



Education

University of Western Ontario (2017)
JD (Distinction)
York University (2014) MA
University of Western Ontario (2013)
BA (Honours)

Bar Admissions

Ontario (2018)

Practice Areas

Appeals
Arbitration
Commercial Litigation
Employment
Investigations
Professional Liability and Regulation
Public Law

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Sean Lewis

SEAN LEWIS

is an associate at Lenczner Slaght.

"Sean Lewis is an excellent advocate. His research, writing and presentation skills are exceptionally strong." — *Chambers Canada*

Sean's practice encompasses a broad range of litigation areas, including corporate-commercial, employment, public law, and professional liability.

Sean acts for a wide range of clients, including individuals, corporations across several industries, and governments. He also regularly defends the interests of physicians involved in regulatory and medical negligence matters.

Sean has appeared before several levels of court in multiple provinces, including the Ontario Court of Appeal and the Supreme Court of Canada, as well as multiple administrative tribunals.

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.
- **Commercial Arbitration** – Counsel to a property development company in a dispute regarding the sale of a partnership interest.
- **NORR Limited v Encon Group et al** – Counsel to an architecture firm in a coverage dispute with its insurer regarding a large scale construction project.
- **Cameron Stephens Mortgage Capital v 272 Ontario Inc** – Counsel to Cameron Stephens Mortgage Capital Ltd. in a dispute regarding an alleged breach of a loan agreement.
- **Blevins Developments Inc** – Counsel to a defendant developer in an alleged oppression matter.
- **Jaroli v Dueck** – Counsel to the successful Defendant Physician in a trial for alleged negligence in respect of cancer treatments.
- **Grand Land Investments Inc v Cameron Stephens Mortgage Capital Ltd** – Counsel to Cameron Stephens Mortgage Capital Ltd. in an action concerning the alleged breach of a commitment letter.
- **Armstrong v Ward** – Counsel to a physician in rare medical malpractice case before the Supreme Court of Canada, which discussed interesting issues relating to the standard of care.
- **Assurant Life of Canada ats GFD** – Counsel to the successful

Respondent corporation in a breach of contract dispute concerning an alleged amendment to a contract.

- **Tallman Truck Centre Ltd v K.S.P. Holdings Inc** – Counsel in appeal of motion decision staying proceeding for inadequate disclosure of settlement agreement.
- **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.
- **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.
- **Cameron Stephens Mortgage Capital Ltd v 1091369 Ontario Inc** – Counsel to a construction lender in an application to appoint a receiver.
- **Knight v Lawson** – Counsel to the successful Defendant Physician in a trial for alleged negligence for a delayed diagnosis of a ureteric injury.
- **Tri-South Developments Inc v 583167 Ontario Inc** – Counsel to the Plaintiff developer in a breach of contract case concerning a real estate development.
- **New York Brand Studio Inc ats 110 Spadina Avenue Inc** – Counsel to the Respondent tenant in a breach of contract dispute with a landlord. The proceedings were resolved by way of settlement.
- **Commercial Arbitration** – Counsel to a re-insurance company respondent in an international, multi-party coverage and allocation dispute.
- **Bakaris v Southern Sun Pharma Inc et al** – Counsel to the respondent corporation and director in a breach of contract application related to the acquisition of a license to grow and sell cannabis in Zimbabwe. Successfully stayed the matter in favour of arbitration.
- **Special Committee of the Board of Directors of Aphria Inc.** – Counsel to the Special Committee of the Board of Directors of Aphria Inc. in connection with allegations made by short sellers regarding the value of certain assets and insider dealings.
- **Armstrong v Royal Victoria Hospital** – Appealed successfully on behalf of the defendant physician in a case of alleged negligence relating to a ureteric injury during a colectomy.
- **Aecon Mining Construction Services v K+S Potash Canada GP** – Counsel to Aecon in complex litigation involving multiple parties and claims, in respect of the Legacy potash mine and production facility in Saskatchewan.
- **Polymath Studios Inc v 2362828 Ontario Inc et al** – Counsel to the plaintiff corporation in a fraudulent misappropriation case against a former employee. The proceedings were resolved by way of settlement.
- **R v Le** – Intervened at the Supreme Court of Canada on behalf of the Canadian Civil Liberties Association on a case concerning sections 8 and 9 of the Charter of Rights and Freedoms.
- **Zucchet v Giffin et al** – Successfully enforced an agreement to dismiss the matter on behalf of the defendant physicians.
- **In the Matter of Benedict Cheng et al** – Counsel to the respondent in Ontario Securities Commission proceedings alleging tipping in an insider trading matter. The proceedings were resolved by way of settlement.
- **Novis v Werneck** – Counsel to the defendant physician. Resolved in favour of the defendant physician by way of summary judgment.

- **Commercial Arbitration** – Counsel to a successful employer respondent in a breach of contract dispute.

SELECT PUBLICATIONS AND PRESENTATIONS

- **Be Careful What You Wish For (or, Be Careful What Contest Winner You Give Shares To)** – Sean Lewis authored the blog *Be Careful What You Wish For (or, Be Careful What Contest Winner You Give Shares To)*, which was published on commercialist.com.
- **From Gold Mining in the Nevada Desert to Seeking Declaratory Relief on the Commercial List** – Lawrence E. Thacker and Sean Lewis co-authored the blog *From Gold Mining in the Nevada Desert to Seeking Declaratory Relief on the Commercial List*, which was published on commercialist.com.
- **Lenczner Slaght Advocacy Competition in Legal Ethics and Professionalism 2023** – We were proud to continue our sponsorship of Western Law's annual Legal Ethics and Professionalism moot! Matthew B. Lerner, Sean Lewis, Sean Blakeley, Jim Lepore, and Allison Jandura participated as judges.
- **The Walker Health Law Moot 2021** – Sean Lewis, Vinayak Mishra, and Adam H. Kanji served as judges at the 2021 Walker Health Law Moot.

BLOG POSTS

- **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.
- **“Next Exit, Please”: Escaping a Contractual Buy/Sell Process** – Shareholder agreements commonly contain buy/sell provisions establishing a process by which a shareholder can initiate a sale of their interest or can acquire the interest of another shareholder. The particulars of this process vary. Based on the parties' bargain at the time the agreement is made, there are frequently unique and particular requirements to these provisions. The Ontario Superior Court of Justice emphasizes the importance of abiding by those requirements, as seen in a recent decision invalidating a purported closing of a share purchase transaction for the purchasers' failure to comply with the specific process set out in the Shareholders' Agreement. Justice Vella's reasons in *Leeder Automotive Inc v Warwick* therefore offer an excellent reminder to shareholders that they disregard the requirements of a buy/sell provision at their peril.
- **Deference to 1968** – The Court of Appeal for Ontario has once again reaffirmed the deference afforded to first instance judges in cases of contractual interpretation that rely heavily on the factual matrix—even where the underlying facts and history are unique.
- **The SCC Leave Project: Predictions for May 13, 2021** – Here's a look at the leave application decisions that the Supreme Court of Canada will be releasing on May 13, 2021.
- **Supreme Court of Canada Opens the Door to Claims Against Corporations for Breaches of International Law** – In its February 28,

2020 decision, *Nevsun Resources Ltd v Araya*, the Supreme Court of Canada allowed a claim by three Eritrean citizens against a British Columbia corporation operating in Eritrea to proceed. Canadian (and international) corporations with international operations in high risk jurisdictions should take note.

- **Enforcing Arbitral Awards on the Commercial List** – Lawrence E. Thacker and Sean Lewis co-authored the article *Enforcing Arbitral Awards on the Commercial List*, which was published on commercialist.com.

SELECT NEWS ARTICLES

- **Still much to be determined on insurance coverage after cyberattacks** – Sean Lewis is quoted in the Law times article "*Still much to be determined on insurance coverage after cyberattacks*" on August 12, 2019. This article discusses case law related to cybersecurity insurance coverage.

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- **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

- Advocates' Society
- Canadian Bar Association
- Ontario Bar Association