

WeirFoulds secures one of Canada's largest subrogation trial judgments

April 29, 2019

On March 28, 2019, Justice Gillian Marriott of the Court of Queen's Bench of Alberta ruled in favour of WeirFoulds' client, ISH Energy in [*ISH Energy Ltd v Weber Contract Services Inc.*](#), in what is being described as one of Canada's largest ever subrogation trial judgments at \$24.3 million.

This action was initiated by a pipeline leak of approximately 60 cubic meters of emulsion at a field located near Fort Nelson, British Columbia on July 17, 2007. The defendant Weber was contracted by ISH Energy to maintain the pipelines, which included the use of pigging operations and chemical corrosion inhibitors. Pigs are used to scrape the interior walls of the pipeline to remove deposits that stick as result of the mix of water, crude oil and gas that flows through them.

After a number of witnesses testified at trial, Justice Marriott concluded that Weber was both negligent and in breach of their contract. Specifically, Justice Marriott held that Weber had failed to properly maintain the pipelines, thus causing them to sustain significant internal corrosion. As well, Justice Marriott found that Weber's operators had caused the field's system of pipelines to over-pressurize due to their closing of an inlet valve at the plant. ISH was awarded a total of **\$24,372,897.87**; \$10,712,197.49 for clean-up and remediation of the environmental impact in the leak areas and \$13,660,700.38 for repairs to the field.

[ISH Energy](#) was represented by WeirFoulds Partner Raj Datt, along with Co-Counsel Michael Bailey, QC and Robert Sottile of Cozen O'Connor.

For complete details on this decision, [click here](#).

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