



Brendan F. Morrison

BRENDAN F. MORRISON
is a partner at Lenczner Slaght.

"Brendan is an exceptional litigation lawyer. His strategic mindset, meticulous attention to detail, and persuasive courtroom presence allow his clients to trust their case will be handled with the utmost skill and dedication." — *Client*

Brendan is an experienced trial lawyer with a focus on corporate and commercial litigation, shareholder and employment disputes, fraud, defamation, professional liability, and civil sexual assault. As counsel to both plaintiffs and defendants, Brendan has a record of success guiding his clients through their most challenging legal problems.

Brendan has appeared before all levels of courts, including the Ontario Superior Court of Justice, the Ontario Court of Appeal, the Federal Court, the Federal Court of Appeal, and the Supreme Court of Canada. He also represents clients before courts of other provinces and various administrative tribunals such as the Capital Markets Tribunal, the Human Rights Tribunal, and the discipline tribunals of the Ontario College of Massage Therapists and the College of Physicians and Surgeons of Ontario.

Brendan is consistently listed by Lexpert and Best Lawyers as a leading specialist in corporate commercial litigation, medical negligence and defamation. He is a member of The Advocates' Society's Mid-Career Advocates Standing Committee, and is the Co-Chair of Lenczner Slaght's Student Committee.

Brendan earned numerous awards for his achievements at the University of Toronto Faculty of Law, where he represented the school at the Phillip C. Jessup International Moot Competition and the Arnup Cup for Trial Advocacy. He also served as Co-Editor-in-Chief of the Journal of International Law & International Relations and was awarded the Gordon Cressy award for leadership.

In 2023, Brendan was recognized as a Lexpert Rising Star for his exceptional advocacy, excellent client service, and his exemplary leadership in the profession.

Brendan speaks fluent Spanish and French.

Education

University of Toronto Faculty of Law
(2011) JD
London School of Economics (2008)
MSc (Distinction – Philosophy and
Public Policy)
University of King's College (2006)
BA (Honours – Political Science and
Spanish)

Bar Admissions

Ontario (2012)

Practice Areas

Appeals
Class Actions
Commercial Litigation
Defamation and Media
Employment
Injunctions
Product Liability
Professional Liability and Regulation
Public Law
Securities Litigation

Contact

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RECOGNITION

- Lexpert Rising Stars (2023)
Leading Lawyers Under 40
- Canadian Legal Lexpert® Directory (2020-2024)
Litigation - Corporate Commercial, Medical Negligence, Professional Liability
- Lexpert Special Edition: Canada's Leading Litigation Lawyers (2020-2023)
- Best Lawyers in Canada (2020-2024)
Corporate & Commercial Litigation, Defamation & Media Law, Healthcare Law, Medical Negligence
- Gordon Cressy Student Leadership Award (2011)
University of Toronto
- Laskin Award in Constitutional Law (2009)
University of Toronto
- Valedictorian (2006)
University of King's College

SELECT CASES

- **Lithium Royalty Corporation v Orion Resource Partners et al** – Counsel to Lithium Royalty Corporation in a successful trial to enforce a binding contract for the purchase of an 85% interest in a Nevada lithium royalty for US\$18.7 million total consideration.
- **Sherwani v Fargher** – Counsel to the successful Defendant Physician at trial in dismissing allegations of defamation and misfeasance of public office arising from the end of the Plaintiff Physician's privileges at West Parry Sound Hospital at a time when the Defendant Physician was Chief of Staff. The action was dismissed by the Trial Judge and costs of \$280,000 awarded to the Defendant Physician.
- **Contract Community Inc v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of real property project management support services for Government of Canada projects in the National Capital Region.
- **Wood et al v Cook et al** – Counsel to the successful respondents in an Application by family members challenging the Will of a deceased on the basis of lack of testamentary capacity and undue influence.
- **College of Physicians and Surgeons of Ontario v Cheng** – Counsel to the Defendant Physician in successfully defeating claims of sexual abuse of a patient at a trial before a panel of the Ontario Physicians and Surgeons Discipline Tribunal.
- **Grillo Barristers P.C. v Kagan Law Firm** – Counsel to the successful Defendants and Plaintiffs by Counterclaim on an appeal before the Court of Appeal originating from a registrar's dismissal of a multimillion dollar action alleging breach of contract, breach of fiduciary duty, and unjust enrichment.

- **Cadex v Department of Public Works and Government Services** – Counsel to the Government of Canada in successfully defending a proceeding before the Canadian International Trade Tribunal arising from the procurement for the purchase of 229 multi-calibre sniper weapon systems for the Department of National Defence.
- **Davidson v Stableview Asset Management Inc et al** – Counsel for the Individual Defendant in the dismissal of a class action brought by investors against their portfolio manager after it was demonstrated that the putative class suffered no damages.
- **Compugen Inc v Attorney General of Canada and The Chief Electoral Officer of Canada** – Counsel to the Defendants and Plaintiffs by Counterclaim in a multimillion-dollar dispute over the termination of a contract for electronic polling technology and services and the integration and administration of a federal elections data centre.
- **P1 v XYZ School** – Counsel for a Minor Defendant in an appeal from a Sealing Order, Publication Ban and Order Anonymizing the identities of the parties.
- **Anritsu Electronics Ltd v Department of Public Works and Government Services** – Counsel to the Government of Canada in successfully defending a proceeding before the Canadian International Trade Tribunal arising from the procurement of handheld spectrum analyzers for Innovation, Science and Economic Development Canada (ISED).
- **Florence v Benzaquen** – Counsel to successful obstetrician/gynecologist in the appeal of a motion striking the claims of minor triplets who made allegation so negligence for conduct arising pre-conception. A majority of the Court of Appeal agreed with the motion judge in favour of the defendant physician that no duty of care is owed to an as-yet conceived plaintiff.
- **Leistritz Advanced Technologies Corp v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of a high free volume twin-screw extruder for the National Research Council of Canada.
- **Stableview Asset Management Inc (Re)** – Counsel to the Respondent in an enforcement proceeding before the Capital Markets Tribunal alleging fraud and conflict of interest who successfully moved to strike substantial components of the prosecution's proposed evidence.
- **Bronson Consulting Group v Defence Construction Canada** – Counsel to Defence Construction Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of geospatial systems for use by the Department of National Defence.
- **Weir-Jones Engineering Ltd and Weir-Jones Engineering Consultants Ltd v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of patent and trademark infringement by Natural Resources Canada in respect of its early earthquake warning system.
- **Hutterli et al v Scott** – Counsel to the successful Defendant Physician in a trial for alleged negligence for failing to diagnose and treat an ankle fracture.
- **Horizon Maritime Services Ltd / Heiltsuk Horizon Maritime Services Ltd v Department of Public Works and Government Services** –

Counsel to the Attorney General of Canada in a successful series of judicial reviews arising from proceedings before the Canadian International Trade Tribunal over a procurement for towing vessels for the Canadian Coast Guard.

- **Musllam v Hamilton General Hospital et al** – Counsel to the Defendant Physician in successfully resisting proposed amendments to the Statement of Claim after the expiry of the limitations period.
- **Marine Recycling Corporation and Canadian Maritime Engineering Ltd** – Counsel to Public Works and Government Services in respect of a complaint proceeding before the Canadian International Trade Tribunal arising out of a terminated contract for the disposal of a former marine vessel.
- **2041219 Ontario Ltd v Agricorp** – Counsel to the Applicant cattle producer in a judicial review application in respect of claims under a provincial program for livestock administered by the Respondent.
- **Toronto Islands Residential Community Trust Corporation v McLaughlin et al** – Counsel to the Toronto Islands Residential Community Trust Corporation in a dispute over the transfer of two properties on the Toronto Islands in contravention of the terms and purpose of the *Toronto Islands Residential Community Stewardship Act, 1993*.
- **Aon Reed Stenhouse Inc v Iannetta** – Counsel to the successful corporate Defendant in an action seeking injunctive and other extraordinary relief arising from the departure of a former employee of the Plaintiff. Successfully obtained costs against the Plaintiff and resisted the injunctive and other relief as against the corporate Defendant.
- **Alliance v Gardiner Roberts** – Counsel to the Defendant barristers and solicitors in an action claiming damages of over \$12 million arising from a dental equipment supply agreement. The plaintiffs alleged breach of fiduciary duties and negligence. At trial, nominal damages of only \$2,000 were awarded.
- **Spencer Properties Ltd v 1863315 Ontario Inc et al** – Counsel to the successful defendants in resisting a summary judgment motion in an action for damages arising from the termination of a commercial lease.
- **Pennecon Hydraulic Systems v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of cranes for the Royal Canadian Navy.
- **1085372 Ontario Limited v Kulawick** – Counsel to the plaintiff in the trial of an action arising from the bankruptcy of a debtor, seeking to unwind the conveyance of shares as a transfer at undervalue.
- **Cappelli v Nobilis Health Corp** – Counsel to the successful defendant in resisting a motion for leave to pursue a claim or secondary market misrepresentation under the *Ontario Securities Act* and certification of a class action under the *Class Proceedings Act, 1992*.
- **CTT Pharmaceutical Holdings, Inc v Rapid Dose Therapeutics Inc** – Counsel to the successful defendant on an appeal from a motion for summary judgment, dismissing a claim of breach of confidential information. The appeal...
- **Boyle & Co v Stableview Asset Management Inc et al** – Counsel to the defendants in an action claiming for unpaid legal fees.

- **Veneruzzo v Storey** – Lead counsel to the appellant police officer in a defamation action arising from the motor vehicle death of a citizen.
- **Canadian National Railway Company v Scott Paul Holmes** – Counsel to the plaintiff in a fraud action, successfully obtaining production of several lawyers' files over which solicitor-client privilege was claimed.
- **DLF Solutions Inc v Maple Leaf Sports & Entertainment Ltd** – Counsel in the successful defence of owner of the Toronto Raptors at trial of an action and on appeal alleging breach of contract with respect to the sale...
- **Monteith Mineralized Solutions Inc v. Nu-Gro Ltd.** – Counsel to the successful appellants/defendants in obtaining a stay of the action from the Divisional Court in a dispute over an alleged breach of a distribution agreement.
- **Inquest into the Death of Nikolaos Mpelos** – Lead counsel for the treating physicians in a Coroner's Inquest into the death of a schizophrenic patient who died while being involuntarily detained at St. Joseph's Health Centre in Toronto.
- **Subway Franchise Systems of Canada Inc v Canadian Broadcasting Corporation** – Counsel to Subway in a \$210 million defamation action against the CBC and Trent University relating to a Marketplace episode.
- **Dennis v Her Majesty the Queen in Right of Canada** – Counsel to the Canadian Wheat Board in a proposed class proceeding in the Federal Court and the Manitoba Court of Queen's Bench by former grain...
- **Ontario Medical Association v Willis Canada Inc et al** – Co-counsel to the appellants in a dispute over the termination of a sponsorship contract for insurance policies for Ontario physicians.
- **Chen v Toronto Transit Commission** – Counsel to the defendant Toronto Transit Commission in the trial of a claim for damages for injuries arising out of a pedestrian collision.
- **Shumak v Oulahen** – Counsel to the defendants in an action for malicious prosecution in respect of criminal and bankruptcy proceedings. Successfully obtained an order...
- **Summersgill v O'Mahony** – Counsel to the defendant physician in an action for damages arising from the plaintiff's perforated ulcer.
- **Williams v Schuringa** – Counsel to the defendant physician in a jury trial following the death of a patient from a sudden pulmonary embolism.
- **White v Tandan** – Counsel to successful defendant surgeons at trial in a medical malpractice matter alleging a delayed diagnosis of an anastomotic leak, which lead to sepsis.
- **The Catalyst Capital Group Inc v Veritas Investment Research Corporation** – Counsel to an equity research firm in an action arising from alleged defamatory statements in investment research reports.
- **Parasiliti v Beatty** – Counsel to the successful defendant physicians at trial in a case involving allegations of professional negligence arising from the care, treatment and...
- **Yaiguaje v Chevron Corporation** – Counsel for the Ecuadorian plaintiffs in a Canadian action for an order recognizing a \$9.51 billion (USD) Judgment obtained in Ecuador against Chevron...
- **Bradshaw v Langley** – Counsel to the successful respondents on an appeal from a summary judgment motion in a family law matter involving the division of assets and a dispute...
- **Sutton v Balinsky** – Counsel to the non-party appellant in a dispute over production of financial records for purposes of a valuation of a commercial enterprise.
- **Zemlenko v Ferreira** – Counsel to the defendant physicians

successfully resisting a motion by the plaintiffs to set aside a dismissal order for delay.

- **MNP LLP v Migao Corporation** – Counsel to the applicant auditing firm in the successful application to enforce an indemnity provision in the audit engagement agreement.
- **SCM Insurance Services Inc v Medisys Corporate Health LP** – Counsel to the plaintiffs, SCM Insurance Services Inc. and Cira Medical Services Inc., in an action for an Anton Piller order and an injunction restra...
- **Alfred Wegener Institute v ALCI Aviation Ltd** – Counsel to Alfred Wegener Institute in a successful defence of an appeal before the Court of Appeal after obtaining an Order recognizing and enforcing an...
- **Rowley v High Strength Plates & Profiles Inc** – Counsel to the defendant in a wrongful dismissal proceeding. The defendant was successful in resisting plaintiff's allegations of constructive dismissal...
- **Canadian National Railway Company v Holmes** – Counsel to CN in a complex dispute involving employee fraud, accounting of profits, abuse of process, defamation and negligent exercise of statutory...
- **Beagle v Gyomorey** – Counsel to the successful respondent in an appeal involving the interpretation and application of the Mental Health Act and challenges to psychiatric...
- **Attorney General of Canada v Harris Corporation** – Counsel to the Attorney General of Canada in a judicial review application to the Federal Court of Appeal arising from a complaint before the International Trade Tribunal in respect of a procurement on behalf of the Royal Canadian Mounted Police.
- **Watson v Soon** – Counsel to the defendant urologist in successfully defeating a claim at Trial for damages arising from the misdiagnosis of kidney cancer in a diabetic patient.

SELECT PUBLICATIONS AND PRESENTATIONS

- **11th Annual Professionalism Issues for Business Lawyers** – Brendan Morrison and Margaret Robbins were invited to share their expertise at the OBA's 11th Annual Professionalism Issues for Business Lawyers. Co-chaired by Margaret, the program also featured Brendan as he discussed, *Modern Contract Formation and the Risks of Casual Communications*.
- **Commercial List Advocacy** – Brendan F. Morrison was invited to share his expertise at The Advocates' Society's Commercial List Advocacy program. Brendan presented on the panel "*Hot Topics in Commercial List Advocacy*".
- **Civil Litigation Careers Panel** – The Osgoode Society for Civil Litigation in joint with the University of Toronto Litigation Society invited Brendan Morrison to speak on their Civil Litigation Careers panel.
- **Effective Advocacy for the Virtual Hearing** – Brendan F. Morrison and Samantha Hale co-authored an article on their top tips for effective, and efficient, advocacy in the virtual world. The article was published by the ADR Institute of Canada Inc., in its ADR Perspectives newsletter.
- **Perspectives from Advocates** – Brendan F. Morrison presented at the Thunder Bay Law Association's Fall Advocacy Program. Brendan shared his experiences as an advocate in the world of virtual litigation.
- **Anti-SLAPP: Where We Are At and Where We Are Headed** – Brendan Morrison presented at the Defamation Law 2019: Current Issues + Emerging Trends Conference on the panel "Anti-SLAPP: Where We Are

At and Where We Are Headed". The panel examined key lessons from the Court of Appeal on interpreting and applying anti-SLAPP legislation and other practical considerations and strategies for anti-SLAPP motions.

- **Foreign Judgments: Challenges of Enforcement** – Brendan F. Morrison presented at LSO's program: Enforcing Judgements. He discussed the challenges in the enforcement of foreign judgments.
- **Geopolitics of Mining Conference: Responsible and Sustainable Business Practices** – Brendan F. Morrison was a panelist at the Geopolitics of Mining Conference discussing responsible and sustainable business practices on March 10, 2016 at...
- **Litigating Foreign Cases in Canadian Courts** – Brendan Morrison presented on the topic Litigating Foreign Cases in Canadian Courts in a panel discussion at the International Law Students Conference on...

BLOG POSTS

- **A Contract: ? or ?? The Commercial Impact of Our Emojis** – The King's Bench for Saskatchewan has been turning heads and raising eyebrows ? following a recent decision on the legal force of emojis.
- **Vice Media pleads in vain for press freedom, facing order to produce messages with ISIS combatant** – The Ontario Court of Appeal recently heard and resolved a conflict between two competing components of a free and democratic society. As the Court put it, the dispute involved a conflict between a free and vigorous press, on the one hand, and the protection of society from serious criminal activity on the other.
- **Court Rules Hockey Strategy Outside Bounds of Judicial Notice** – The hockey season is once again upon us. Across the country, from water coolers to dressing rooms, Canadians have returned to their winter status as experts in the basic principles of our beloved sport. As the season began, the Court of Appeal for Ontario also weighed in on the conversation, releasing a decision that ruled that conclusions about hockey strategy must be supported by actual evidence.

SELECT NEWS ARTICLES

- **The 2024 Lexpert Directory Recognizes Lenczner Slaght's Litigation Excellence** – Lenczner Slaght's litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **Brendan Morrison Named a 2023 Lexpert Rising Star** – Brendan Morrison was recognized as a leader, change agent, and rising star at last night's award ceremony at the Liberty Grand in Toronto.
- **Lexpert Recognizes Lenczner Slaght's Litigation Strength** – An increasing number of our expert litigators continue to be recognized as the foremost lawyers in their fields by peers and senior members of the legal profession.
- **Ruling Reinforces Contract Formation Principles During COVID-19 Pandemic** – Canadian Lawyer Magazine interviewed Brendan F. Morrison and Kate Costin on their recent trial success, which involved one of the world's largest lithium mining projects and has reinforced the principles of contract formation in the modern world.
- **Lenczner Slaght Litigators Recognized as Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 41 of our expert litigators are recognized for their expertise across 24 practice areas. The following lawyers have also been recognized as "Lawyer of the Year" for receiving

the highest overall peer-feedback in their practice areas in Toronto.

- **Ontario Court Enforces US\$18.7 Million Contract to Purchase Royalty Interest in Mine** – Interviewed by Law360 Canada, Brendan F. Morrison and Kate Costin comment on their trial success for Lithium Royalty Corporation, which has significant commercial implications for securities markets and the growing North American lithium industry.
- **Lenczner Slaght’s Trial Lawyers Successful in Enforcing Significant Lithium Contract** – In a significant trial decision released yesterday in Lithium Royalty Corporation v Orion Resource Partners, our expert litigators were successful in...
- **Lenczner Slaght Litigators to Serve on The Advocates’ Society’s Leadership** – We are pleased to announce that Christopher Yung, Paul-Erik Veel, Andrew Parley, Anne Posno, Lidiya Yermakova, and Brendan Morrison will be serving prominent executive and committee positions at The Advocates’ Society, a preeminent organization dedicated to promoting effective advocacy and access to justice.
- **Lenczner Slaght’s Litigation Excellence Recognized in 2023 Lexpert Directory** – Following comprehensive peer review surveys and interviews with senior members in the legal profession, the 2023 *Canadian Legal Lexpert Directory* has recognized 31 of the firm’s expert litigators for their experience, knowledge, and precision, with 108 rankings spanning 17 practice areas.
- **Lenczner Slaght Recognized Among Canada’s Leading Litigation Lawyers** – Following an in-depth peer review process, the 2022 Lexpert Special Edition: Canada’s Leading Litigation Lawyers guide recognizes 15 Lenczner Slaght lawyers for their extensive courtroom experience and subject-matter expertise. We know courts, and courts know and trust us. That is why clients turn to us to solve their most complex legal problems.
- **Lenczner Slaght Litigators Recognized Among the Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 39 of our expert litigators are recognized by their peers for their expertise across 24 practice areas.
- **Lenczner Slaght Litigators Elected to The Advocates’ Society’s Leadership** – We are pleased to announce that Brendan Morrison, Christopher Yung, Paul-Erik Veel, Andrew Parley, Nina Bombier, and Anne Posno will be serving prominent executive positions at The Advocates’ Society, a preeminent organization dedicated to promoting effective advocacy and access to justice.
- **The 2022 Lexpert Directory Recognizes Lenczner Slaght’s Litigation Excellence** – 31 of our expert litigators are recognized by their peers as the foremost practitioners across 18 fields.
- **Lexpert Recognizes Lenczner Slaght’s Litigation Expertise** – Following an in-depth peer review process, the 2021 Lexpert Special Edition: Canada’s Leading Litigation Lawyers guide recognizes 19 Lenczner Slaght lawyers for their extensive courtroom experience and subject-matter expertise.
- **Lenczner Slaght Litigators Ranked Among Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 37 of our expert litigators are recognized for their expertise across 25 practice areas.
- **The 2021 Lexpert Directory Recognizes 30 Lenczner Slaght Lawyers** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.

- **Lexpert Recognizes Lenczner Slaght Lawyers for Litigation Excellence** – An increasing number of our expert litigators continue to be recognized as the foremost litigators in their fields by peers and senior members of the legal profession.
- **Best Lawyers in Canada Recognizes Lenczner Slaght's Litigation Expertise** – Lenczner Slaght is proud to announce that 33 of our expert litigators are recognized in *Best Lawyers in Canada 2021*. Our lawyers received a total of 128 rankings, up from 100 in 2020.
- **Lexpert Highlights Lenczner Slaght's Professional Excellence** – Lenczner Slaght's litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **Best Lawyers in Canada Recognizes Lenczner Slaght with 100 Rankings** – In the latest edition of *Best Lawyers in Canada*, 28 Lenczner Slaght lawyers earned a total of 100 rankings, up from 86 in 2019.
- **Lenczner Slaght Congratulates Two New Partners** – Canada's leading litigation firm is proud to welcome two exceptionally strong advocates to the partnership, Brendan Morrison and Andrew Porter.
- **Spillover into Canada** – Alan J. Lenczner and Brendan Morrison were featured in the Fall/Winter issue of the University of Toronto's UTLaw Alumni Magazine regarding the Yaiguaje et al. v. Chevron Corporation et al. case.
- **Lenczner Slaght Lawyers Serve As Jessup Moot Judges** – Canadian Rounds of the Philip C. Jessup International Law Moot Court Taking Place in Halifax.
- **Ontario court revives Chevron Amazon pollution case** – Alan J. Lenczner, Q.C. and Brendan F. Morrison act for villagers from Ecuador's rainforest which filed a lawsuit in Canada against Chevron to compel the...
- **Incoming Summer Student Advances at Jessup Moot** – Congratulations to the Queen's University team in obtaining Silver in the final rounds of the White & Case Canadian National Division Qualifying Tournament of the 2013 Jessup Moot. The Queen's team, including incoming summer student, Laura Robinson, advanced to the international rounds in Washington, D.C. Laura was recognized in the Top 25 Oralists Rankings.
- **34th Annual Intensive Trial Advocacy Workshop** – Lindsay Beck, Brent Kettles, Brendan Morrison and Andrew Porter are the latest talented young lawyers to join Lenczner Slaght.
- **Welcoming four new lawyers to our firm** – Lindsay Beck, Brent Kettles, Brendan Morrison and Andrew Porter are the latest talented young lawyers to join Lenczner Slaght.

PROFESSIONAL ACTIVITIES

- The Advocates' Society
Mid-Career Advocates' Standing Committee Member
- Canadian Bar Association
- Ontario Bar Association
- The Commercial Bar Association
- Amici Camping Charity
Board of Directors