



CIVIL LITIGATION UPDATED 2018

“MONT STE. TREMBELLO”*

(MONT STE. MARIE @ MONTEBELLO @ MONT TREMBLANT)

November 16 – 17, 2018
Fairmont Mont Tremblant, QC

FRIDAY, NOVEMBER 16, 2018

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

9:00 – 9:15 **Bienvenue! / Welcome!**
Karen Ann Reid, *President, County of Carleton Law Association*

9:15 – 9:30 **Gone in 60 Seconds, The Duty of Care and Car Thieves (*Rankin (Rankin’s Garage & Sales) v. J.J.*)**
Mike Van Dusen, *Van Dusen Law Office*

9:30 – 9:45 **The Waiting Game and s. 5(1)(a)(iv) of the *Limitations Act, 2002***
Kris Dixon, *Cavanagh LLP*

9:45 – 10:00 **Protecting Your “Privates”: An Update on Privilege**
Justice Calum MacLeod, *Superior Court of Justice*

MODERATOR: **JOSEPH OBAGI, *Connolly Obagi LLP***

10:00 – 10:45 **Summary Judgment Motions**
Moderator: Jessica Fullerton, *Nelligan O’Brien Payne LLP*

Panel: Justice David Brown, *Court of Appeal for Ontario*
Justice Robert Beaudoin, *Superior Court of Justice*
Colin Dubeau, *Nelligan O’Brien Payne LLP*

10:45 – 11: 05 **EXHIBITOR SHOWCASE BREAK**

MODERATOR: **ROB DE TONI, *Merovitz Potechin LLP***

11:05 – 11:45 **SIX UNDER SIX**

Ferreira v. St. Mary’s General Hospital, 2018 ONCA 247
 Jessica Barrow, *Perley-Robertson Hill & McDougall LLP*

Burwash v. Levy et al, 2018 ONSC 682
 Julie Mouris, *Conway Baxter Wilson LLP*

Cowper-Smith v. Morgan, 2017 SCC 61
 Calvin Hancock, *Borden Ladner Gervais LLP*

**Don’t Shovel that Driveway, Starbucks and Tim Horton’s and
Occupiers’ Liability Act**
 Ashley Bennett, *Soloway, Wright LLP*

Aird & Berlis LLP v. Oravital Inc.
 Caitlin Cardill, *Nelligan O’Brien Payne LLP*

Isaac Estate v. Matuszynska, 2018 ONCA 177
 Shaun Jaberolansar, *Kelly Santini LLP*

11:45 – 12:00 **The Death of the Party**
 Paul Dancause, *Sole Practitioner*

12:00 – 12:20 **Be a Better Lawyer: Lessons in Diversity**
 Mark Seebaran, *Public Prosecution Service of Canada*

12:20 – 12:40 **Here, say this: A Hearsay Update**
 Justice Colin McKinnon, *Superior Court of Justice*

12:40 – 12:55 **It’ll Cost You! A Costs Update**
 Jean-François Laberge, *Low Murchison Radnoff LLP*

12:55 - 1:00 **In Memoriam**
 Justice Charles Hackland, *Superior Court of Justice*
 Mary Jane Binks, QC, *Augustine Bater Binks LLP*

1:00 – 2:15 **LUNCH**

FRIDAY, NOVEMBER 17, 2018

BREAKOUT SESSIONS

OPTION 1 – PERSONAL INJURY

MODERATOR: CHRISTINE POWELL, *Soloway, Wright LLP*

2:15 – 2:35 On The Cusp: A Threshold Update
Tara Sweeney, Soloway Wright LLP

2:35 – 2:50 ABCs of the ABs B4 the LAT
Marc Smith, Forget Smith

2:50 – 3:05 It's a Bird, It's a Plane, It's a Car! Or is it?
Tara Lemke, Williams Litigation Lawyers

MODERATOR: LAURIE TUCKER, *Burn Tucker Lachaine LLP*

3:05 – 3:35 COLLATERAL BENEFITS PANEL
Fabrice Gouriou, Intact Insurance Company
Christopher Kelly, Kelly + Kelly Lawyers Professional Corporation
Justice Giovanna Toscano Roccamo, Superior Court of Justice

OPTION 2 – COMMERCIAL LITIGATION

MODERATOR: BENOIT DUCHESNE, *Gowling WLG*

2:15 – 2:40 Lessons Lined: Latest Learnings about the *Construction Lien Act*
Margot Leduc Pomerleau, MBC Law Professional Corp.

2:40 – 2:55 Choose Your Own Adventure: SCJ or FC or Arbitration
Alex Kaufman, Department of Justice

MODERATOR: BENOIT DUCHESNE, *Gowling WLG*

2:55 – 3:35 Charting Your Own Course; Arbitrating Commercial Disputes
Alex Kaufman, Department of Justice
Alexandra Logvin, Fasken Martineau LLP
Ben Mills, Conlin Bedard LLP

3:35 – 3:50 EXHIBITOR SHOWCASE BREAK

MODERATOR: ERIN DURANT, *Borden Ladner Gervais LLP*

3:50 – 4:05 East Side Story: Update from the RSJ
Regional Senior Justice James McNamara, Superior Court of Justice

FRIDAY, NOVEMBER 17, 2018

4:05 – 4:20 **Who’s Line is it Anyway? Collaboration with Experts**
Kevin Nearing, *Borden Ladner Gervais LLP*

4:20 – 4:35 **Litigation Trivia**
Erin Durant, *Borden Ladner Gervais LLP*
Cale Harrison, *Tierney Stauffer LLP*

4:35 – 5:30 **THE PROFESSIONALISM PANEL**

MODERATOR: Jaye Hooper, *Hooper Litigation*

SPEAKERS: Brian Gover, *President, The Advocates’ Society*
Malcolm Mercer, *Treasurer, Law Society of Ontario*
Karen Ann Reid, *President, County of Carleton Law Association*
Lynne Vicars, *President, Ontario Bar Association*

5:30 - 7:30 **Pre-dinner cocktails**

7:30 - 9:30 **Dinner**

9:30 - 1:00 **Live entertainment – Mix, Mingle Dance**
Sponsored by MDD Forensic Accountants

11:00 – 1:00 **Late Night in the Gold Room**
Sponsored by Collins Barrow Ottawa LLP

SATURDAY, NOVEMBER 17, 2018

MODERATOR: CALE HARRISON, *Tierney Stauffer LLP*

9:00 – 9:20 **Revenge Porn & Avenging Your Clients**
Suzie Dunn, *Professor (part-time), University of Ottawa, Faculty of Law*
Alessia Petricone-Westwood, *Nelligan O'Brien Payne LLP*

9:20 - 9:35 **Express (Motion) Yourself! In 10 Minutes or Less...**
Master Marie Fortier, *Superior Court of Justice*

9:35 – 9:50 **SLAPP Me Silly: Developments in Defamation**
Jeff Saikaley, *CazaSaikaley LLP*

9:50 – 10:40 **Employment Law Panel**

MODERATOR: SIOBHAN O'BRIEN, *Hicks Morley Hamilton Stewart Storie LLP*

SPEAKERS: Sean Bawden, *Kelly Santini LLP*
Colleen Hoey, *Mann Lawyers LLP*
Chuck Hofley, *Hicks Morley Hamilton Stewart Storie LLP*
Craig Stehr, *Gowling WLG*
Cheryl Waram, *Canada Post Corporation*

10:40 – 11:05 **Keeping up with Causation**
Justice Russell Brown, *Supreme Court of Canada*

11:05 – 11:25 **EXHIBITOR SHOWCASE BREAK**

MODERATOR: JESSICA FULLERTON, *Nelligan O'Brien Payne LLP*

11:25 – 12:10 **The Biology of Inclusion: Using Your Brain and Body to Work Through Conditioned Biases**
Carole Bourque, *Inclusion Specialist, MSW*

12:10 – 1:00 **Jurists in Chairs Drinking Coffee (Answering Questions)**

Moderator: Justice Heather Williams, *Superior Court of Justice*

Panel: Justice Robert Beaudoin, *Superior Court of Justice*
Justice Sally Gomery, *Superior Court of Justice*
Justice Charles Hackland, *Superior Court of Justice*
Justice Marc Labrosse, *Superior Court of Justice*
Justice Michelle O'Bonsawin, *Superior Court of Justice*
Justice Nathalie Champagne, *Superior Court of Justice*

1:00 – 2:00 **LUNCH**

SATURDAY, NOVEMBER 17, 2018

MODERATOR: SUSANNE SVIERGULA, *Cavanagh LLP*

2:00 – 4:00

It's a Saturday Afternoon, Settle In...

We are going to cover what to think about and do when the dust is settling on your file (all kinds of files, not just personal injury):

- Offers
- Releases

- Panel Debate
 - Prepping your client for settlement
 - Written instructions?
 - Strategies
 - Mediation and pre-trial issues
 - Retainers and contingency fees and how they impact settlement

- Taxation of all kinds of settlement
- Infant settlements

Brought to you by these fine people:

Panel:

Ted Bergeron, *Bergeron Clifford LLP*
David Elliott, *Dentons Canada LLP*
Éliane Lachaine, *Burn Tucker Lachaine LLP*
Jamie MacDonald, *Norton Rose Fulbright LLP*
Mary Simms, *City of Ottawa*
Anne Tardif, *Gowling WLG*

Your 2018 Conference Planning Committee

Jeff Saikaley, Co-Chair
Susanne Sviergula, Co-Chair
Robert De Toni
Benoit Duchesne
Erin Durant
Jessica Fullerton
Justice Charles Hackland
Cale Harrison
Justice Calum MacLeod
Siobhan O'Brien
Joseph Obagi
Christine Powell
Laurie Tucker
Justice Heather Williams