



## **Patrick D. Fitzpatrick**

**Partner | Calgary**

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## **Biography**

Patrick Fitzpatrick practices in dispute resolution and business law. His dispute resolution practice involves contractual disputes, intellectual property litigation, shareholder and partnership litigation, employment law, oil and gas litigation, insolvency and restructuring, and various other civil and commercial litigation matters. His business law practice includes acting as external general counsel to certain businesses, as well as acting for purchasers and vendors in sales of businesses such as professional practices.

Mr. Fitzpatrick has appeared as counsel in the Alberta Court of Appeal, Alberta Court of King's Bench, Alberta Court of Justice, Manitoba Court of Appeal, Manitoba Court of King's Bench, Federal Court (Trial Division) and the Tax Court of Canada. In 1992-1993, Mr. Fitzpatrick was a law clerk at the Supreme Court of Canada. In 1998-2000, Mr. Fitzpatrick was a part-time Sessional Instructor at the University of Manitoba Faculty of Law.

Mr. Fitzpatrick received a Bachelor of Arts (Honours) from the University of Winnipeg in 1987, and a Bachelor of Laws from the University of Manitoba in 1990. He was gold medalist of the University of Manitoba Faculty of Law's 1990 graduating class. Mr. Fitzpatrick was called to the Manitoba Bar in 1991, and to the Alberta Bar in 2001. He practised law in Winnipeg until moving to Calgary in 2000, thereafter practised with the Calgary office of a national law firm for several years, and joined a local Calgary business law firm in 2005. Mr. Fitzpatrick joined Miller Thomson LLP in 2018.

## **Professional achievements & leadership**

- *Benchmark Canada*, Litigation Star, 2023 - 2024

## **Notable matters**

### **Commercial Litigation**

- *3058354 Nova Scotia Co. v. On\*Site Equipment Ltd.*, 2009 ABQB 741, affirmed 2011 ABCA 168, leave to appeal refused [2011] S.C.C.A. No. 373. Represented minority partner in successful litigation with majority partner;
- Acted, and presently act, as counsel in numerous other partnership disputes and shareholder disputes;
- Part of counsel team for contractor in a lengthy commercial

## **RELATED SERVICES**

Commercial Litigation  
Intellectual Property  
Labour & Employment  
Restructuring & Insolvency  
Shareholder Disputes

- arbitration regarding an industrial plant expansion;
- Acted, and presently act, as counsel in a number of oil and gas disputes;
- Acted as defence counsel in a claim for alleged patent infringement in certain oil and gas operations;
- Acted as counsel in trademarks disputes;
- Part of counsel team for Apotex in *Apotex v. Novopharm* litigation regarding lovastatin;
- Presently act as counsel for former contract staff in complex litigation with a major pipeline company.

### **Employment Law**

- Have acted for numerous employees, and for numerous employers, in various employment termination matters, including: advising employers on just cause for termination and reasonable notice in absence of just cause; drafting termination documents; drafting resignation agreements; drafting or negotiating terms of releases; acting for employees or for employers in wrongful dismissal court actions as well as in human rights complaints; advising employees on proposed termination packages or resignation packages;
- Advising employers on discipline other than termination, and on progressive discipline, as well as drafting disciplinary letters;
- Drafting employment agreements and restrictive covenants;
- Advising and/or litigating as to numerous alleged post-employment breaches of confidence or breach of fiduciary duty. These engagements have at times involved acting for a former employer, or for a new employer, or for the employee in question;
- Advising on employment law matters in purchase and sale of corporations or business assets, and drafting related documents;

### **Professional Liability**

- Acted for underwriters in claim by investors for alleged negligence and misrepresentations in a corporate financing;
- Acted as defence counsel for a television network and journalists, in a claim by a lawyer for defamation;
- Acted as counsel in a dispute between professional regulatory bodies;

### **Insurance Litigation**

- Acted as defence counsel in a number of Alberta personal injury occupier's liability claims, and have recently been engaged for defence of new claims;
- Acted as defence counsel in a defamation action against an elected official, via a defence funding program provided by the elected official's level of government;
- Acted as defence counsel in a number of Alberta motor vehicle personal injury claims;
- Acted as defence counsel in a number of commercial litigation matters, pursuant to general liability insurance coverage;
- Acted as counsel for a security company in defence of an action alleging assault and false imprisonment;

### **Insolvency and Restructuring**

- Acted as counsel to secured creditor Rothwell Development Corporation, in relation to the receivership of Sydco Energy Inc.;
- Acted as counsel for creditors in numerous bankruptcy and insolvency matters;
- Acted as counsel for a debtor in bankruptcy protection proceedings.

### **Thought leadership**

- Instructor, Motions chapter, Canadian Centre for Professional Legal Education (CPLED) Bar Admission Course, on various occasions

- Speaker, “Corporate and Partnership Divorces: Techniques & Tips,” Canadian Bar Association Continuing Legal Education seminar, September 30, 2014
- Panelist, “Opening the Closed Mind: Effective Advocacy Tools for Savvy Litigators,” Canadian Bar Association Continuing Legal Education, May 26, 2016

## **Community involvement**

- President, McCall Lake Men’s Club. (MLMC is a men’s golf club, whose members play Sunday mornings at a City of Calgary public golf course in Calgary.)
- Former Chair of the Board of Directors of the CanLearn Society for Persons with Learning Difficulties
- Former Director of Autism Calgary Association
- Former Director of Winnipeg Crime Stoppers
- Former Director, Treasurer and Honorary President of the Manitoba Youth Parliament

## **Professional memberships**

- Member, Canadian Bar Association

## **Bar admissions & education**

- Manitoba, 1991
- Alberta, 2001
- B.A. (Hons.), University of Winnipeg
- LL.B., University of Manitoba