

Litigation & Dispute Resolution

WeirFoulds has one of the premier litigation practices in Canada and is well-versed in handling high-stakes and highly publicized litigation. We appreciate how much is at stake in our clients' cases, and we rigorously defend our clients to maximize their odds of success.

Over the course of the 19th, 20th and now the 21st centuries, WeirFoulds has been privileged to have acted on groundbreaking cases in almost every area of civil litigation. For generations, our lawyers have been regarded as leaders of the bar and of the legal profession. For everything there is a reason: in our case, we have always brought and always will bring the highest level of advocacy skill to every engagement. This expertise includes the ability to provide sensitive and timely advice on complex litigation – such as class actions – the management of document intensive litigation, lengthy multi-party trials, and the development of innovative legal solutions short of litigation.

Our litigators have extensive experience arguing complex cases before trial and appellate-level courts. We represent government entities, public and private companies, civil organizations and individuals in an array of corporate, commercial, intellectual property, class action, employment, securities, tax, Aboriginal, defamation, estates and trusts, administrative, energy, environment, competition and constitutional law disputes. Our litigators have appeared before all levels of courts and a host of regulatory boards and tribunals.

We draw on our deep institutional knowledge of litigation procedure and strategy, as well as sophisticated in-house and external resources, to resolve disputes efficiently and effectively. Among other things, we use our e-Discovery team to handle voluminous documentation resourcefully, and we explore alternatives to litigation proceedings – including mediation and arbitration – wherever possible.

Lawyers and professionals in this area



Benjamin M. Bathgate
Partner
647.715.3544
bbathgate@weirfoulds.com



Caroline Abela
Partner
416.947.5068
cabela@weirfoulds.com



Glenn Ackerley
Partner
416.947.5008
gackerley@weirfoulds.com



Zohaib Ahmed
Associate
416.619.6280
zahmed@weirfoulds.com



Kelin Algayer
Associate
647.715.7126
kalgayer@weirfoulds.com



Macdonald Allen
Partner
416.947.5027
mallen@weirfoulds.com



Sandra Astolfo
Partner
416.947.5045
Sastolfo@weirfoulds.com



Alyssa Armstrong
Associate
416.947.5022
aarmstrong@weirfoulds.com



Denise Baker
Chair
416.947.5090
dbaker@weirfoulds.com



Fabiola Bassong
Associate
647.715.7132
fbassong@weirfoulds.com



Amy Block
Partner
416.619.6285
ablock@weirfoulds.com



Janet Bobechko
Partner
416.947.5073
jbobechko@weirfoulds.com



Sara Bolourchian
Associate
416.947.5061



Lia Boritz
Partner
416.947.5067



Alan Bromstein
Counsel
416.947.5000



John Buhlman
Partner
416.947.5070

sbolourchian@weirfoulds.com

lboritz@weirfoulds.com

abromstein@weirfoulds.com

jbuhlman@weirfoulds.com



Clare Burns

Partner

416.947.5002

cburns@weirfoulds.com



Kim Campbell

Law Clerk

416.365.6526

kcampbell@weirfoulds.com



Krista Chaytor

Partner

416.947.5074

kchaytor@weirfoulds.com



Philip Cho

Partner

416.619.6296

pcho@weirfoulds.com



Claire Copland

Associate

647.715.7172

ccopland@weirfoulds.com



Stephen Corrington

Associate

416.947.5087

scorrington@weirfoulds.com



Jeff Cowan

Counsel

416.947.5007

jcowan@weirfoulds.com



Mallory Cramp-Waldinsperger

Associate

416.619.2093

mcramp-waldinsperger@weirfoulds.com



Carissa DeMarinis

Associate

647.715.7135

cdemarinis@weirfoulds.com



Jill Dougherty

Partner

416.947.5058

jdougherty@weirfoulds.com



Heather Douglas

Partner

416.947.5064

hdouglas@weirfoulds.com



Nicole Dunford

Law Clerk

416.365.6524

ndunford@weirfoulds.com



Bruce Engell



Elena Ferjani



Sean Foran



Albert Formosa

Partner
416.947.5081
bengell@weirfoulds.com

Law Clerk
647.715.7050
eferjani@weirfoulds.com

Partner
416.947.5019
sforan@weirfoulds.com

Partner
416.947.5012
aformosa@weirfoulds.com



Micah Goldstein
Partner
416.947.5082
mgoldstein@weirfoulds.com



Narmada Gunawardana
Associate
647.715.7117
ngunawardana@weirfoulds.com



Seth Holland
Partner
416.947.5004
sholland@weirfoulds.com



Kelsey L. Ivory
Partner
416.947.5040
kivory@weirfoulds.com



Peter Jacobsen
Partner
416.619.6292
pjacobsen@weirfoulds.com



Paul Jacoby
Associate
416.947.5059
pjacoby@weirfoulds.com



Wojtek Jaskiewicz
Partner
416.947.5094
wjaskiewicz@weirfoulds.com



Catalina Karam
Associate
416.941.5902
ckaram@weirfoulds.com



Ben Kates
Partner
416.947.5072
bkates@weirfoulds.com



Kiley Kim
Law Clerk
647.715.7017
kkim@weirfoulds.com



Caelan MacDonald
Associate
647.715.7106
cmacdonald@weirfoulds.com



Megan Mah
Partner
416.947.5098
mmah@weirfoulds.com



Andrea McEwan



Piper McGavin



Debra McKenna



Bota McNamara

Partner
416.947.5065
amcewan@weirfoulds.com

Associate
647.715.7027
pmcgavin@weirfoulds.com

Partner
416.947.5080
dmckenna@weirfoulds.com

Partner
647.715.3559
bmcnamara@weirfoulds.com



W. A. Derry Millar
Counsel
416.947.5021
dmillar@weirfoulds.com



Ryan Morris
Partner
416.947.5001
rmorris@weirfoulds.com



Anna Morrish
Associate
416.947.5075
amorrish@weirfoulds.com



Natasha Novac
Associate
647.715.7094
nnovac@weirfoulds.com



Ken Prehogan
Counsel
416.947.5028
kprehogan@weirfoulds.com



Gregory Richards
Counsel
416.947.5031
grichards@weirfoulds.com



Sylvain Rouleau
Partner
416.947.5016
srouleau@weirfoulds.com



John Siferd
Associate
416.941.5903
jsiferd@weirfoulds.com



Abbey Sinclair
Partner
647.715.7065
asinclair@weirfoulds.com



Amir Sodagar
Associate
416.365.6516
asodagar@weirfoulds.com



Hashim Sohail
Associate
647.715.7045
hsohail@weirfoulds.com



Jessica Stansfield
Partner
416.947.5095
jstansfield@weirfoulds.com



Michael Statham



Michael Swartz



Siraj Syed



Kayla Theeuwen

Partner
416.947.5023
mstatham@weirfoulds.com

Partner
416.947.5024
mswartz@weirfoulds.com

Associate
416.947.5037
ssyed@weirfoulds.com

Partner
+1.416.619.6290
ktheeuwen@weirfoulds.com



Uyên Tran
Associate
416.947.5011
utran@weirfoulds.com



Hayden Trbizan
Associate
647.715.7116
htrbizan@weirfoulds.com



Adam Varro
Associate
416.947.5085
avarro@weirfoulds.com



Phil Wallner
Partner
416.947.5036
pwallner@weirfoulds.com



Frank Walwyn
Partner
+1.416.947.5052
fwalwyn@weirfoulds.com



Maureen Ward
Partner
647.715.7062
mward@weirfoulds.com



Jonah Waxman
Partner
647.715.7222
jwaxman@weirfoulds.com



Daniel Wong
Partner
416.947.5042
dwong@weirfoulds.com

Areas of Expertise

- Alternative dispute resolution
- Appeals
- Arbitration
- Class actions (defense)
- E-Discovery
- Litigation
- Mediation
- Negotiation
- Settlements

Representative Experience

- Represented The Toronto-Dominion Bank in an appeal of an \$80 million claim over “comfort” letters provided to it by a foreign corporation. This is the leading case in Canada on the differences between comfort letters and guarantees.
- WeirFoulds and co-counsel obtained a judgment of over \$46 million for Midland Resources Holding Limited, a company owned by Russians and Canadians, in a complex dispute relating to a Russian oil and gas venture involving allegations of

fraudulent misrepresentation, conspiracy, breach of fiduciary duty, and breach of contract.

- WeirFoulds acted as co-counsel (with Sotos LLP) for Trillium Motor World Ltd. ("Trillium"), the representative plaintiff in a class proceeding on behalf of former Canadian General Motors dealers that signed wind-down agreements presented by General Motors of Canada Limited ("GMCL") at the height of the global financial crisis in May 2009, and as an essential part of the worldwide General Motors restructuring.
- We act for one of the world's largest automakers in respect of Canadian class actions regarding price-fixing and bid-rigging in the auto parts industry.
- We act for some of the world's largest technology and automotive companies in respect of international investigations brought by competition/antitrust authorities, including Canada's Competition Bureau. Recent mandates include acting for one of the world's major automobile manufacturers with respect to the international auto parts investigation/litigation, acting for a party in respect of the international investigation into cargo shipping/freight forwarding, and acting for major technology companies (one, a Fortune 500 company) in respect of several international investigations into the conduct of Google and Apple.
- WeirFoulds acts for Canadian Solar Inc. and two of the company's senior officers in defending a securities class action in which the representative plaintiff, who is seeking \$120 million in damages on behalf of a global class of shareholders for alleged misrepresentations in certain of the company's secondary market disclosure in 2009.
- We represent the board of directors of a company that has filed for protection under the ***Companies' Creditors Arrangement Act*** (CCAA), and we advise the directors in the context of the CCAA proceeding.
- We represent some of Canada's largest retailers with respect to all manner of litigation, real estate transactions, leasing and business contracts.
- WeirFoulds represented Uniroyal Chemical over the contamination of ground water from industrial activities which included conducting the longest hearing ever held before the Ontario Environmental Appeal Board.
- Acted for the owner of an automotive tire storage facility before the Environmental Appeal Board and the Courts following the Hagersville tire fire, the largest such fire in Ontario history.
- WeirFoulds represented the Public Utilities Commission of Walkerton in the hearings over the largest water contamination case in Canadian history.

Civil Litigation

- In 2012 we began acting for the City of Vaughan on a major litigation matter (and associated planning matters). The litigation was eventually resolved through a settlement, although we continue to work for the City in respect of the resulting development approval matters.
- Acted as litigation counsel for the Regional Municipality of Niagara in a dispute with a contractor over an unsuccessful bid for a contract (worth approximately \$3.4 million) involving the recoating and structural rehabilitation of a bridge. The unsuccessful bidder has challenged the Region's decision to award the contract to another bidder, and has commenced a lawsuit against the Region for damages for lost profits.
- WeirFoulds and co-counsel obtained a judgment of over \$46 million for Midland Resources Holding Limited, a company owned by Russian and Canadian businessmen, in a complex dispute relating to a Russian oil and gas venture involving allegations of fraudulent misrepresentation, conspiracy, breach of fiduciary duty, and breach of contract.
- Act for one of the world's largest automakers in respect of Canadian class actions regarding price-fixing and bid-rigging in the auto parts industry.
- Advising TDSB and acting as external counsel on municipal tax and assessment appeals brought by licensee of sports dome and related facilities at Monarch Park Collegiate, as well as a court application for exemption from municipal taxes in which TDSB is a statutory party.
- Assisting the TDSB on school capital facility tax exemptions for three properties.
- Acted for the Town of Iroquois Falls in assessment appeals relating to pulp and paper mill.
- Acted for Town of Ingersoll and City of Brampton in assessment appeals relating to car assembly plants.

WeirFoulds^{LLP}

www.weirfoulds.com

Toronto Office

4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: 416.365.1110

Fax: 416.365.1876

Oakville Office

1320 Cornwall Rd., Suite 201
Oakville, ON L6J 7W5

Tel: 416.365.1110

Fax: 905.829.2035

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