

FALL 2023

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A QUARTERLY INDUSTRY MEMBERS NEWSLETTER

THIS MONTH'S NEWS AND UPDATES

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WINDSOR TRANSPORTATION CLUB



Leading our industry forward



LETTER FROM THE PRESIDENT

As I write this letter, it is with heartfelt gratitude that I reflect upon my five years serving as your President. It has been a journey filled with remarkable achievements, unwavering support, and a profound sense of community. Over the past year, the Windsor Transportation Club has accomplished remarkable feats. Our annual Lobsterfest event was a resounding success raising \$10,000 for Fight Like Mason!

The WTC Scholarship Golf Tournament was another highlight, providing financial support to aspiring individuals pursuing careers in transportation. It's heartwarming to know that we are helping to shape the future of our industry by investing in the education of talented young minds.

Our Awards Gala was a night of recognition, where we celebrated the contributions of individuals and organizations within our community. It was a testament to the dedication and hard work of those who continue to raise the bar in our field.

As I prepare to step down from my role as President, I want to express my profound gratitude to each and every one of you. Your unwavering support, enthusiasm, and commitment to the Windsor Transportation Club have been the pillars of our success. I am immensely proud of all that we have accomplished together during my tenure.

To the incoming Board of Directors, I extend my best wishes for the future. I have no doubt that you will continue to lead our club with dedication and vision, further strengthening our role in the transportation industry and the Windsor community. May your journey be filled with the same camaraderie, growth, and achievements that I have had the privilege to experience.

In closing, I want to say that it has been an honor and a privilege to serve as your President. I leave my role with a sense of fulfillment and a deep appreciation for the friendships and memories we have created. Thank you for allowing me to be a part of this incredible journey.

Sincerely,

A handwritten signature in cursive script that reads "Jason Primeau".

President
Windsor Transportation Club

CLUB NEWS

NOTICE OF ANNUAL GENERAL MEETING:

You are invited and asked to come to cast your vote for next year's board of directors and executive committee.

We value the contributions and participation of each of our members. To that end, we ask that you attend the meeting, and if you can't, we ask that you send in your vote by proxy or email. To vote by proxy, please authorize someone who will attend the annual general meeting to vote on your behalf and let us know by email who is your proxy. Alternatively, you can send us your vote remotely by responding to this email.

Nominations are being accepted for the positions of the board of directors, as well as the executive board, including the president, first vice president, and second vice president.

LOCATION: Spectre Financial, 3290 Jefferson Blvd, Suite 103, Windsor, ON N8T 2W8

DATE: Tuesday October 17, 2023

TIME: 5:30pm - 7:00pm



HIGHWAY CARRIER NIGHT

Join us for an enlightening presentation at "Highway Carrier Night", where we delve into the world of alternative fuels. It's crucial to explore innovative solutions to meet our energy needs sustainably and meet emissions standards. The event will feature leading experts in the field. They will share their insights, experiences and shed light on the latest advancements in alternative fuel technologies. Whether you're an industry insider, an environmental enthusiast, or simply curious about the future of transportation and energy, this is the perfect event to deepen your knowledge and be a part of the conversation.

TICKET PRICE: \$80 per Ticket

LOCATION: The Windsor Club

DATE: Thursday November 2, 2023

COCKTAILS: 5:30pm - 6:15pm

PRESENTATION: 6:15pm - 7:00pm

DINNER: 7:10pm- 9:00pm

SPONSORED BY:



PRESENTERS

Dustin Perkins
Jerry O'Neil
Cummins

NAME: _____

OF TICKETS: _____ **PHONE #:** _____

EMAIL: _____

CREDIT CARD #: _____

CVV: _____ **EXPIRY:** _____

AUTHORIZING SIGNATURE: _____

PRESIDENTS NIGHT

FORMERLY LOBSTERFEST

We are thrilled to invite you to an unforgettable evening of elegance and transition as we introduce our brand-new flagship event, President's Night, formerly known as Lobsterfest. This night will mark the symbolic passing of the torch from the outgoing President to the incoming President, celebrating continuity and innovation within our organization.

Our Seafood Platter meal will be the star of the night, and for those with different preferences, we have Chicken and Vegetarian options. With only 200 seats available, this exclusive event is guaranteed to sell out early. Don't miss your chance to be part of a night filled with prestige, delectable cuisine, and unforgettable moments.

Proceeds from the evenings event will help the next generation of transportation industry leaders by providing scholarships to deserving students pursuing careers in this field and support Fight Like Mason, a foundation dedicated to improving the lives of children battling cancer.

TICKET PRICE: \$175 per Ticket

LOCATION: Augustus 27 at Caesars Windsor

DATE: Saturday February 24, 2024

COCKTAILS: 5:30pm - 6:30pm

DINNER: 6:30pm - 9:00pm

DANCING: 9:00pm-12:00am

DINNER OPTIONS

Seafood Platter

Chicken Dinner

Vegetarian Dinner

NAME: _____

OF TICKETS: _____ **SEAFOOD** _____ **CHICKEN** _____ **VEGETARIAN**

EMAIL: _____ **PHONE #:** _____

CREDIT CARD #: _____

CVV: _____ **EXPIRY:** _____

AUTHORIZING SIGNATURE: _____



DON'T LET LAKESIDE'S BANKRUPTCY BRING YOUR RECEIVABLES DOWN

A.J. Wachna (July 14, 2023)

Section 2 of the Canada federal *Bills of Lading Act* plays a vital role in helping carriers get paid when a shipper files for bankruptcy. This article explains this law and considers the recent bankruptcy proceedings of Lakeside Produce, a Southern Ontario produce company that recently faced bankruptcy, leaving carriers to wonder if they'll get paid.

By allowing carriers to seek payment from the consignee, even if they did not specifically hire the carrier, section 2 provides carriers with a solution that many would prefer over the bankruptcy proceedings.

In bankruptcy cases, carriers often find themselves as unsecured creditors, placing them at the end of the line for collecting from the bankrupt's assets. This leaves them vulnerable to receiving little to nothing, especially if the bankrupt's assets are less than the outstanding debts. Also, pursuing payment through the bankruptcy process can be time-consuming and resource-intensive, and depletes the limited assets of the bankrupt.

However, carriers can avoid the complexities, delays, and pitfalls of bankruptcy proceedings by seeking payment under section 2 of the *Bills of Lading Act* which lets carriers obtain payment directly from the consignee of the goods, who are often not subject to bankruptcy proceedings.

By seeking payment directly from the consignee, carriers pursue a much more efficient approach which often avoids litigation altogether, and if not, can frequently be dealt with in the Small Claims Court or the streamlined Simplified Procedure in the Superior Court.

It's important to know, however, the *Bills of Lading Act* is a federal law that applies only to activity within the Federal Government's constitutional competence to govern, including international and interprovincial transportation and commerce. Other restrictions on the use of section 2 might apply.

The case of Lakeside Produce, a prominent produce company in Southern Ontario that filed for bankruptcy, exemplifies the importance of Section 2 in protecting carriers' interests. There, Lakeside's debts to secured creditors, far exceed the value of its remaining assets. Beyond the list of secured creditors, there is an even longer list of unsecured creditors.

Most of Lakeside's unsecured creditors were unpaid carriers. While it's possible unsecured carrier creditors could be paid something in the bankruptcy proceedings, the prospects are bad because secured creditors are first in line and generally entitled to have their entire accounts paid before anything is paid to unsecured creditors.

But informed carriers might not be out of luck. They should know that section 2 of the *Bills of Lading Act* may allow Lakeside's carriers-creditors to collect on their outstanding accounts directly from the consignees to whom they delivered.

So if your company hasn't been paid by a shipper client, due to bankruptcy or not, speak to your lawyer about whether section 2 will allow you to collect from the consignee.

This article is submitted for informational purposes only and should not be taken as legal advice. The only legal advice in this article is the advice to get legal advice. If you think your situation fits the law and facts described here, you might be one step closer to a solution, but it is vital that you speak with an Ontario-licensed lawyer to ensure the facts of your specific situation apply to the law discussed above.

“A.J. Wachna is a Windsor-based Transportation lawyer who assists his clients in all matters related to trucking and logistics law.”



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JOIN US

BECOME A MEMBER:

Joining the WTC you can look forward to meeting new friends, supporting our community through continued charitable sponsorship and donations along with an exciting venue of events for 2022!

Membership in Windsor Transportation Club is open and available to anyone. If you would like to learn more about becoming a member, please email **windsortransportationclub@gmail.com**

BECOME A
MEMBER



Fuel up, spend less

Cut costs in half with CNG



**“Over diesel, I’m saving
50 percent of my fuel costs.”**

Brian Wigle,
Owner, Tibbar Services Inc.

Tariq Qurashi,
Business Development
Specialist

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