



## Sam De Caprio

Partner | Vaughan, Markham

905.532.6616

sdecaprio@millerthomson.com

### RELATED SERVICES

Construction Litigation

Shareholder Disputes

Tax Disputes Resolution

### RELATED INDUSTRIES

Construction and Infrastructure

---

## Biography

Sam De Caprio is an experienced lawyer with significant trial and commercial arbitration experience. He is an accomplished and respected litigator.

Sam represents clients involved in proceedings before the Ontario Courts and has done so for over twenty years. He acts for clients involved in complex business disputes including shareholder disagreements and breach of contract cases. He is frequently retained to act on construction-related project claims and a wide range of fraud and breach of trust cases. As part of his overall focus on business and commercial law disputes, Sam maintains an active tax litigation and dispute resolution practice committed to defending the interests of individual taxpayers, corporations and their officers and directors.

Sam's practice areas include:

- Corporate, shareholder and partnership disputes
- Directors liability claims
- Construction Act litigation
- Creditor and Debtor disputes
- Bankruptcy and Insolvency matters
- Tax litigation and dispute resolution
- Real estate, and mortgage enforcement litigation
- Commercial leasing disputes
- Provincial Offences Act prosecutions
- Franchise Litigation
- Negligence claims
- Appeals before the Ontario Court of Appeal and Divisional Court
- Commercial Arbitrations
- Mediations

## Professional achievements & leadership

- *The Best Lawyers in Canada*, Corporate and Commercial Litigation, 2020
- *The Canadian Legal Expert Directory*, Litigation – Corporate Commercial, 2019

## Notable matters

During the course of his career Sam has been counsel to clients in a number of reported cases including:

- *Vigin G.F.R. Holdings Ltd. v. Kinder Care*, 2018 ONSC (Ont. S.C.J).
- *Ahmad v. 1288124 Ontario Inc.*, 2012 Carswell Ont 3531.
- *Korea Data Systems Co. v. Chiang*, 2010 Carswell Ont 9636.
- *Kimvar Enterprises Inc., Re.*, 2009 Carswell Ont 666.
- *Rizmi Holdings Limited v. Vaughan (City)*, 2009 Carswell Ont 2876.
- *Geranium Corp. v. Brasseur*, 2008 Carswell Ont 5553.
- *Kimvar Enterprises Inc. v. Nextnine Ltd.*, 2010 Carswell Ont 2539.
- *Kimvar Enterprises Inc. v. Simcoe (County)*, 2008 Carswell Ont 6530.

- *Huron-Wendat Nation v. Ontario (Municipal Board)*, 2008 Carswell Ont 968.
- *Alternate Energy Corporation v. Rothman*, 2007 Carswell Ont 7119.
- *Goodman v. Rumm*, 2007 Carswell Ont 5830.
- *SAAN Stores Ltd./Magasins SAAN Ltée, Re* 2005 Carswell Ont 1482.
- *R. v. Ontario Realty Corporation*, 2004 Carswell Ont 6604.
- *Robson, Re*, 2002 Carswell Ont 1040.
- *C.C. Petroleum Ltd. v. Allen*, 2002 Carswell Ont 2375.
- *Jones v. Parry Sound West Home for the Aged*, 2002 Carswell Ont 4313.

## Thought leadership

Sam is committed to continuing legal education, and helps train young lawyers in the area of trial advocacy. He has lectured on forensic accounting and the Law at Osgoode Hall Law School, and participated as an instructor at the University of Toronto in the Department of Investigative and Forensic Accounting (DIFA Program). Sam is active in various educational training courses focused on Canada/U.S. trial practice and procedure, and helps mentor young lawyers practicing civil and commercial litigation.

Sam is committed to practice innovation and new developments in technology and the law. He helped develop and implement ISO standard designations for the provision of legal services. As part of this initiative, Sam served as an ISO compliance auditor focused on file management protocol and procedure.

## Community involvement

Sam is actively engaged in youth sports and volunteers his time as a Boys Junior Hockey Coach with the GTHL. Sam is also involved in charitable fundraising, is an advocate for the elderly and a patient representative at a local area hospital.

## Professional memberships

- The Law Society of Ontario
- The Advocates' Society
- The Ontario Bar Association
- The Canadian Bar Association
- The Canadian Tax Foundation

## Bar admissions & education

- Ontario Bar, 1997
- LL.M., Osgoode Hall Law School, York University, 2001
- LL.B., University of Ottawa, 1995
- B.A., York University, 1992
- CICA In Depth Tax Program (Canadian Institute of Chartered Accountants), 1990