

# James Zibarras

## Partner

### Toronto

#### OFFICE

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## Industries & Expertise

### EXPERTISE

Appellate Law | Commercial Litigation | Arbitration & Mediation

## Biography

### BAR ADMISSION

Ontario, 2004

California, 2000

British Columbia, 1998

### EDUCATION

- Bachelor of Laws, University of Victoria, British Columbia, 2003
- Bachelor of Commerce, University of Witwatersrand, South Africa, 1997

James Zibarras, a well-regarded trial and appellate lawyer with a wealth of experience across Canada and the U.S., crafts litigation strategies that are both effective and cost-conscious for his clients. James is a seasoned lawyer with decades of experience in fraud cases, with a focus on urgent civil remedies like asset freezing, civil search and seizure, and third-party disclosure. He is known for securing decisive outcomes in fraud, anti-counterfeiting, and contractual disputes, and frequently represents clients in appeals. James's courtroom

experience and commitment, including pro-bono work for fraud victims, make him a trusted choice for complex legal matters.

A sought-after speaker, especially on fraud-related matters and litigation strategies, James's knowledge and experience shine through in his dynamic presentations and noteworthy contributions to legal education.

James is an active member of various legal associations and has received notable recognition in directories for his litigation prowess. Serving as a Deputy Judge of the Ontario Superior Court part-time for several years, James has garnered respect for his work within legal circles and beyond.

## Industry involvement

### Recognition

- *The Canadian Legal Lexpert Directory* – Litigation – Corporate Commercial, 2023-2025
- *Benchmark Litigation Canada*, Litigation Star, 2024-2025
- Deputy Judge of the Ontario Superior Court (presides on a part-time basis), 2012-2024

### Thought leadership

- Instructor at the University of Toronto Law School, Trial Advocacy program, since 2004
- Regular speaker for The Advocates' Society including on the following topics:
  - A Trial from A to Z
  - Effective Discoveries
  - Evidence for Litigators
  - Examination in Chief
  - Powerful Cross-Examination
  - React Like a Pro
  - Ready, Set, Litigate
  - Trials Without Tribulations
  - Winning Through Cross-Examination
- Regular speaker at various Fraud Conferences, including on the following topics:
  - *Anton Piller* orders and other extra-ordinary Civil Remedies
  - Contempt orders
  - Cyber Fraud
  - Fighting Fraud in the Public Sector

- Security for Costs Motions
- The Importance of Civil Remedies in Fraud Matters

## **Notable Matters**

- In 2014, James successfully argued *Voltage Pictures v. John Doe* (2014 FC 161), one of the leading Federal Court cases on identifying copyright infringers by using their internet protocol (IP) addresses.
- In 2014 and 2017, James was successful in using the civil contempt remedy to send two fraudsters to jail for 3 months and 6 months respectively (see *Valani v. Garrick and Scheckel v. Walker*) for failing to comply with Court orders requiring them to account for millions of dollars they fraudulently stole from their respective victims, one being Canadian and one being from the United States.
- In 2017, in *2092280 Ontario Inc. v. Srimoorthy Pathamanathan et al.*, James successfully argued the first ever ex parte appeal in Ontario, which remedy James created so as to preserve the element of surprise when bringing motions for Mareva injunctions and other extra-ordinary civil remedies.
- *2092280 Ontario Inc. v. Srimoorthy Pathamanathan et al.* – Successfully obtained leave to argue the first ex parte appeal in Ontario. The appeal related to important aspects of Mareva Injunction relief.
- *Voltage Pictures LLC v. John Doe* – Obtained the first order by a Canadian Federal Court requiring an ISP to disclose the identity of 2000 of its customers who downloaded Voltage's copyrighted films.
- *Storm Capital Corporation v. Advanced Explorations Inc.* – Represented the plaintiff in enforcing a multi-million dollar finder's fee agreement against a large mining company.
- *Glass et al. v. Pronorth Transportation Inc.* – Represented founding shareholder in multi-million dollar shareholder dispute and shareholder oppression action.
- *DIRECTV, Inc., Bell ExpressVu and Echostar v. John Doe* – Acted on behalf of DIRECTV, Inc., Bell ExpressVu, and EchoStar Satellite Corporation in numerous enforcement proceedings involving manufacturers, distributors, and customers of illegal piracy hardware/software for satellite signal theft. Obtained and executed numerous Anton Piller orders across Canada, resulting in the seizure of hundreds of thousands of illegal products and business records, and the shutdown of numerous websites.
- *Canadian National Railway v. Mohawks of the Bay of Quinte First Nations* – Obtained injunctions on behalf of CNR to compel members of the Bay of Quinte Mohawks to remove blockades obstructing a vital rail corridor in Ontario. The blockades were in sympathy for First Nation land claim protests in Caledonia.
- *Bank of Nova Scotia v. Richard Vero* – Obtained injunctions on behalf of BNS enjoining communications with the BNS Board of Directors and the distribution of written materials referencing BNS or its employees.
- *Valani v. Garrick* – Obtained a three month term of imprisonment for civil contempt of Court against a Judgment Debtor who refused to make full and complete financial disclosure.
- *Scheckel v. Walker* – Obtained a six month term of imprisonment for civil contempt of Court against a fraud defendant who refused to make full and complete financial disclosure.

- *Ameritrust Mortgage Company v. John Doe* – Acted as Canadian counsel on behalf of Ameritrust in proceedings arising out of a fraudulent telemarketing scheme.
- *Indcondo v. Cave Hill Properties Ltd. et al.* – Pursued a \$10 million breach of contract and fraudulent conveyance claim stemming from a share-purchase transaction and failure to pay outstanding promissory notes.
- *Agway v. Venture Steel Inc.* – Defended a multi-million dollar breach of contract dispute.
- *BMW v. North York Chrysler et al.* – Pursued multi-million dollar fraud and breach of fiduciary duty claims on behalf of BMW.
- *West Van Inc. v. MNK Leasing et al.* – Pursued multi-million dollar claims for fraud, interference with contractual relations and breach of fiduciary duties.
- *Geoprospects et al. v. Falconbridge Limited* – Successfully defended a US\$50 million claim for alleged misuse of confidential mining information relating to vast areas in the Far East of Russia.
- *Oppenheimer & Co. Inc. v. Blue-Dot Consulting Inc.* – Involved in multi-million dollar breach of contract lawsuit on behalf of a brokerage house in New York that required urgent injunctive relief and involved complex commercial litigation issues.
- *Stewart Title Guaranty Company v. Marek* – Acted on behalf of Stewart Title in two related fraud and misappropriation of trust funds actions.
- *Applied Materials, Inc. v. BigMouth* – Successfully mediated a breach of contract claim on behalf of Applied Materials. The action related to Applied's \$5 million "Information for Everybody" ad campaign.

## **Memberships & affiliations**

- Association of Certified Fraud Investigators
- Hellenic Canadian Lawyers Association
- The Advocates' Society
- Ontario Bar Association
- British Columbia Bar Association
- Deputy Judges Association
- American Bar Association
- California State Bar Association