



Mark Russell

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PRACTICE AREAS

Commercial Litigation • Restructuring & Insolvency • Alternative Dispute Resolution
• Corporate & Commercial

BIOGRAPHY

Mark is an insolvency and disputes lawyer with 15+ years experience in Canada and overseas. His practice focuses on insolvency, restructuring, fraud, and commercial disputes, particularly in the cross-border, multi-jurisdictional, or international context. He was called to the Newfoundland & Labrador bar in 2009 and admitted as an attorney in the Cayman Islands in 2016.

He regularly acts for officeholders, creditors, shareholders, partners, and other stakeholders in cross-border and local insolvency, restructuring, and litigation matters. He has litigated in the Supreme Court of Newfoundland and Labrador, the Court of Appeal of Newfoundland and Labrador, the Grand Court of the Cayman Islands, the Cayman Islands Court of Appeal, and the Privy Council. Mark has given expert evidence on foreign law to various courts in the United States, including the US Bankruptcy Court for the Southern District of New York, and federal and state courts in New York and Florida.

Mark has broad and varied industry experience with special expertise in financial services, investment funds, energy, oil and gas, mining, fisheries, marine, transportation, telecommunications, and pharmaceuticals.

In 2014 Mark completed a Master of Laws (with Distinction) with a specialization in international business law through the University of London (University College London and Queen Mary). He previously graduated from the University of Western Ontario (LLB, 2008) and Memorial University of Newfoundland (BBA, 2005).

EXPERIENCE

- Acted for a private equity fund manager in connection with disputes with limited partners on calculation of capital account balances and entitlement to fund information.
- Acted for the joint official liquidators of XIO Diamond LP, a private equity investment vehicle used in the collapsed XIO Group's US\$1B+ acquisition and divestment of JD Power & Associates.
- Acted for a publicly traded company and various subsidiaries defending a €100+ asset stripping claim brought in the Cayman Islands by an Austrian bank.
- Acted for a Shanghai-based bank on a successful application to the Cayman court for a pre-judgment freezing injunction against parties based in China and the British Virgin Islands in support of litigation in China.
- Acted for the US court-appointed receiver of a publicly traded company and successfully obtained a Cayman court order recognizing the foreign receiver, the first time a Cayman court did so in respect of a Cayman-incorporated company.

- Acted for the former CEO of a pharmaceutical company and successfully overturned the liquidators' rejection of US\$6m+ preferential debt claim on appeal to Cayman court.
- Acted for group of defendants in US\$6B+ fraud claim brought in Cayman in a year-long trial involving multiple fact and expert witnesses and weeks of legal submissions.
- Acted for various stakeholders and interested parties in the liquidation of a Class A bank in the Cayman Islands, including in litigation on misappropriation of intellectual property and lifting the automatic stay of proceedings.
- Acted for shareholder in *Smith v Hillier*, 2016 NLTD(G) 80, successfully obtaining a winding up order and the appointment of an independent liquidator following a four-day trial.
- Acted for bankruptcy trustee in *Mikan Inc v Hillier*, 2015 NLTD(G) 92, successfully asserting trustee's priority entitlement to funds paid into court.
- Acted for bankruptcy trustee in *Hoskins (Re)*, 2014 NLTD(G) 12, successfully defending the trustee's disallowance of a secured creditor's claim.
- Acted for the applicant secured creditor in *Marport C-Tech Ltd in re Bankruptcy*, 2013 NLTD(G) 149, successfully obtaining an order appointing a receiver and approving a quick-flip asset sale.

INDUSTRY RECOGNITION & AWARDS

- Listed as a "Name to Know" in the Cayman Islands by Global Restructuring Review

LANGUAGES

- English

LAW SOCIETY MEMBERSHIPS

- Law Society of Newfoundland & Labrador

BAR ADMISSION

- Cayman Islands (2016)
- Newfoundland and Labrador (2009)

LAW SCHOOL

- University of Western Ontario

PROFESSIONAL ACTIVITIES & AFFILIATIONS

- Member of the Education Committee of the Recovery and Insolvency Specialists' Association (Cayman), 2019 to 2024
- Co-Chair of the Canadian Bar Association National Insolvency Law Conference, September 2017
- Chair of the Bankruptcy and Insolvency Section of the Canadian Bar Association, Newfoundland and Labrador Branch, 2010 to 2015
- Instructor, Commercial Insolvency, Newfoundland and Labrador Bar Admissions Course, 2011 to 2015