



Peter T. Linder, K.C.

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AREAS OF PRACTICE

Alternative Dispute Resolution

Civil Fraud and Corruption

Class Actions

Complex Corporate Commercial

Disputes

Fraud

Insolvency

Oil & Gas Litigation

Securities Litigation

ACCREDITATION

King's Counsel: 2004

Admitted to Alberta Bar: 1986

Summary

Peter is one of the founding partners of Peacock Linder Halt & Mack LLP, served as the firm's Managing Partner for over a decade and has been lead counsel on some of the most important cases to have been litigated or arbitrated in Canada over the past 35 years. He was appointed King's Counsel in 2004.

Peter's practice features an aggressive and effective approach to litigation, arbitration, and dispute resolution. Benchmark Canada describes him as "a fierce advocate with an unflinching manner in court" and notes that his style is requested in many high-stakes matters. He is ranked as one of the top 25 trial lawyers in Canada. In short, Peter helps his clients resolve difficult legal problems.

Peter has litigated major cases in complex corporate and commercial disputes, oil and gas, insolvency, civil fraud, corruption of foreign officials, constitutional law, construction, product liability, securities, insurance and employment law matters. A number of his cases have become significant legal precedents. He was appointed by the United States District Court, Central District of California, as an expert in Alberta corporate law. His achievements have been recognized by Chambers and Partners Canada, Lexpert, Benchmark Canada, The Best Lawyers in Canada, Martindale-Hubbell and Who's Who Legal Canada, and Euromoney.

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Education

- M.A. Juris, 1990, Christ Church, Oxford University
- LL.B., 1985, Dalhousie University
- B.A. Honours (First Class Honours), 1982, University of King's College/Dalhousie University
- B.A. (With Distinction), 1980, University of King's College/Dalhousie University

Recognitions and Rankings

- Euromoney's Expert Guide to the World's Leading Litigation and Product Liability Lawyers
- Benchmark Canada – Alberta Litigation Star
- Chambers and Partners Canada – ranked as a Leading Individual for Dispute Resolution
- Lexpert – US/Canada Cross Border Litigation – corporate/commercial litigation

Lexpert – Canadian Legal Directory:

- Consistently recommended
 - Litigation – Directors' & Officers' Liability
 - Litigation – Corporate Commercial
- Repeatedly recommended
 - Litigation – Commercial Insurance
- The Best Lawyers in Canada – listed since 2008; practice areas: Appellate Practice, Corporate and Commercial Litigation, Director and Officer Liability, Product Liability
- Who's Who Legal Canada – Leader in the field of commercial litigation;
- Martindale Hubbell – Peer Review Rated for Ethical Standards and Legal Ability

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Representative Experience

Peter has played a key role as counsel on some of the most important decisions to have come before the Canadian Courts over the past 30 years. As one of the top 25 trial lawyers in the country, he has extensive trial and appellate experience. He has also acted as both arbitration counsel and as an arbitrator on a number of very significant arbitral disputes.

Peter has extensive experience in litigating both domestic and international disputes. He recently obtained one of the largest damages awards ever granted by the Alberta courts in a case involving freehold oil and gas leases. He represented a natural gas producer in a series of landmark decisions concerning the ownership of coal bed methane on freehold lands in Alberta. He obtained an emergency mandatory injunction to compel a pipeline operator to allow a tie-in into its pipeline. He has advised clients on oil spills, industrial explosions and construction projects. He is frequently engaged to litigate fraud and corruption allegations. He has acted for significant stakeholders in a number of major CCAA insolvency restructurings. He acted for one of Canada's major universities in ground-breaking Charter litigation. He was appellate counsel in the largest dissenting shareholder claim to have been adjudicated by the Canadian Courts. He has acted for both public and private companies in litigating oppression and derivative claims. He was appointed by the United States District Court, Central District of California, as an independent expert in Alberta corporate law.

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Oil and Gas Litigation

- Arbitration counsel in major international and domestic oil and gas disputes.
- Counsel for a group of freeholders who were awarded one of the largest damages judgments ever awarded by the Alberta Courts in a case involving an overholding by major oil companies under freehold oil and gas leases.
- Obtained an emergency mandatory injunction to compel a pipeline operator to allow a tie-in to its pipeline to facilitate the flow of bitumen to an oil terminal.
- Counsel for a major gas producer in dispute over ownership of Coal Bed Methane (CBM) on freehold lands in Alberta.
- Counsel for major CBM Producer in series of operatorship and other disputes with joint venture partner, resulting in precedent setting cases dealing with interpretation of CAPL Operating Procedure.
- Counsel for owner of co-generation plant in dispute with major gas producer.
- Counsel for midstream operator in disputes with gas producers.
- Counsel for owners of coal interests in disputes over mining and tenure rights.
- Counsel in litigation concerning an international oil and gas Concession located in Egypt, involving an operatorship challenge and interpretation of the Concession Agreement, Farmout and Joint Operating Agreement.
- Counsel for concession holder arising out of an alleged royalty agreement and commercial arrangements in respect of an international oil and gas Concession located in the Republic of Yemen.
- Counsel for major international oil and gas company on numerous matters involving alleged environmental contamination, interpretation of Gas Plant and Processing Agreements and audit claims.

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Oil and Gas Litigation (cont.)

- Counsel for royalty holders in a lawsuit concerning the interpretation of a royalty agreement affecting over one million acres of oil and gas lands in Western Canada; issues included title, royalty deductions and point of calculation.
- Co-counsel to a major international oil and gas producer in connection with numerous cases, including multi-million dollar claims arising out of accounting practices for Carried Interest Accounts, the design and operation of pipeline metering equipment and facilities at a major Alberta oil field, and a dispute arising out of the failure to complete an option well in accordance with the terms of a Farmout Agreement for a gas field located in British Columbia.
- Co-counsel to a major oil company in connection with numerous multi-million dollar disputes relating to the Ft. McMurray oilsands; including matters arising out of the interpretation and application of royalty provisions contained in a Bitumen Sublease.
- Co-counsel to a major oil company in a case involving a development covenant and carried interest accounting in connection with gas fields located in the Yukon Territory. The Alberta Court granted an injunction against the Plaintiff restraining it from continuing with parallel proceedings brought before a foreign Court, which has become one of the leading precedents for litigants involved in multi-jurisdictional proceedings.

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Regulatory Proceedings

- Has appeared and advised clients on various regulatory matters under the jurisdiction of the Alberta Energy Regulator.
- Counsel for major gas producer in Coal Bed Methane Hearing, confirming the rights of natural gas producers to develop and produce CBM reserves from freehold lands in Alberta.
- Counsel for landowners in a hearing over an electric transmission line proposed for Central Alberta. Proceedings led to EUB being disbanded and restructured.

Insolvency

- Has appeared and advised clients on various matters involving corporations under CCAA protection, bankruptcies and receiverships.
- Counsel for a group of ten Alberta oil and gas companies holding over \$152 million of Asset Backed Commercial Paper involved in the highly contentious and precedent setting proceedings before the Ontario Courts relating to the CCAA restructuring of \$32 Billion of Canadian ABCP. The Judge described the Plan as being of unprecedented size, complexity and importance to the capital markets of Canada.
- Lead counsel for a corporation which acquired \$150 million in assets in a highly contentious CCAA bid process in one of the largest insolvencies in Canadian corporate history. The acquisition was part of a successful hostile takeover of a \$1 billion income trust. The Court rendered a series of decisions which set new legal standards for a myriad of issues under the CCAA.
- Conflicts counsel on various matters arising in connection with successful CCAA restructuring and emergence.

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Construction/Products Liability

- Counsel for owners, contractors and subcontractors in major construction disputes involving delay claims, impact damages, bonds, builder's liens, scheduling, invoicing and interpretation of construction contracts.
- Counsel for Contractor in dispute involving cost overruns exceeding \$100 million on oilsands project.
- Counsel for major manufacturer of oilsands machinery.
- Counsel for the Owner in a major case involving claims against the Contractor and Engineers arising out of alleged construction deficiencies, delay and interference and the negligent installation and design of a malting tower.
- Counsel for clients in various multi-million dollar construction matters involving, labour, material and performance bonds, builder's liens, contract disputes, delay, interference and design and negligence issues.
- Counsel for major manufacturer of industrial motors in defending allegations of negligent manufacture and design of a large electric induction motor installed in a petro-chemical manufacturing plant. The claims included damages for business interruption, repair and replacement and consequential losses.
- Counsel for oil and gas producers and a major propane supplier on matters involving various allegations of negligent design, installation and manufacture of components of industrial facilities, gas plants, transmission lines and underground storage tanks.
- Co-counsel in prosecuting claims negligent design, manufacture and fabrication of an industrial boiler, which exploded at an Alberta chemical plant.
- Co-counsel to one of Canada's largest coal companies in prosecuting claims arising out of an explosion of a coal silo which was alleged to have been caused by the negligent design and manufacture of the structure and its equipment.

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Corporate and Securities Litigation

- He was appointed by the United States District Court, Central District of California, as an independent expert in Alberta corporate law in the context of the oppression remedy.
- Acted as appellate counsel in largest claim (\$1 Billion) ever advanced in Canada by a dissenting shareholders arising out of a take-over.
- Acts for public company in advising and litigating oppression and derivative claims in context of dual class share structure, alleged conflicts of interest and attempt to take over administration of assets. Court has issued series of precedent setting decisions in favour of the corporation.
- Lead counsel in the series of cases which set a number of precedents in the areas of illegal take-over bids, contested Shareholders' Meetings, conduct and ruling of the Chairman at an AGM, treatment of proxies, service ex-juris, Special Application costs and related securities issues. Counsel in one of the seminal cases on the standard for obtaining interlocutory oppression relief under the Alberta Business Corporations Act.
- Obtained the original Oppression Order which led to the freezing of a corporation's assets and the appointment of the Receiver in anticipation of the filing of major shareholder class action suits in Ontario and the United States.
- Acted as counsel to Boards involved in responding to allegations of back-dating stock options.

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Corporate and Securities Litigation (cont.)

- Lead Counsel for a large class of investors in a case alleging breaches of the Alberta Securities Act, fraud, misrepresentation and breaches of fiduciary duty by the Promoters of a public company in connection with the issuance of over \$80 million in securities.
- Has acted as counsel and advised both shareholders and management in numerous matters involving dissident shareholders' claims, corporate governance issues, oppression, derivative actions, alleged breaches of Directors' and Officers' duties and a myriad of other corporate and securities issues.

Employment Law

- Routinely acts in advising both employers and executives on termination, severance and employment issues.
- Advises clients on employment and fiduciary duties in connection with employee mobility and competition matters.