 2011, and a member of our Partnership Board from 2011 to 2016.

Josef was appointed to the Insolvency Institute of Canada in 2010, and appointed King's Counsel that same year.

## Experience

- Acting for PwC in its role as Monitor regarding the Bellatrix CCAA restructuring.
- Acting for PwC in its role as Monitor regarding the Delphi Energy Corp. restructuring under the *Companies' Creditors Arrangement Act* (CCAA).
- Acting for HSBC as the Agent in representing the syndicate of banks in the Calfrac CBCA Filing. Also acting for HSBC in numerous Court applications in Alberta and Texas. And acting for HSBC in closing the refinancing.
- Acting for BMO as the agent for a syndicate of secured lenders in the Journey Energy debt restructuring.
- Counsel for the debtors in the restructuring proceedings of GasFrac Energy Services, Canadian Superior Energy Inc. and Darian Resources Ltd.
- Counsel for the Monitor in the cross-border restructurings of Walton International Group Inc., Sanjel Corporation, Mirant Corporation, Calpine Corporation, SemGroup LP, and Oil Sands Quest Inc.
- Counsel for the Monitor in Delphi Energy Corp., Bellatrix Exploration Ltd., Laricina Energy Ltd., Southern Pacific Resource Corp., Smokey River Coal Ltd., Gauntlet Energy Corp., and Victoria Park LP.
- Counsel for the Receiver in the receiverships of Lexin Resources Ltd., Tesla Exploration Ltd., Spyglass Resources Corp., Southern Pacific Resource Corp., Smokey River Coal Ltd., Integra Investments Ltd., Hartland Pipeline Services Ltd., CanEnerco Ltd., Kalta Energy Corp., Victoria Park LP and QuikJets Inc.
- Counsel for the purchaser in the restructurings of Poseidon Concepts Corp., Meadow Lake Pulp Mill and Ramparts Energy Ltd.
- Counsel for the creditors in the insolvencies of Sprague-Rosser Contracting Co. Ltd., Liberty Oil & Gas Ltd., K2 Developments Ltd., Tirecraft Group Inc., Nevada Bob's Golf Inc., Enron Canada, Chauvco Resources International Ltd., Bearcat Explorations Ltd., Stampede Oils Inc., and Skope Energy Inc.
- Counsel for counterparties in EncoreFX Inc.
- Lead counsel in trials and arbitrations in the fields of corporate and shareholder disputes, banking, insolvency, engineering, oil and gas, contractual, patent and seismic data disputes.

## Insights & Events

- Author, "OCA addresses fraudulent transfers under Bankruptcy and Insolvency Act", BLG Article, April 2022
- Author, "Decisions on secured lenders rights and remedies in 2022", BLG Article, March 2022
- Author, "Jurisdiction and broad discretion of insolvency court upheld", BLG Article, June 2021
- Author, "Is a receiver bound by an arbitration agreement?", BLG Article, June 2021
- Author, "Court of Appeal of Alberta dismisses application for leave in Bellatrix CCAA proceedings", BLG Article, March 2021
- Author, "Alberta Court of Appeal vindicates trustee in the latest Perpetual Energy decision", BLG Article, February 2021
- Author, "Receiver gets Rapped A Case Comment on Jaycap Financial Ltd v Snowdon Block", BLG Article, February 2019
- Author, "Redwater Decision", BLG Article, February 2019
- Author, "Super-Priority for Environmental Liabilities in Insolvencies - A Comment on the Supreme Court of Canada's Decision in Redwater", BLG Article, February 2019
- Author, "Gross Overriding Royalty as Interest in Land the Clear Language Conundrum Continues", BLG Article, May 2018

- Co-Chair, panel discussion on "Restructuring Distressed Businesses: Strategies for Saving Healthy Assets, Carve-Out and Divestment of Losing Assets and Recognizing the Difference", International Bar Association Conference, Washington D.C., September 2016.

## Beyond our Walls

### Professional Involvement

- Member, Canadian Bar Association (CBA); Past Chair, CBA Alberta South Insolvency Section
- Member, International Bar Association (IBA), 2000-present
- Member, American Bar Association; International Association of Insolvency, Restructuring and Bankruptcy Professionals; Canadian Association of Insolvency and Restructuring Professionals; and the Turnaround Management Association
- Appointed Member, Insolvency Institute of Canada, 2010-present

### Community Involvement

- Member, Alberta Insolvency Template Order Committee
- Member, IIC Derivatives Committee

## Awards & Recognitions

- Recognized in the 2024 edition of *The Best Lawyers in Canada*® (Corporate and Commercial Litigation and Insolvency and Financial Restructuring Law) and the 2022 (and since 2009) edition of *The Best Lawyers in Canada*® (Corporate and Commercial Litigation and Insolvency and Financial Restructuring Law).
- Recognized in the 2024 edition (and since 2018) of *Chambers Canada* (Restructuring/Insolvency).
- Recognized in the 2023 edition of *Chambers Global* (Restructuring/Insolvency).
- Recognized as "Insolvency and Financial Restructuring Law Lawyer of the Year – Calgary" in the 2019 edition of *The Best Lawyers in Canada*®.
- Recognized in the 2023 edition (and since 2021) of *The Canadian Legal Lexpert*® Directory (Insolvency & Financial Restructuring, Litigation: Corporate Commercial).
- Recognized in the 2022 edition of *Who's Who Legal: Canada* (Restructuring & Insolvency).
- Recognized in the 2022 edition (and since 2020) of *IFLR1000* (Restructuring and Insolvency)
- Recognized in the 2022 edition of *Lexpert Special Edition: Energy*
- Recognized in the 2022 (and since 2020) edition of *Lexpert Special Edition: Litigation*
- Recognized in the 2021 (and since 2015) edition of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Litigation Star: Arbitration, General Commercial and Insolvency."

## Bar Admission & Education

- Alberta, 1999
- South Africa - Barrister, 1983
- South Africa - Solicitor, 1983
- LLB, Potchefstroom University, 1980



- B.Juris, Potchefstroom University, 1978

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As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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