



John J. Chapman

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Biography

John Chapman's practice is in corporate and commercial litigation, and includes contract disputes, real estate litigation, shareholder remedies, fiduciary obligations, insolvency and class actions.

John has appeared before all levels of trial and appellate courts and before domestic and international arbitral tribunals. A significant percentage of his practice is in the Ontario Commercial Court. He has also represented members of the National Hockey League in salary arbitrations with their players.

He has successfully acted as lead counsel on multi-million dollar disputes, which have included: the supply of defective equipment in an Australian zinc refinery; cost overruns and delays in a hazardous waste decontamination project; litigation surrounding the closure of major anchor supermarket tenants in retail malls; the restructuring of a major beverage manufacturer plagued by highly acrimonious shareholder relations; delay and deficiency claims pertaining to gas co-generation facilities; failed automotive joint ventures; the enforcement of security by major Canadian financial institutions; and mass investor frauds.

Many of his cases involve the need to organize complex financial, technical or scientific facts so that they can be properly understood by the court.

Given his experience with such diverse and complex litigation matters, he is comfortable working with clients to create and monitor litigation budgets and in using technology to minimize litigation costs where possible.

John has written many articles on topics encountered in complex commercial litigation published in leading Canadian law journals.

Professional achievements & leadership

- *The Best Lawyers in Canada* - Corporate and Commercial Litigation, 2018 - 2024
- *The Canadian Legal Lexpert® Directory*, Corporate Commercial Litigation, 2013 - 2015, 2017 - 2019, 2021-2022

Notable matters

- *Wilfred v. Dare* 2017 ONSC 1633 (successful defence of oppression

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remedy claim seeking share buyout of \$55 million).

- *City of Oshawa v. Hazco Inc.* (2014) (recovery in excess of \$5 million after lengthy arbitration involving environmental site remediation work)
- *Frank v. Farlie, Turner & Co.*, 2012 CanLII 57561 (ON SC); 356 D.L.R. (4th) 540 (case establishing punitive damages not available for statutory claim under *Securities Act*)
- *Romspen Investment Corporation v. Woods Property*, 2011 ONCA 817; 346 D.L.R. (4th) 273 (priority of ground lease in insolvency)
- *The Economical Insurance Group v. Andrus et al.*, 2011 ONSC 2184; 84 B.L.R. (4th) 289 (proxy contest involving mutual insurance company)
- *Bank of Montreal v. Carnival National Leasing*, 2011 ONSC 1007 CanLII; 74 C.B.R. (5th) 300 (appointment of court receiver)
- *R.J. Zayed v. Cook*, (2009) 62 C.B.R. (5th) 114 (recognition of SEC receivership)
- *Iovate Health Sciences v. NxCare Inc.*, [2007] O.J. No. 4498 (order striking statement of claim in confidential information action)
- *1175777 Ontario Inc. v. Magna International Inc.*, [2006] CanLII No. 39907; appeal dismissed [2008] O.J. No. 1991 (successful defence after 16 day trial of action in which over \$20 million was claimed for breach of an alleged lease)
- *Neste Canada Inc. v. Reichhold Ltd.*, [2005] O.J. No. 3572 (35 day trial involving the recovery of \$5.93 million in case involving alleged soil and groundwater contamination at a formaldehyde plant in the Province of Quebec.)
- *Seed v. ING Halifax Insurance*, [2005] 78 O.R. (3d) 481 (Div. Ct.) (review of arbitrator's award)
- *Re AT&T Canada Inc.*, [2003] O.J. No. 5086 (equitable subordination of shareholder claims)
- *Re Air Canada*, [2003] O.J. No. 5525 (impact of restructuring on aircraft lease arrangements)
- *Haskett v. Equifax Canada Inc. et al*, [2003] 63 O.R. 3d 577 (Ont. CA) (class proceeding)
- *Despault v. King West Village*, [2001] O.J. No. 2933 (successful application for class certification)
- *1175777 Ontario Limited v. Magna International et al* (2001), 200 D.L.R. (4th) 521 (Ont. C.A.) (pleadings motion with respect to adding a claim against the chairman of board of auto parts manufacturer)
- *Jason Woolley v. Buffalo Sabres* (1999) (player's salary request of \$2.05 million, Club offer of \$800,000; award of \$950,000)
- *Isgaard International Corp v. Citibank Canada* (1997), 46 C.B.R. 210 (successful defence of improvident sale claims; damage of \$15 million claimed)
- *McKinlay Transport v. MTIRB* (Ont. Gen. Div., Feb. 13, 1996) (successful defence of conspiracy action after 30+ day trial)
- *Ensco Inc. v. M.O.E.E.* (R.E. Holland arbitration, March, 1995) (environmental matter - recovery of \$5.4 million by contractor after 30+ day hearing)
- *Chatham Centre Mall Ltd. v. A&P Canada* (1994), 40 R.P.R. (2d) 124 and 566719 Ontario v. New Miracle Food Mart (1994), 41 R.P.R. (2d) (successful defences of specific performance claims brought by landlords)
- *Bakorp Management v. Pepsi-Cola Canada and Crown Cork & Seal Canada Ltd.*, [1994] O.J. No. 873 (summary judgment dismissing \$200 million claim against can manufacturer)

Thought leadership

- Am I My Partner's Keeper?, The Canadian Bar Review, 2015
- The Protective Shield in a High Stakes Game, Lawyers Weekly, 2013
- New Tool has Historic Pedigree – Time for Class-Action Lawyers to Brush up on Ye Olde Statute of Monopolies?, The Lawyers Weekly, 2013
- Waiver of Tort: a Judicial Cri de Couer for Certainty, Lawyers Weekly, 2012
- Where the Buck Stops in Fraud Cases, Lawyers Weekly, 2012
- Uncertain Future for Class Fund, Lawyers Weekly, 2012
- Professor Take the Stand, Lawyers Weekly, 2011
- Rethinking Class Action Settlements, Lawyers Weekly, 2011
- Non-Traditional Claims for Privilege, The Advocates Quarterly, 2011
- Tax Accountant Privilege, Lawyers Weekly, 2010
- Eight (Unanswered) Questions on the New Limitations Act, The Advocate's Quarterly, 2008
- Institutional Activism: Current Trends and Emerging Legal Issues, 44 Canadian Business Law Journal, 2007
- Class Proceedings, Gains-based Claims and Deterrence, Canadian Class Action Review, 2007
- Limitations Act Implications: Ford Motor Co. of Canada v. OMERS, The Advocate's Quarterly, 2004
- Joinder of Corporate Directors, Officers and Employees, The Canadian Bar Review, 2001
- An Alternative to Common Law Misrepresentation Claims, Selected Topics in Corporate Litigation: Proceedings of the 7th Queen's Annual Business Law Symposium (Kingston, ON: Queen's University), 2000
- Mistake, Sharp Practice, Equity and the PPSA, The Canadian Bar Review, 1999
- Sharper Than a Serpent's Tooth: Estate Freezes Thirty Years Later, Estates and Trust Journal, 1996
- Corporate Oppression: Structuring Judicial Discretion, The Advocates Quarterly, 1996
- Judicial Scrutiny of Domestic Commercial Arbitral Awards, The Canadian Bar Review, 1995
- Class Proceedings for Prospectus Misrepresentations, The Canadian Bar Review, 1994

Bar admissions & education

- Ontario, 1983
- LL.B., University of Toronto, 1981
- B.Sc. Mathematics, Queen's University, 1979