



## **F. Paul Morrison**

**Partner | Toronto**

416.597.6050

paulmorrison@millerthomson.com

### **RELATED SERVICES**

Class Actions  
Commercial Litigation  
Financial Services  
Securities Litigation

### **RELATED FOCUS AREAS**

Cybersecurity

---

## **Biography**

Paul Morrison is a partner in our litigation group. He has a national reputation as one of Canada's leading counsel in complex corporate and commercial litigation, including class action litigation, securities litigation, competition litigation, insolvency litigation, professional liability, products liability and domestic and international arbitration.

Paul regularly acts on behalf of leading companies and institutions, both foreign and domestic, and has appeared at all levels of trial and appellate court, including the Supreme Court of Canada and before administrative tribunals and arbitration panels.

Paul's career has been characterized by numerous lengthy and complex trials. He has represented some of the world's most prominent institutions and corporations in litigation involving hundreds of millions of dollars. Examples include the following:

- represented The Toronto-Dominion Bank in the successful defence of a prosecution before the Competition Tribunal by the Commissioner of Competition;
- represented Leon's Furniture Limited and the Brick Limited in litigation commenced by the Commissioner of Competition;
- represented CGI Information Systems & Management Consultants Inc. in the successful prosecution of litigation relating to the computerization of Ontario's health records;
- acted for Hollinger International Inc. in highly publicized litigation against Lord Conrad Black and his affiliated companies, Hollinger Inc. and Ravelston Management Inc., arising out of alleged misuse of Hollinger International assets and funds;
- acted for one of the world's largest mining companies in heavily contested arbitration proceedings concerning extensive mining properties in Northern Ontario;
- represented the Pepsi-Cola Company in the successful defence of an action by the Consumers' Association of Canada claiming environmental damages of hundreds of millions of dollars;
- acted for Clifford Chance, the world's largest law firm, in the successful defence of an action by four Canadian chartered banks, claiming approximately \$2 billion arising out of the failure of the Canary Wharf Project in London, England;
- acted for Unilever PLC in the trial of damages arising out of the infringement of Unilever's patent by Procter & Gamble Company in the production and sale of the dryer sheet product, "Bounce". This was one of the longest patent damages trials in Canadian history and concluded shortly before the release of judgment in one of Canada's largest patent damage settlements;
- counsel for the Bank of Nova Scotia in a lengthy precedent-setting hearing before the Competition Tribunal of Canada, in the successful defence of allegations of abuse of dominant position;
- successfully represented Borealis Inc. in the defence of securities class proceedings arising out of the acquisition by Borealis of Teranet Inc.;
- represented Scotia Waterous Inc., an affiliate of the Bank of Nova Scotia, in the successful defence of multi-jurisdictional litigation arising out of the purchase of international oil and gas advisory firm Waterous & Co.;
- represented the Pepsi-Cola Company in the successful defence of a claim for approximately \$200 million by renowned Toronto lawyer Thomas Baker and related

- corporate entities;
- acted for the Ford Motor Company in contested CCAA proceedings arising out of the insolvency of the AG Simpson Group, a leading Canadian automobile parts manufacturer;
- represented RBC Dominion Securities Inc. in multifaceted litigation arising out of highly publicized multimillion dollar defalcations by the investment banker, Christopher Horne;
- represented the Canadian National Railway in a trial lasting more than one year, arising out of a massive multi-building fire in Oakville, Ontario resulting from railway operations; and
- counsel on behalf of the defence in the “test case” of allegations that the pertussis vaccine administered through public health authorities to newborn infants caused massive and permanent brain damage in children. The defence was successful at all levels, up to and including the Supreme Court of Canada.

Paul has an unparalleled reputation and experience in the defence of class proceedings. Some examples:

- represented The Toronto-Dominion Bank in the defence of class proceedings in several Canadian provinces;
- represented Sun Life Assurance Company in the defence of class proceedings by a proposed class of hundreds of thousands of holders of life insurance policies issued by Metropolitan Life Insurance Company before the acquisition by Sun Life of MetLife’s Canadian insurance business;
- represented Teranet Inc. in the successful defence of class proceedings brought on behalf of licensed land surveyors claiming copyright in plans of survey;
- represented the Government of Ontario in the defence of highly publicized class proceedings arising out of the widespread contamination of the water supply in Walkerton, Ontario that resulted in seven deaths and illness to thousands of inhabitants of the Walkerton area. He was instrumental in fashioning a unique and widely-acclaimed settlement of this complex class action;
- successfully represented BCE Inc. in the defence of two substantial class proceedings instituted by former debenture holders and by minority shareholders of BCE subsidiary, Bell Canada International Inc. (“BCI”), arising out of the implementation of BCI’s recapitalization;
- represented the National Money Mart Company in the defence of cross-Canada class proceedings based on claims of charges of interest at unlawful, criminal rates;
- represented Schering Plough Inc. in the successful defence of class proceedings alleging misrepresentations with respect to the leading sun protection product, Coppertone;
- represented Degussa AG, a leading chemical manufacturer and its affiliates, in the defence of cross-Canada class proceedings based upon allegations of a world-wide price-fixing conspiracy in the sale of vitamins for use in animal feed. This resulted in the largest settlement of its kind in Canadian class action history;
- represented the General Electric Company in the defence of multiparty class proceedings, which culminated in a comprehensive settlement, a feature of which was the issuance of the first Bar Order in the history of class actions in Canada;
- represented Clarica Life Insurance Company (now Sun Life Assurance Co.) in successfully opposing certification in a proposed class action on behalf of 240,000 policyholders claiming entitlement to premium off-set in the sale of life insurance policies;
- represented Toronto-Dominion Bank and Canada Trust Company in the successful defence of actions alleging improper charges in connection with residential mortgage prepayments;
- represented TD Securities Inc. in the defence of cross-border shareholder class actions arising out of the IPO of FMF Capital Group; and
- counsel for AirBus SA in the defence of class actions arising out of the landing mishap of Air France Flight 358 at Toronto International Airport.

## Professional achievements & leadership

Paul is recognized in all of the leading legal publications including:

- Benchmark Canada* – Litigation Star
- Chambers Global – Leading Lawyer: Dispute Resolution – Canada
- Chambers Global – Leading Lawyer: Dispute Resolution: Class Action (Defence) – Canada
- Chambers Canada – Leading Lawyer: Dispute Resolution: Class Action (Defence) –

Nationwide Canada

- Chambers Canada – Leading Lawyer: General Litigation (Commercial) – Ontario
- The Canadian Legal Lexpert Directory – Most Frequently Recommended: Litigation – Corporate Commercial
- The Canadian Legal Lexpert Directory – Consistently Recommended: Class Actions
- The Canadian Legal Lexpert Directory – Repeatedly Recommended: Litigation – Directors' & Officers' Liability, Litigation – Product Liability, and Professional Liability
- The Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada – Most Frequently Recommended: Litigation – Corporate Commercial
- Best Lawyers in Canada – Best Lawyer: Class Action Litigation, Corporate and Commercial Litigation, Director and Officer Liability Practice, Personal Injury Litigation, and Product Liability Law
- Lexpert Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada – Leading Lawyer: Litigation
- Who's Who Legal Canada – Commercial Litigation – Leading Lawyer: Litigation

Illustrations of his recognition include:

- "Paul Morrison is a 'go-to lawyer' for the most complex cases." – Who's Who Legal, 2013
- "Paul Morrison impresses with the quality, volume and significance of transactions in which he is involved. He is particularly well regarded in the areas of class actions and competition litigation." – Chambers Global, 2012
- "Don't count on Paul to be a shrinking violet in Court. If he's on a case, the other side is in for a fight." – Benchmark Canada, 2012

Paul was featured on the cover of Lexpert magazine entitled "Canada/U.S. Cross-Border Litigation" in October 2005. He was also featured on the cover of The National, the magazine of the Canadian Bar Association for March/April 1998.

He is, by invitation, an Honorary Overseas Member of the Commercial Bar Association, England and Wales (COMBAR). He is an inducted Fellow of the Litigation Counsel of America. He is a Fellow of the Chartered Institute of Arbitrators (FCIArb).

## Notable matters

- *Sheridan Chevrolet Cadillac v. T.Rad Co.*, [2018] ONSC 3786 (CanLII)
- *Dale v. The Toronto Real Estate Board*, [2018] ONSC 3445 (CanLII)
- *Zuppinger v. TSCC No. 2139 et al.*, [2018] ONSC 1371 (CanLII)
- *Zuppinger and Yan v. TSCC No. 2139 et al.*, [2017] ONSC 6771 (CanLII)
- *Keatley Surveying Ltd. v. Teranet Inc.*, [2017] ONCA 748 (CanLII)
- *Zuppinger and Yan v. TSCC No. 2139 et al.*, [2017] ONSC 5305 (CanLII)
- *Fehr v. Sun Life Assurance Company of Canada*, [2017] ONSC 2218 (CanLII)
- *Fehr v. Sun Life Assurance Company of Canada*, [2016] ONSC 7659 (CanLII)
- *Keatley Surveying v. Teranet*, [2016] ONSC 1717 (CanLII)
- *Fehr v. Sun Life Assurance Company of Canada*, [2016] ONSC 1463 (CanLII)
- *Keatley Surveying v. Teranet*, [2016] ONSC 1139 (CanLII)
- *Fehr v. Sun Life Assurance Company of Canada*, [2016] ONSC 455 (CanLII)
- *Bancroft-Snell v. Visa Canada Corporation*, [2015] ONSC 7411 (CanLII)
- *Bancroft-Snell v. Visa Canada Corporation*, [2015] ONSC 7275 (CanLII)
- *Fehr v. Sun Life Assurance Company of Canada*, [2015] ONSC 6931 (CanLII)
- *Fehr v. Sun Life Assurance Company of Canada*, [2015] ONSC 3918 (CanLII)
- *Fehr v. Sun Life Assurance Company of Canada*, [2015] ONSC 2908 (CanLII)
- *Primerica Life Insurance Company of Canada v. Financial Service Commission of Ontario*, [2015] ONSC 2651 (CanLII)
- *Keatley Surveying Ltd. v. Teranet Inc.*, [2015] ONCA 248 (CanLII)
- *Keatley Surveying Ltd. v. Teranet Inc. (Costs)*, [2014] ONSC 3690 (CanLII)
- *Fehr v. Sun Life Assurance Company of Canada*, [2014] ONSC 2183 (CanLII)
- *Keatley Surveying Ltd. v. Teranet Inc.*, [2014] ONSC 1677 (CanLII)
- *Crosslink v. BASF Canada*, [2014] ONSC 1682 (CanLII)
- *CGI Information Systems and Management Consultants Inc. v. eHealth Ontario*, [2014] ONSC 1501 (CanLII)
- *Watson v. Bank of America Corporation*, [2014] BCSC 532 (CanLII)
- *CGI Information Systems and Management Consultants Inc. v. eHealth Ontario*, [2013] O.J. No. 4416 (On Sup Ct)
- *Kang v. Sun Life Assurance Co. of Canada*, [2013] O.J. No. 2676 (ONCA)
- *Trillium Motor World Ltd. v. Cassels Brock & Blackwell LLP*, [2013] O.J. No. 1538 (On Sup

Ct)

- *Keatley Surveying Ltd. v. Teranet Inc.*, [2013] O.J. No. 1093 (On Sup Ct)
- *Kang v. Sun Life Assurance Co. of Canada*, [2013] O.J. No. 768 (ONCA)
- *Diversey Inc. v. Virox Holdings Inc.*, [2013] O.J. No. 181 (On Sup Ct)
- *Abdallah v. Sun Life Insurance Company of Canada*, [2013] ONSC 4546
- *Abdallah v. Sun Life*, [2013] ONSC 2172
- *Trillium Motor World Ltd. v. General Motors of Canada Ltd.*, [2012] O.J. No. 6176 (On Sup Ct)
- *Keatley Surveying Ltd. v. Teranet Inc.*, [2012] O.J. No. 5984 (On Sup Ct)
- *Trillium Motor World Ltd. v. General Motors of Canada Ltd.*, [2012] O.J. No. 5393 (On Sup Ct)
- *Fehr v. Sun Life Assurance Co. of Canada*, [2012] O.J. No. 2029 (On Sup Ct)
- *The Commissioner of Competition v. Visa Canada Corporation and MasterCard International Incorporated*, [2012] CACT 10 (CanLII)
- *The Commissioner of Competition v. Visa Canada Corporation and MasterCard International Incorporated*, [2012] CACT 7 (CanLII)
- *Watson v. Bank of America Corporation*, [2012] BCSC 146 (CanLII)
- *The Commissioner of Competition v. Visa Canada Corporation and MasterCard International Incorporated*, [2011] CACT 19 (CanLII)
- *The Commissioner of Competition v. Visa Canada Corporation and MasterCard International Incorporated*, [2011] CACT 18 (CanLII)
- *The Commissioner of Competition v. Visa Canada Corporation and MasterCard International Incorporated*, [2011] CACT 17 (CanLII)
- *The Commissioner of Competition v. Visa Canada Corporation and MasterCard International Incorporated*, [2011] CACT 14 (CanLII)
- *Infineon Technologies AG v. Pro-Sys Consultants Ltd.*, [2010] S.C.C.A. No. 32 (CASCC)
- *Smith Estate v. National Money Mart Co.*, [2010] O.J. No. 873 (S.C.J.)
- *Bryar Law Corporation v. Samsung Electronics Co. Ltd.*, [2010] BCSC 1661 (CanLII)
- *Pro-Sys Consultants Ltd. v. Infineon Technologies AG*, [2010] BCCA 91 (CanLII)
- *Sun Life Assurance Co. of Canada v. Metropolitan Life Insurance Co.*, [2010] O.J. No. 259 (S.C.J.)
- *Singer v. Schering-Plough Canada Inc.*, [2010] O.J. No. 5293 (On Sup Ct)
- *Singer v. Schering-Plough Canada Inc.*, [2010] O.J. No. 1243 (On Sup Ct)
- *Singer v. Schering-Plough Canada Inc.*, [2010] O.J. No. 113 (On Sup Ct)
- *Singer v. Schering-Plough Canada Inc.*, [2010] ONSC 42 (CanLII) (S.C.J.)
- *Martin v. Astrazeneca PLC*, [2009] CanLII 68476 (S.C.J. (Div.Ct.))
- *Smith v. National Money Mart Co.*, [2009] O.J. No. 2217, [2009] ONT. C.A. 455
- *Pro-Sys Consultants Ltd. v. Infineon Technologies AG*, [2009] BCCA 503 (CanLII)
- *MacKinnon v. National Money Mart Company*, [2009] BCCA 103 (CanLII)
- *Inforica Inc. v. CGI Information Systems and Management Consultants Inc.*, [2009] ONCA 642 (CanLII) (Ont. C.A)
- *B-Filer Inc. v. TD Canada Trust*, [2008] ABQB 749 (CanLII)
- *MacKinnon v. National Money Mart Company*, [2008] BCCA 292 (CanLII)
- *MacKinnon v. National Money Mart Company*, [2008] BCSC 710 (CanLII)
- *Pro-Sys Consultants Ltd. v. Infineon Technologies AG*, [2008] BCSC 575 (CanLII)
- *Apotex Inc. v. Sanofi-Aventis*, [2008] CanLII 574 (S.C.J.)
- *Smith v. National Money Mart Co.*, [2008] O.J. No. 4327, [2008] ONT. C.A. 746; [2008] S.C.C.A. No. 535
- *B-Filer Inc. v. TD Canada Trust*, [2008] A.J. No. 1397, [2008] ABQB 749 (ABQB)
- *B-Filer Inc. et autres c. La Banque de Nouvelle-Écosse*, [2007] CACT 26 (CanLII)
- *The Consumers' Association of Canada v. Coca-Cola Bottling Company et al.*, [2007] BCCA 356 (CanLII)
- *MacKinnon v. National Money Mart Company*, [2007] BCSC 348 (CanLII)
- *Waterous v. Bank of Nova Scotia*, [2007] CanLII 39767 (S.C.J.)
- *McLaine v. London Life Insurance Company*, [2007] CanLII 56527 (S.C.J.(Div.Ct.))
- *Toronto Transit Commission v. Morganite Canada Corporation*, [2007] CanLII 2811 (S.C.J.)
- *Smith v. National Money Mart Co.*, [2007] O.J. No. 2248, 57 C.P.C. (6th) 99 (S.C.J.)
- *Smith v. National Money Mart Co.*, [2007] O.J. No. 1507, 37 C.P.C. (6th) 171 (S.C.J.)
- *Smith v. National Money Mart Co.*, [2007] O.J. No. 46, 37 C.P.C. (6th) 171 (S.C.J.)
- *B-Filer Inc. et al v. The Bank of Nova Scotia*, [2006] CACT 42 (CanLII)
- *The Consumers' Association of Canada et al v. Coca-Cola Bottling Company et al*, [2006] BCSC 1233 (CanLII)
- *The Consumers' Association of Canada et al v. Coca-Cola Bottling Company et al*, [2006]

BCSC 863 (CanLII)

- *MacKinnon v. National Money Mart Company et al.*, [2006] BCCA 148 (CanLII)
- *C. and M. Holdings Limited v. Tiffany Gate Limited*, [2006] CanLII 39453 (Ont. C.A.)
- *Chandler v. Sun Life Financial Inc.*, [2006] CanLII 3272 (S.C.J.)
- *Baldwin v. Daubney*, [2006] CanLII 32901 (Ont. C.A.)
- *Arabi v. Toronto-Dominion Bank*, [2006] CanLII 17330 (S.C.J.)
- *Smith v. National Money Mart Co.*, [2006] O.J. No. 1807, 80 O.R. (3d) 81 (C.A.); [2006] S.C.C.A No. 267
- *B-Filer Inc. et al v. The Bank of Nova Scotia*, [2005] CACT 31 (CanLII)
- *AC Metal Fabricating Ltd. v. Comerica Bank*, [2005] CanLII 26707 (Ont. C.A.)
- *Consumers' Association et al v. Coca-Cola Bottling Company et al*, [2005] BCSC 1042 (CanLII)
- *MacKinnon v. National Money Mart Company et al*, [2005] BCSC 271 (CanLII)
- *B-Filer Inc. v. Bank of Nova Scotia*, [2005] ABQB 704 (CanLII)
- *Smith v. National Money Mart Co.*, [2005] O.J. No. 2660 (Ont. C.A.); [2005] S.C.C.A No. 528
- *Smith v. National Money Mart Co.*, [2005] O.J. No. 4269, 258 D.L.R. (4th) 453 (Ont. C.A.)
- *B-Filer Inc. v. Bank of Nova Scotia*, [2005] A.J. No. 1240, [2005] ABQB 704 (ABQB)
- *Vitapharm Canada Ltd. v. F. Hoffmann-La Roche Ltd.*, [2005] O.J. No. 1118, 74 O.R. (3d) 758 (S.C.J.)
- *Stetler v. Agriculture, Food and Rural Affairs Appeal Tribunal*, [2005] O.J. No. 2817 (Ont. C.A.); [2005] S.C.C.A. No. 428
- *Hollinger International Inc. v. Hollinger Inc.*, [2004] O.J. No. 3464, 11 C.P.C. (6th) 245 (S.C.J.)
- *Veltri Metal Products Co. (Re)*, [2004] O.J. No. 3211 (S.C.J.)
- *London Guarantee Insurance Co. v. Connor Clark & Co.*, [2003] O.J. No. 416 (S.C.J.)
- *Smith v. Brockton (Municipality)*, [2003] O.J. No. 959 (S.C.J.)
- *Ford v. F. Hoffmann-La Roche Ltd.* [2003] O.J. No. 868 (Ont. C.A.), 223 D.L.R. (4th) 445; [2003] S.C.C.A. No. 245
- *Shaw v. BCE Inc.*, [2003] O.J. No. 5481, [2004] O.T.C. 28 (S.C.J.); [2004] O.J. No. 3109, 189 O.A.C. 9 (C.A.)
- *Shaw v. BCE Inc.*, [2003] O.J. No. 2695 (S.C.J.)
- *1497777 Ontario Inc. v. Leon's Furniture Ltd.*, [2003] S.C.C.A. No. 506 (S.C.C.)
- *Stetler v. Agriculture, Food and Rural Affairs Appeal Tribunal*, [2003] O.J. No. 5203 (S.C.J. (Div. Ct.))
- *Bell Canada International Inc. (Re)*, [2002] O.J. No. 3254
- *Bell Canada International Inc. (Re)*, [2002] O.J. No. 3253
- *Shibley v. St. Joseph's Health Centre*, [2002] O.J. No. 2841, [2002] O.T.C. 518 (S.C.J.)
- *Delrina Corp. (c.o.b. Carolian Systems) v. Triolet Systems Inc.*, [2002] O.J. No. 676, 58 O.R. (3d) 339 (C.A.) leave to appeal to S.C.C. refused, [2002] S.C.C.A. No. 189
- *Westeinde Construction Ltd. v. Murlee Holdings Ltd.*, [2002] O.J. No. 934 (S.C.J.(Div. Ct.))
- *Vitapharm Canada Ltd. v. F. Hoffmann-La Roche Ltd.*, [2002] O.J. No. 298 (S.C.J.)
- *Toronto-Dominion Bank v. Usarco Ltd.*, [2001] O.J. No. 649, 196 D.L.R. (4th) 448 (C.A.)
- *'Williams v. Mutual Life Assurance Co.; Zicherman v. Equitable Life Insurance Co. of Canada*, [2000] 51 O.R. (3d) 54 (S.C.J.), aff'd [2001] O.J. No. 4952, 17 C.P.C. (5th) 103 (Div. Ct.), aff'd [2003] O.J. No. 1160 and 1161 (Ont. C.A.)
- *News Canada Marketing Inc. v. TD Evergreen, a Division of TD Securities Inc./Valeurs Mobilières TD Inc.*, [2000] O.J. No. 3705, 100 A.C.W.S. (3d) 45 (S.C.J.)
- *Jaworski v. Canada*, [1998] 4 F.C. 154 (F.C.T.D.); [2000] F.C.J. No. 643 (F.C.A.); [2000] S.C.C.A. No. 348 (S.C.C.)
- *Ogden Entertainment Services v. United Steelworkers of America, Local 440*, [1998], 38 O.R. (3d) 448 (C.A.)
- *Ontario New Home Warranty Program v. General Electric Company*, [1998], 36 O.R. (3d) 787 (C.J.)
- *3M Canada Co. v. Kai Li*, [1997] O.J. No. 4465 (Ont. C.J.(Gen. Div.))
- *Norsoft Consulting Group Inc. v. Pitney Bowes of Canada Ltd.*, [1997], 75 C.P.R. (3d) 373 (O.C.J. (Gen. Div.))
- *Omega Digital Data Inc. v. Airos Technology Inc. et al.*, [1997], 32 O.R. (3d) 21 (O.C.J. (Gen. Div.))
- *Applewood BMW Inc. v. S. Ligouri Investments Inc.*, [1996] O.J. 1579 (O.C.J. (Gen. Div.))
- *R. v. Home* [1996], 34 O.R. (3d) 142 (O.C.J. (Gen. Div.))
- *National Bank of Canada v. Clifford Chance*, [1996] O.J. No. 3251 (O.C.J. (Gen. Div.))
- *Dumais v. Zarnett* [1996], 30 O.R. (3d) 431 (C.J.)

- *DaCosta (Litigation Guardian of) v. Cochen*, [1996] O.J. No. 3773 (O.C.J. (Gen. Div.))
- *Lovekin v. Ontario (Minister of Municipal Affairs and Housing) et al.*, [1996], 90 O.A.C. 91 (Ont. Div. Ct.)
- *McCarthy Tétrault v. Signum Communications Ltd.*, [1995] O.J. No. 546 (O.C.J.); [1997] O.J. No. 5062 (Ont. C.A.)
- *Bakorp Management Ltd. v. Pepsi-Cola Canada Ltd. et al.*, [1994] O.J. 873 (C.J.)
- *Confederation Financial Services (Canada) Ltd. v. Zurich Indemnity Co. of Canada*, [1994] O.J. No. 2812 (O.C.J. (Gen. Div.)), [1996] O.J. No. 3041 (C.A.), [1996] S.C.C.A. 537 (S.C.C.)
- *Peat Marwick Thorne Inc. v. Kinalea Development Corp.*, [1993] O.J. No. 94 (O.C.J. (Gen. Div.))
- *Gerula v. Flores*, [1993] O.J. No. 210 (O.C.J. (Gen. Div.)); [1995] O.J. No. 2300 (Ont. C.A.)
- *Standard Trust Co. v. Mortgage Insurance Co. Of Canada*, [1992] CLB 9260, 6 B.L.R. (2d) 133 (Ont. Ct. (Gen. Div.))
- *Olson v. Gullo et al.*, [1992] CarswellOnt 535, 46 E.T.R. 98, 24 R.P.R. (2d) 148, 45 C.P.R. (3d) 423 (Ont. Ct. J. (Gen. Div.)), [1994] 17 O.R. (3d) 790, 13 D.L.R. (4th) 42 (C.A.), [1994] CarswellOnt 5606, 116 D.L.R. (4th) vii (note) (S.C.C.)
- *St. Paul's Square Inc. v. Barnett*, [1992], 37 A.C.W.S. (3d) 449, [1992] CLB 9248 (Ont. Ct. J. (Gen. Div.))
- *Third Generation Realty Ltd. v. Twigg Holdings Ltd.*, [1991] O.J. No. 2453 (Ont. Ct. J. (Gen. Div.))
- *Arthur v. Signum Communications Inc.*, [1991] CarswellOnt 376, 2 C.P.C. (3d) 74 (Ont. Ct. J. (Gen. Div.))
- *Ciarlariello v. Schacter et al.*, [1991], 76 D.L.R. (4th) 449, 5 C.C.L.T. (2d) 221 (Ont. C.A.), [1993], 2 S.C.R. 119, 100 D.L.R. (4th) 609, 62 O.A.C. 161, 151 N.R. 133, 15 C.C.L.T. (2d) 209 (S.C.C.)
- *Tsopotos (Next friend of) v. Tepperman*, [1990] O.J. No. 2339 (C.J. (Gen. Div.)), [1998] O.J. No. 1571 (C.A.)
- *Cousineau v. St. Joseph's Health Centre*, [1990] O.J. No. 2594, 49 C.P.C. (2d) 306, [1990] CarswellOnt 439 (H.C.)
- *S & A Strasser Ltd. v. Richmond Hill (Town) et al.*, [1990] 1 O.R. (3d) 243, 45 O.A.C. 394, [1990] O.J. No. 2321 (C.A.)
- *Dellelce Construction and Equipment v. Portec Inc.*, [1990] 73 O.R. (2d) 396, 21 A.C.W.S. (3d) 1203, 44 C.P.C. (2d) 165 (H.C.)
- *Bryars Estate v. Toronto General Hospital*, [1989] O.J. No. 2139 (H.C.J.), [1997] O.J. No. 3727 (C.A.)
- *Gallant et al v. Fialkov et al.*, [1989] O.J. No. 1230 (Ont. H.C.)
- *Fuhrman Autobody Ltd. v Penny Fuels Inc.*, [1989] 13 A.C.W.S. (3d) 272, [1989] CLB 4704 (Ont. Div. Ct.)
- *Schipper v. Guaranty Trust Company of Canada*, [1988] O.J. No. 491 (Ont. C.A.); [1989] O.J. No. 1010 (Ont. C.A.)
- *Rothwell v. Raes*, [1988], 66 O.R. (2d), 54 D.L.R. (4th) 319 (H.C.), [1989], 69 O.R. (2d) 62, 59 D.L.R. (4th) 319 (H.C.), [1990], 2 O.R. (3d) 332, 24 A.C.W.S. (3d) 708, 76 D.L.R. (4th) 280, (C.A.)
- *Ventin v. Ontario Assn. of Architects*, [1988] CarswellOnt 756, 29 C.L.R. 228, 28 O.A.C. 130, (Div. Ct.)
- *O'Connell v. Gelb*, [1988] O.J. 1129, 8 TLWD 817-021, 11 A.C.W.S. (3d) 115, 29 C.P.C. (2d) 124, (H.C.)
- *Budget Car Rentals Toronto Ltd. v. Petro-Canada Inc. et al.*, [1987], 45 R.P.R. 259, O.J. No. 762 (H.C.); [1989], 69 O.R. (2d) 289, 60 D.L.R. (4th) 751, 34 O.A.C. 359, 46 B.L.R. 81, 6 R.P.R. (2d) 142 (C.A.)
- *Abdool v. North American Life Assurance Co.*, [1987] O.J. No. 748 (Ont. H.C.)
- *Thom v. Goodhost Foods Ltd.*, [1987] O.J. No. 560, 17 C.C.E.L. 89, 5 A.C.W.S. (3d) 24, (Ont. H.C.J.)
- *Rivers v. Gulf Canada Ltd.*, [1986], 13 C.C.E.L. 131 (Ont. H.C.J.)
- *Glivar v. Noble*, [1985] 8 O.A.C. 60, [1985] O.J. No. 80 (Ont. C.A.)
- *R. v. Lee's Poultry Ltd.*, [1985] 17 C.C.C. (3d) 539, 7 O.A.C. 100, 43 C.R. (3d) 289, 12 C.R.R. 125, [1985] O.J. No. 4 (Ont. C.A.)
- *Pan American World Airways Inc. v. Varghese*, [1985] 15 D.L.R. (4th) 768, 49 O.R. (2d) 608 (Ont. C.A.)
- *Graham v. Persyko*, [1984] 27 D.L.R. (4th) 699 at 701, 30 C.C.L.T. 85, 55 O.R. (2d) 10 at 12, [1984] W.D.F.L. 1216 (Ont. H.C.J.) affd. [1986] 27 D.L.R. (4th) 699, 55 O.R. (2d) 10 (Ont. C.A.)

- *Chitel v. Rothbart*, [1984] 42 C.P.C. 217, [1984] O.J. No. 2238 (Ont. S.C. [Master Chambers])
- *McClintock v Prudential Insurance Co. of Canada*, [1984] 10 C.C.L.I. 117, [1985] I.L.R. 1-1853 (Ont. H.C.J.)
- *Thirty-Six Toronto Street Ltd. v. 517988 Ontario Ltd.*, [1984] O.J. No. 485, 46 C.P.C. 73, 27 A.C.W.S. (2d) 384, (Ont. H.C.)
- *Seaway Trust Co. v PSA Insurance Brokers Ltd.*, [1984] 4 O.A.C. 128, (Ont. Div. Ct.)
- *Austin and Masters Ltd. v. B.C. Tree Fruits Ltd.*, [1984] O.J. No. 382 (Ont. H.C.J.)
- *R v. Gutting*, [1983] 146 D.L.R. (3d) 751, 4 C.C.C. (3d) 1 (Ont. Ct)
- *Bate Chemical Co. v. Mosport Film Productions Ltd. (c.o.b. Mosport Park Film Productions)*, [1982] O.J. No. 469 (Ont. H.C.J.).
- *Bank of Nova Scotia v. Lynian Holdings Ltd.*, [1981] O.J. No. 1756
- *DeVuono v. Prudential Insurance Co. of America*, [1981] O.J. No. 838 (Ont. H.C.J.); [1983] O.J. No. 2477 (Ont. H.C.J.).
- *MacIntyre et al. v. Commerce Capital Mortgage Corp. et al.*, [1981] O.J. No. 3108 (Ont. H.C.J.)
- *Oakville Storage & Forwarders Ltd. v. Canadian National Railway Co.*, [1980] O.J. No. 271 (Ont. C.A.); [1985] O.J. No. 1893 (Ont. H.C.J.); [1987], 27 C.P.C. (2d) 56 (Ont. H.C.J.); [1991], 5 O.R. (3d) 1, 84 D.L.R. (4th) 326 (Ont. C.A.)
- *Armak Chemicals Ltd. v. Canadian National Railway*, [1980] O.J. No. 717; [1980] O.J. No. 3655 (ONT. CA.); [1980] 29 O.R. (2d) 259 (ONT. C.A.); [1981] 112 D.L.R. (3d) 560; [1982] 37 O.R. (2d) 713 (Ont. H.C.J.); [1982] O.J. No. 3371 (Ont. H.C.J.); [1982], 37 O.R. (2d) 713 (Ont. H.C.J.); [1983], 35 C.P.C. 189, (Ont. S. C.) affd. [1984], 48 O.R. (2d) 381, 47 C.P.C. 219, (Ont. H.C.); [1985] O.J. No. 1641 (Ont. HCJ); [1991] O.J. No. 536 (ONT. C.A.) leave to appeal denied [1991] S.C.C.A. No. 414
- *Hogar Estates Limited in Trust v. Shebron Holdings Ltd. et al.*, [1979] O.J. No. 4326 (Ont. H.C.J.)
- *Clarkson Co, Ltd. v. Canadian Indemnity Co.*, [1979] O.J. No. 4299 (Ont. H.C.J.)
- *William Frederick Marshall Consultants Ltd. v. E. Reininger & Son Ltd.*, [1978] O.J. No. 3483 (Ont. H.C.J.)
- *Shiffman v. North York (Borough)*, [1977] O.J. No. 709 (Ont. H.C.J.)
- *Shoihet v. 110 Bloor Street West Development Corp.*, 32 R.P.R. 179, (Ont. H.C.)

## Thought leadership

- “D&O Liability in M&A Transactions: The Legal Landscape in the Post-BCE Era”, September 2013
- “Preparation and Presentation of Expert Evidence – Some Tips”, Advocates’ Society/ACTL Spring Symposium, May 2012
- “Third Party Litigation Funding: An Analytical Review”, April 2013
- “Cross-Border Privilege Issues – Canada, The United States and the EU”, May 2011
- “Missing in Action: An Analysis of Plaintiff Participation in Canadian Class Actions”, Prepared for “Accessing Justice” Class Actions Conference, University of Windsor, Faculty of Law, March 2011
- “McCracken v. Canadian National Railway Co. – A Sign of Things to Come in Overtime Class Action?”, November 2010
- “Extraterritorial Jurisdiction: A Canadian Perspective”, June 2010
- “Privilege and Confidentiality Issues When Acting for Multiple Corporations”, The Advocates’ Society/American College of Trial Lawyers Spring Symposium 2009, May 2009
- “In the Cross-Hairs: Issues in the Defence of Class Actions in Canada”, Canadian Corporate Counsel Association, March 2008
- “Arbitration Clauses and Collective Proceedings in Canada: Status Still Evolving”, Osgoode Hall Law School, 4th Annual Symposium on Class Actions, April 2007
- “Confidentiality In International Investment Arbitration – A Canadian Perspective”, COMBAR – North American Meeting 2007, April 2007
- “Payment Card Compliance in Canada – Deconstructing The Latest Litigation Developments: Class Action Update”, Citi Cards Canada, February 2007
- “Payment Card Class Actions Issues, Trends and Developments”, Canadian Institute, February 2007
- “Disclosure Obligations and the Business Judgment Rule”, January 2007
- “Pension Fund Deficit Litigation: Minimizing Your Exposure”, Federated Press, Pension Law & Litigation Course, October 2006
- “Class Actions re Foreign Settlements et al.”, Lexpert/The American Lawyer 2007, October 2006

- “Arbitration Clauses and Collective Proceedings in Canada: Status Still Evolving”, COMBAR North American Meeting, 2006, June 2006
- “Insider Liability Litigation in Canada – An Overview”, Ontario Bar Association, May 2006
- “Payment and Credit Card Compliance in Canada – The Litigation and Class Action Explosion”, February 2006
- “Payment Card Class Actions Issues, Trends & Developments”, Canadian Institute – Payment Card Compliance in Canada, February 2006
- “Class Actions Against Provincial and Municipal Governments – A Survey”, Canadian Institute, February 2006
- “Class Action Litigation: Recent Developments of Importance”, Lexpert Directory, 2005
- “Cross-Border Corporate Litigation”, L’Expert Magazine, October 2005
- “Cross-Pollination in Parallel Proceedings: A Delicate Balance”, The Advocates’ Society/American College of Trial Lawyers Spring Symposium 2005: Excellence in Advocacy, 2005
- “Accessory Liability: A Canadian Perspective”, September 2004
- “Defending Class Actions: The Best Defence is a Strong Offence”, The Canadian Institute’s Fifth Annual National Forum on Litigating Class Actions, September 2004
- “Changing the Course of the Case – Don’t Count On It”, The Advocates’ Society 40th Anniversary Symposium, (co-sponsored with the American College of Trial Lawyers, March 2004
- “When Food Products are the Target of Litigation”, National Forum Food Safety and Security Ensuring Product Integrity in the Marketplace, February, November and December 2004
- “Coping With Complex Medical Evidence”, January 2004
- “Privacy v. The Public Interest: Recent Developments in Securities Law”, January 2004
- “The Rise and Possible Demise of the National Class in Canada”, Inaugural Edition of the Canadian Class Action Review December 2003
- “Caught in the Net: Evidentiary Considerations in the Regulation of Securities Markets”, November 2003
- “Browne v. Dunn and Similar Fact Evidence – Isles of Change in a Calm Civil Evidence Sea”, Law Society of Upper Canada Special Lectures, May 2003
- “Financial Institutions in Canada’s Class Action World”, Insight Information Co. – Banking Litigation: Liability Risks and Effective Solutions for Financial Institutions, November 2002
- “Municipality’s Claim for Unpaid Property Taxes Trumps Secured Claims in a Receivership”, January 2002
- “Inter-Jurisdictional Issues in Securities Litigation: Legal and Tactical Considerations”, Canadian Institute Conference on Securities Litigation, November 2002
- “Class Action Certification in The Supreme Court of Canada – The Trilogy”, Class Actions – The Litigators’ Conference and Osgoode Professional Development Plan, January and April 2002
- “Municipality’s Claim for Unpaid Property Taxes Trumps Secured Claims in a Receivership”, January 2002
- “Looking to the Top: Board Accountability for Compliance Programs”, Federated Press, Corporate Compliance Course, March 2001, January 2002
- “Fundamental Basis of the Bank/Customer Relationship” October 2001
- “Ontario Court Refuses to Certify Class Proceedings in Premium Offset Litigation”, Corporate Litigation, July 2001
- “What to do on Discovery of Illegal Activity”, Corporate Compliance Course – Federated Press, March 2001
- “Pre-Certification Strategies: Issues and Angles”, Advocates’ Society Programme on Class Actions, May 2000
- “Court Approves First-Ever “Bar Order” in Canadian Class Action Settlement”, 2000
- “Injunctions to Restrain Misappropriation of Trade Secrets”, CBAO, Institute on Continuing Legal Education, June 1999
- “Good Faith in Contract Performance: An Emerging Doctrine?”, CBAO, Continuing Legal Education, May 1999
- “Disclosure Dilemmas and the Role of Counsel in Commercial Litigation: Selected Topics” Commercial Bar Association of England, April 1999
- “Tactical Issues in Year 2000 Litigation” L’EXPERT, February 1999
- “Emerging Tactical Issues in Banking Litigation”, The Canadian Institute, 4th Annual Forum on Banking Litigation, February 1999
- “Emerging Tactical Issues in Banking Litigation” 4th Annual Forum on Banking Litigation, Canadian Institute, February 1999
- “Protecting Corporate Property – The Interlocutory Injunction and Related Remedies”,



January 1999

- “Tactical Issues in Year 2000 Litigation” L’EXPERT, October 1998
- “Jurisdictional Issues in Cross-Border Litigation” American Bar Association Annual Meeting, August 1998
- “Establishment of Jurisdiction in Canadian Courts”, American Bar Association, August 1998
- Ethics in Commercial Litigation — Current Issues”, May 1998
- “Ethical Issues in Commercial Litigation” Commercial Bar Association of England, May 1998
- “Managing the Patient with CAD: Medico-Legal Considerations” Integrated Health Care, May 1998
- “Illegal Activity and Corporate Compliance”, Federated Press, February 1998
- “Shareholders Agreements and Disagreements – the Litigator’s Perspective”, Insight Direct Learning, May 1997
- “Motion Presentation in Canadian Courts”, (Commercial Bar Association of England, April 1997
- “Principles of Damages in Banking Litigation”, 2nd Annual Forum on Banking Litigation, Canadian Institute, March 1997
- “Recent Developments in Trust Law in Canada”, Commercial Bar Association of England, June 1996
- “Coping with Complex Medical Evidence”, Insight Conference, March 1996
- “Issues in Competition and Criminal Law”, CBC Television Business World, January 1995
- “Leading the Expert Witness”, Annual Meeting Canadian Bar Association, August 1994
- “How to Deal with Fraud and Letters of Credit”, Canadian Institute, April 1994
- “The Defence Perspective in Fetal Distress Cases”, Insight Conference, December 1993
- “Issues in the Law of Medical Liability”, Telemedicine Conference, October 1993
- “Medical Issues in Products Liability”, Canadian Bar Association, November 1992
- “The Law of Economic Loss”, Canadian Bar Association, November 1992
- “The New Limitations Act of Ontario”, Advocates’ Society Fall Conference, October 1992
- “Liability Insurance Coverage — Claimant’s Perspective”, June 1991
- “Insurance Coverage Disputes”, Insight Conference, June, 1991
- “Fraud and Letters of Credit”, Canadian Institute, June 1991
- “Fraud and Letters of Credit”, Insight Conference, May 1991
- “Duties of the Diligent Director”, Institute for International Research, July 1990
- “Core Duties of Directorship”, Institute for International Research, January 1989
- “Developments in the Law Relating to Agreements of Purchase and Sale” Canadian Bar Association, 1988
- “Proving Damages in Real Estate Litigation”, Canadian Bar Associations, 1988
- “Remedies in Real Estate Litigation”, Canadian Bar Association, 1987

## Community involvement

Paul was a special lecturer in Trial Advocacy at the Faculty of Law, University of Toronto, from 1982 to 1993. He regularly appears as a speaker or instructor at seminars and conferences on litigation-related topics and has authored numerous publications, including a chapter on fiduciary duties of directors and officers in *Directors’ and Officers’ Duties and Liabilities in Canada* (Butterworths), and a chapter in *Defending Class Actions in Canada* (CCH).

Paul served for 12 years as the appointee of the Attorney General on the Class Proceedings Committee of Ontario. He serves as a Co-Chair of the University of Toronto Discipline Tribunal. He is a past member of the Board of Directors of the Advocates Society and was co-chair of its Civil Litigation Task Force. He is the immediate past-President of the University of Toronto Law Alumni Association. He is a member of the Board of Directors of the Toronto Rehabilitation Hospital Foundation.

## Bar admissions & education

- Ontario Bar, 1977
- Alberta Bar, 1982
- LL.B., University of Toronto, 1975
- B.A. (cum laude) Honours in Economics, University of Pennsylvania, 1972