



# Mari Galloway

## MARI GALLOWAY

is an associate at Lenczner Slaght.

Mari's litigation practice includes a broad spectrum of commercial, construction, estates, insurance, and public law matters. She has appeared as counsel at all levels of court in Ontario and regularly appears before administrative tribunals and boards.

As a 2020-2021 Harold G. Fox Scholar, Mari worked in chambers with leading Barristers at Middle Temple in London, England on international, private, and public law matters.

Mari graduated magna cum laude from the University of Ottawa where she worked as a research assistant for the Centre for Law, Technology and Society, the Refugee Hub and the Environmental Justice project. She mooted throughout her time at the University of Ottawa, participating in both the Nelligan O'Brien Payne First Year Moot Court Competition and the Harold G. Fox Intellectual Property Moot.

Prior to attending law school Mari earned a joint master's degree in Environmental Policy and Planning from the Technische Universität and Freie Universität in Berlin, and a bachelor's in Political Science from McGill University.

### Education

University of Ottawa (2019) JD  
Freie Universität Berlin (2016)  
Master of Arts (Environmental Policy and Planning)  
McGill University (2013) BA (Political Science and Environmental Studies)

### Bar Admissions

Ontario (2020)

### Practice Areas

Appeals  
Arbitration  
Class Actions  
Commercial Litigation  
Construction and Infrastructure  
Insurance  
Professional Liability and Regulation  
Public Law  
Trusts and Estates Litigation

### Contact

T 416-865-2904  
mgalloway@litigate.com

## SELECT CASES

- **Loblaw Companies Limited et al v Royal & Sun Alliance Insurance Company of Canada et al** – Counsel to the appellant, AIG Canada in a duty to defend and coverage matter related to opiate class proceedings. Decision brought important clarity to defence obligations for long-tail claims and on satisfaction of self-insured retentions.
- **Max Aicher (North America) Realty Inc v Stelco Inc** – Counsel to a supplier of hot rolled steel bar products in successfully obtaining an interlocutory injunction preventing the termination of a supply agreement for a period of time.
- **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.
- **2007414 Ontario Inc v Berman et al** – Counsel to the plaintiffs in an oppression and breach of contract dispute regarding real estate developments and not for profit corporations.
- **Ali v Ali** – Court appointed amicus curiae in a will challenge.

## SELECT PUBLICATIONS AND PRESENTATIONS

- **Teitiota v New Zealand, Climate Migration and Non-refoulement: A Case Study of Canada's Obligations under the Charter and the ICCPR** – Mari Galloway's article "*Teitiota v New Zealand, Climate Migration and Non-refoulement: A Case Study of Canada's Obligations under the Charter and the ICCPR*" was published in Volume 45, Issue 2 of the Dalhousie Law Journal. The article seeks to explore the application of Teitiota to the Canadian context. The goal is to assess Teitiota's potential impact on Charter jurisprudence and examine positive steps that Canada may take to build a framework around transnational climate change and disaster displacement.
- **Competition Bureau Goes After 'Greenwashing'** – Paul-Erik Veel and Mari Galloway co-authored the article *Competition Bureau Goes After 'Greenwashing'*, which was published by The Lawyer's Daily. In their article, they discuss the Competition Bureau's growing focus on greenwashing, the practice of making false or misleading environmental ads or claims about a product's environmental benefits.
- **2021 Nelligan Moot** – Zachary Rosen and Mari Galloway served as judges at the University of Ottawa's 2021 Nelligan Moot.
- **New Court-Ordered Validity of Will Under SLRA** – Anne E. Posno and Mari Galloway co-authored the article *New Court-Ordered Validity of Will Under SLRA* published by the Law Society of Ontario.
- **The Unwritten Constitutional Principles and Environmental Justice: A New Way Forward** – Mari Galloway's article "The Unwritten Constitutional Principles and Environmental Justice: A New Way Forward" was published in Volume 52, Issue 2 of the Ottawa Law Review.

## BLOG POSTS

- **Court Affirms Extreme Circumstances Required to Restrain Power of Sale** – A power of sale is a very common mortgage remedy used by lenders where a borrower defaults under the applicable mortgage agreement. In light of the current interest rate environment, the power of sale process has anecdotally been exercised more frequently. Lenders (and borrowers), however, should keep in mind when such a right can be restrained.
- **Loblaw Companies Limited et al v Royal & Sun Alliance Insurance Company of Canada et al** – In Canada, numerous class proceedings have launched on behalf of governments and individuals against entities involved in the manufacture and distribution of opioids. These actions claim wrongful acts and damages that extend over 23 years, raising important legal questions for the insurers of these entities as to the extent of their obligation to defend the proceedings on behalf of their insureds.
- **Competition Bureau Prioritizes Greenwashing: Keurig Fined \$3 Million Over Recyclability Claims** – The Competition Bureau's focus on greenwashing continues to grow. This past week, the Bureau announced in a news release that it had reached a \$3 million settlement agreement with Keurig Canada Inc. in respect of concerns over misleading and false claims about the recyclability of its single use Keurig K-Cup Pods. The agreement marks a growing trend in enforcement activities against "greenwashing", the practice of making false or misleading environmental ads or claims about a product's

environmental benefits.

- **SCC Expands the Duty of Honest Performance: Silence or Non-Disclosure Can Now Also Constitute a Breach** – This past Friday, the Supreme Court of Canada released its much-anticipated decision in *C.M. Callow Inc v Tammy Zollinger* (“*Callow*”), the first of two appeals heard in December 2019 seeking clarification on the scope of the organizing principle of good faith recognized in *Bhasin v Hrynew* (“*Bhasin*”).
- **Thriving Not Surviving: Key Takeaways from the Young Lawyers Summit** – On November 24, 2020, Canadian Lawyer held the Young Lawyers Summit: Thriving in Today's Changing Legal Industry. Like everything this year, the group gathered virtually for a packed agenda of panel discussions ranging from becoming a thought leader to making time for mental rest and wellbeing. What follows is a short summary of the sessions that we found particularly relevant given our varied experience and roles at the firm.
- **The Greenhouse Gas Pollution Pricing Act and the National Concern Doctrine: A Rights-Based Approach?** – Over the past two days, the Supreme Court of Canada heard appeals from decisions of the Alberta, Saskatchewan, and Ontario Courts of Appeal on the constitutionality of the federal government's *Greenhouse Gas Pollution Pricing Act* (the “GGPPA” or the “Act”).

#### SELECT NEWS ARTICLES

- **Welcome Back Sam & Mari** – Both Sam Hale and Mari Galloway have previously summered, articulated, and were associates at the firm. We are thrilled to have them return following their clerkship and pupillage terms, respectively.
- **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 exceptional associates.

#### PROFESSIONAL ACTIVITIES

- Canadian Bar Association
- Ontario Bar Association
- The Advocates' Society
- Pro Bono Ontario