



#### Education

Osgoode Hall Law School (2017) JD  
University of St. Michael's College,  
Toronto (2014) PhD  
Lee University, Tennessee (2002) BA

#### Bar Admissions

Ontario (2018)

#### Practice Areas

Appeals  
Class Actions  
Commercial Litigation  
Defamation and Media  
Insolvency and Restructuring  
Public Law  
Securities Litigation  
Trusts and Estates Litigation

#### Contact

T 416-865-3018  
dknoke@litigate.com

# Derek Knoke

#### DEREK KNOKE

is an associate at Lenczner Slaght.

Derek has a broad civil litigation practice, with a particular focus on appeals, commercial litigation and defamation.

He also regularly defends physicians in medical malpractice and professional liability matters.

Derek is a graduate of Osgoode Hall Law School, where he won several course prizes. Prior to joining Lenczner Slaght, Derek served as a judicial law clerk for judges of the Court of Appeal for Ontario.

#### SELECT CASES

- **Castillo v Xela Enterprises Ltd** – Counsel to the court-appointed receiver in contempt proceedings on the Commercial List. Successfully obtained a finding of civil contempt and a full indemnity costs award – both of which were upheld on appeal.
- **Xavier Tu v Ireland Byrne et al** – Counsel for the Defendants in a defamation action.
- **Wasylyk v Simcoe (County)** – Successful counsel to the plaintiff in upholding a trial judgment imposing liability on the Corporation of the County of Simcoe for failing to keep a roadway in a reasonable state of repair. The Court of Appeal for Ontario agreed that the plaintiff/respondent was not contributorily negligent and affirmed judgment in the amount of \$16,000,000.
- **Moazzani v Ebrahimi** – Successful counsel to a defendant/moving party in a motion to strike a statement of claim, which sought \$2,000,000 in damages for defamation. Despite being an opposed motion in-writing, the Superior Court of Justice granted the motion and awarded costs.
- **Canadian Thermo Windows v Seangio** – Counsel to the moving defendants in a successful Anti-SLAPP motion, which determined when a motion is “made”.
- **Zimmerman v McNaull** – Counsel to Respondent Physicians in a successful interlocutory motion, seeking a declaration that the Plaintiffs had impliedly waived privilege over information upon which they relied for their motion to add the Respondent Physicians to the Plaintiffs’ action after the presumptive expiry of the limitation period.
- **12178711 Canada Inc v Wilks Brothers, LLC** – Counsel to G2S2 Capital Inc., a significant creditor, in connection with a contested CBCA restructuring of Calfrac Well Services Ltd.
- **In the Matter of the Receivership of Xela Enterprises Ltd** – Counsel to the court-appointed receiver in an application to recover a judgment debt from Xela Enterprises Ltd., the parent company to several subsidiaries located primarily in Central America and the Caribbean.
- **Orefinders Resources Inc. v Mistango River Resources Inc.** –

Counsel to the successful minority dissident corporate shareholder in various court applications involving a contested proxy battle.

- **Reddy v 1945086 Ontario Inc** – Counsel to the Vendors of a multi-tower condominium project in a claim alleging breach of contract.
- **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...
- **Ravago Americas LLC v Vinmar International Ltd** – Counsel to the defendant employer in an action and injunction concerning allegations of the misuse of confidential information by a former employee.

## SELECT PUBLICATIONS AND PRESENTATIONS

- **Keeping Up With Health Law** – Derek Knoke was invited to share his expertise at the OBA's call in series titled *Keeping up with Health Law*. Derek discussed the recent decision in *Zimmerman v McNaull*.

## BLOG POSTS

- **Contempt on the Commercial List** – Court orders must be obeyed. If they are not, the consequences can be severe.
- **When Must an Anti-SLAPP Motion Be Heard?** – Ontario's Anti-SLAPP legislation (ss 137.1 to 137.5 of the *Courts of Justice Act*) provides a judicial screening device. It is designed to swiftly eliminate claims that unduly limit freedom of expression on matters of public interest. Since coming into force, courts have considered, at length, the substantive issues. To date, little guidance has been provided on the procedural issues.
- **LCO recommendations point to meaningful change in class actions** – The July 17, 2019 final report of the Law Commission of Ontario into class actions has the potential to impact significantly on the prosecution and defence of class actions in Ontario.
- **Ontario Court of Appeal holds that federal legislation imposing minimum standards to reduce carbon emissions is constitutional** – In 2018, Parliament passed the *Greenhouse Gas Pollution Pricing Act* (the "Act"). The Act applies in provinces and territories that have not implemented sufficiently stringent carbon pricing mechanisms regarding greenhouse gas ("GHG"). Part 1 of the Act imposes a regulatory charge on carbon-based fuels; it applies, subject to several rules and exceptions, to fuels produced, delivered, used, distributed, or imported ("Fuel Charge"). Part 2 of the Act establishes a regulatory trading system applicable to large industrial GHG emitters. A credit is given to those who operate within their emissions' limit. A charge is imposed on those who exceed it ("Excess Emissions Charge").

## SELECT NEWS ARTICLES

- **Toronto Star Article** – William C. McDowell and Derek Knoke were mentioned in a Toronto Star article, which looks into a defamation lawsuit concerning a dance group and their former leader and employer.
- **Ontario couple 'bullied' by window company over bad reviews awarded \$166,000** – Lawrence E. Thacker and Derek Knoke were interviewed by CTV News following the decision in *Canadian Thermo Windows v Seangio*

in favour of our clients.

- **Lenczner Slaght Welcomes Five New Associates** – Canada's leading litigation firm continues to add to its collective experience and knowledge with the addition of five talented associates.

Lenczner Slaght is delighted to welcome Derek Knoke, Graham Henry, Jonathan D. Langley, Sean Lewis, and Zachary Rosen to the firm as our new associates.

#### PROFESSIONAL ACTIVITIES

- The Advocates' Society
- Canadian Bar Association
- Ontario Bar Association  
Member-at-Large of the Entertainment and Media Section