



## CIVIL LITIGATION UPDATED 2017

“MONT STE. TREMBELLO”

(MONT STE. MARIE @ MONTEBELLO @ MONT TREMBLANT)

November 17 – 18, 2017  
Fairmont Mont Tremblant, QC

### FRIDAY, NOVEMBER 17, 2017

- MODERATOR:** SUSANNE SVIERGULA, *Cavanagh LLP*
- 9:00 – 9:10** **Bienvenue! / Welcome!**  
Jill Alexander, *Cavanagh LLP, President, County of Carleton Law Association*
- 9:10 – 9:25** **Taking it Personally: Costs against Lawyers and the Quebec v. Jodoin Decision**  
Justice Robert Smith, *Superior Court of Justice*
- 9:25– 9:45** **Keeping a Chunk from Your Hunk(s)**  
Laurie Tucker, *Burn Tucker Lachaine LLP*  
Jennifer Jolly, *Law Office of Jennifer E. Jolly*
- 9:45 – 10:00** **Pick Me! A ‘How To’ on Jury Selection**  
Elizabeth Quigley, *Connolly Obagi LLP*
- 10:00 – 10:15** **Swear Someone Swears it’s True; Hearsay in Affidavits**  
Justice Robert Beaudoin, *Superior Court of Justice*
- 10:15 – 10:30** **You Got to Know When to Sue them; Discoverability under the Limitations Act**  
Justice Sally Gomery, *Superior Court of Justice*
- 10:30 – 10: 50** **EXHIBITOR SHOWCASE BREAK**

**FRIDAY, NOVEMBER 17, 2017**

**MODERATOR:** PATRICK THOMPSON, *McMillan LLP*

**10:50 – 11:10** **Mi Casa, Your Crack House – Condos and Airbnb**  
Rodrigue Escayola, *Gowling WLG*

**11:10 – 11:25** **How to Make (Prove) a Mental Injury: *Saadati v. Morehead***  
Karine Devost, *Mann Lawyers LLP*

**11:25 – 11:45** **You're Taxing Me (Tax Implications in Litigation)**  
Sebastian Desmarais, *Pryor Tax Law*

**11:45 – 12:00** **The Resurgence of Vinyl: Making Your Record a Hit**  
Justice Sylvia Corthorn, *Superior Court of Justice*

**12:00 - 12:55** **SIX UNDER SIX**

1. ***Ramos v. Hewlett-Packard (Canada) Co., 2017 ONSC 4413***  
Jennifer Aouad, *Low Murchison Radnoff LLP*

2. ***Nelson (City) v Mowatt, 2017 SCC 8***  
Matthew Glass, *Equilibrium Law*

3. ***Gardiner v MacDonald, 2016 ONCA 968***  
Ludmilla Jarda, *Nelligan O'Brien Payne LLP*

4. ***PP v. DD, 2017 ONCA 180***  
Robin Brown, *Cavanagh LLP*

5. ***Doyle v. Zochem Inc., 2017 ONCA 130***  
Brent Craswell, *Kelly Santini LLP*

6. ***David Schnarr v. Blue Mountain Resorts Limited, 2017 ONSC 114***  
Brent Meadows, *David Hollingsworth & Associates*

**12:55 – 2:10** **LUNCH**

**MODERATOR:** BENOIT DUCHESNE, *Gowling WLG*

**2:10 – 3:05** **Personal Injury Panel: Current Issues and Developments**

**MODERATOR:** Joseph Obagi, *Connolly Obagi LLP*  
**PANEL:** Justice Pierre Roger, *Superior Court of Justice*  
James Brown, *McCague Borlack LLP*  
John Lundrigan, *Nelligan O'Brien Payne LLP*  
Susan Mitchell, *Tierney Stauffer LLP*

**FRIDAY, NOVEMBER 17, 2017**

- 3:05 – 3:20**            **Getting Your Act Together – Exhibits and Trial Records**  
Andrew McKenna, *Gowling WLG*
- 3:20 – 3:35**            **Jordan and the New Kids on the Block - East Region Update**  
Regional Senior Justice James McNamara, *Superior Court of Justice*
- 3:35 – 3:55**            **EXHIBITOR SHOWCASE BREAK**
- MODERATOR:**        **CALE HARRISON**, *Tierney Stauffer LLP*
- 3:55 – 4:15**            **Strategic Legal Writing**  
Eugene Meehan, QC, *Supreme Advocacy LLP*
- 4:15 – 4:30**            **The Smaller the Business, the Bigger the Breakup – Litigation Small Business Disputes**  
David Elliott, *Dentons Canada LLP*
- 4:30 – 5:30**  
**MODERATOR:**        **Bar Fights – The Professionalism Panel**  
Susanne Sviergula, *Cavanagh LLP*  
**PANEL:**                Jill Alexander, *Cavanagh LLP*; *President, CCLA*  
Sonia Bjorkquist, *Oslers*; *President, The Advocates' Society*  
Jaye Hooper, *Hooper Litigation*; *Chair, FOLA*  
Quinn Ross, *The Ross Firm*; *President, Ontario Bar Association*  
Paul Schabas, *Blakes*; *Treasurer, Law Society of Upper Canada*

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- 5:30 - 7:30**    **Pre-dinner cocktails sponsored by GML Actuarial Services**
- 7:30 - 9:30**    **Dinner, with wine sponsored by Justice Risk Solutions**
- 9:30 - 1:00**    **Live entertainment – Mix, Mingle & Dance sponsored by MDD Forensic Accountants**
- 9:30 – 1:00**    **Hospitality Suite sponsored by The Advocates' Society**
- 11:00 – 1:00**    **Late Night in the Gold Room sponsored by Collins Barrow Ottawa LLP**
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**SATURDAY, NOVEMBER 18, 2017**

- MODERATOR:** JESSICA FULLERTON, *Nelligan O'Brien Payne LLP*
- 9:00 – 9:20** **Torts in Blue: Negligent Investigation, Malicious Prosecution, & Charter Claims**  
Marisa Victor, *Victor Law*
- 9:20 – 9:35** **Litigating Dead or Alive - The Difference between Estate and Civil Litigation**  
Kathleen McDormand, *Borden Ladner Gervais LLP*
- 9:35 - 9:50** **From the Ashes: Discharges, Debts and Pleadings**  
Andrew Ferguson, *MBC Law*
- 9:50 – 10:05** **I Spy with my Little Eye – Surveillance Evidence**  
Stephanie Doucet, *Gowling WLG*
- 10:05 – 11:05** **Employment Law Update**  
**MODERATOR:** Siobhan O'Brien, *Hicks Morley Hamilton Stewart Storie LLP*  
**PANEL:** Stephanie Lewis, *Nelligan O'Brien Payne LLP*  
Dan Palayew, *Borden Ladner Gervais LLP*  
Chris Rutherford, *Low Murchison Radnoff LLP*  
Amanda Sarginson, *NAV CANADA*  
Paul Willetts, *Vey Willetts LLP*
- 11:05 – 11:25** **EXHIBITOR SHOWCASE BREAK**
- MODERATOR:** ERIN DURANT, *Borden Ladner Gervais LLP*
- 11:25 – 11:45** **How to Lose an Appeal, the Next Generation**  
Justice David Brown, *Court of Appeal for Ontario*
- 11:45 – 12:00** **Please Release Me**  
Christopher McLeod, *Mann Lawyers LLP*
- 12:00 – 1:00** **Judges' Panel**  
**MODERATOR:** Justice Heather Williams, *Superior Court of Justice*  
**PANEL:** Justice Brian Abrams, *Superior Court of Justice*  
Justice Charles Hackland, *Superior Court of Justice*  
Justice Marc Labrosse, *Superior Court of Justice*  
Justice Calum MacLeod, *Superior Court of Justice*  
Justice Liza Sheard, *Superior Court of Justice*
- 1:00 – 2:00** **LUNCH**

**MODERATOR:**      **JEFF SAIKALEY**, *Caza Saikaley LLP*

**2:00 – 4:00**

**DISCOVERY TOOLKIT: A HOW TO**

Want to win your case or compel a favorable settlement? Whether defence or plaintiff side, it starts with making strategic and effective use of Examinations for Discovery. Join experienced counsel and experts in the field to learn their tips on how to:

- plan for discovery while drafting pleadings
- prepare useful discovery plans
- negotiate e-discovery agreements
- prepare your witness for examination without coaching
- handle situations where the parties should not be in the same room together for the other's examination
- make proper objections at discovery
- respond to objections at discovery
- give and take undertakings at discovery
- frame questions on examinations for optimal use at trial
- answer questions about Schedule B documents
- handle opposing counsel answering questions for the witness
- schedule and prepare for an examination of a non-party
- prepare good materials for a refusals motion

**PANEL:**

- Master Nathalie Champagne, *Superior Court of Justice*
- Jaye Hooper, *Hooper Litigation*
- Tara Lemke, *Williams Litigation Lawyers*
- Lisa Renaud, *Intact Insurance*
- Tara Sweeney, *Soloway, Wright LLP*
- Alyssa Tomkins, *Caza Saikaley LLP*