



## Eli S. Lederman

ELI S. LEDERMAN is a partner at Lenczner Slaght.

Eli's practice covers a broad range of complex commercial litigation matters, including securities law, class actions, commercial contracts, franchise disputes, oppression and other shareholder litigation. He regularly acts for directors and officers of private and public corporations and advises boards and their committees on governance and litigation matters.

Eli has extensive trial experience in commercial litigation and in medical malpractice actions, and also acts as counsel in commercial arbitrations. He has appeared as lead counsel at all levels of court including the Supreme Court of Canada, the Court of Appeal for Ontario, the Court of Appeal for Alberta and the Ontario Superior Court of Justice.

Eli represents clients in a wide range of sectors, including those in financial services, information technology, real estate, franchising and manufacturing. Eli is a frequent speaker in continuing legal education programs particularly on issues relating to contractual disputes, securities law and trial advocacy.

### Education

Dalhousie University (2001) LLB  
McGill University (1998) BA  
(Distinction - History)

### Bar Admissions

Ontario (2002)

### Practice Areas

Arbitration  
Class Actions  
Commercial Litigation  
Professional Liability and Regulation  
Public Law  
Securities Litigation

### Contact

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## RECOGNITION

- ▶ **Benchmark Canada (2013-2019)**  
Litigation Star - Class Action, General Commercial and Securities
- ▶ **Best Lawyers in Canada (2014-2020)**  
Corporate & Commercial Litigation, Franchise, Health Care Law, Medical Negligence
- ▶ **Canadian Legal Lexpert® Directory (2013-2019)**  
Litigation - Corporate Commercial, Litigation - Securities, Medical Negligence, and Professional Liability
- ▶ **Lexpert Guide to the Leading US/Canada Cross-border Litigation Lawyers in Canada (2015-2017)**  
Corporate Commercial Litigation, Litigation Lawyer to Watch (2015)
- ▶ **Lexpert Rising Stars (2014)**  
Leading Lawyers Under 40
- ▶ **Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers (2017)**

## SELECT CASES

- ▶ **City of Hamilton Judicial Inquiry** – Counsel to the City of Hamilton in a Judicial Inquiry into the Red Hill Valley Parkway.

- **Sexton v Smith** – Counsel to a dermatologist and medical clinic alleged to have engaged in negligence, breach of the *Occupiers' Liability Act*, breach of contract and misrepresentation in relation to cosmetic treatments. Successful in having all allegations dismissed.
- **Sammut v Peggs** – Counsel to the successful respondent in an application for adverse possession over a strip of land between two residential properties in Toronto, Ontario...
- **Bhasin v Hrynew** – Counsel to the respondents in the Supreme Court of Canada regarding an Alberta action involving a claim for breach of an implied duty of good faith...
- **Williams v Schuringa** – Counsel to the defendant physician in a jury trial following the death of a patient from a sudden pulmonary embolism.
- **Best Theratronics Ltd v Canadian Nuclear Laboratories Ltd** – Counsel to Best Theratronics on an interlocutory injunction motion relating to a commercial contract dispute.
- **GDL Solutions Inc v Hudson Technology Corporation** – Counsel to the defendants in respect of an injunction brought by a competitor business.
- **Allen-Vanguard Corporation v Richard L'Abbe** – Counsel to the plaintiff in an action against offeree shareholders for breach of contract and fraudulent misrepresentation in relation to a multi-million...
- **Wells Fargo v Best Theratronics** – Counsel to a debtor a claim for breach of contract and enforcement of security against accounts receivable, including on a motion for summary judgment and...
- **Cooper v Valiulis** – Counsel in a successful defence at trial of a bariatric surgeon in a medical negligence action in respect of morbid obesity surgery.
- **Armstrong v Tamari** – Counsel in a medical negligence trial before a jury on behalf of a family physician in respect of the management of shoulder dystocia.
- **Bannon v McDonagh** – Counsel in a medical negligence action against an obstetrician in respect of the performance of a Caesarean section.
- **Laneville v Allen-Vanguard Corporation; Love v Canaccord Financial Ltd** – Counsel to officers and directors in two class proceedings alleging misrepresentations in a prospectus and disclosure documents, including a statutory...
- **Tanglewood (Sierra Homes) Inc v Munro Golf Limited** – Counsel to the successful respondent in resisting a motion for an interlocutory injunction to shut down the respondent's business.
- **Re Waxman** – Representation of a director and officer of a public company before the Ontario Securities Commission.
- **Inquest into the Death of Jeffrey James** – Counsel to several physicians in a high profile Coroner's Inquest relating to a psychiatric patient at the Centre for Addiction and Mental Health.
- **Taliano v College of Physicians and Surgeons of Ontario** – Counsel in application for judicial review before the Divisional Court in respect of a decision of the Executive Committee of the College of Physicians of...
- **MacKinnon v Ontario Municipal Employees Retirement Board** – Counsel to a \$40 billion defined benefit pension plan in respect of a claim for maladministration, breach of trust and breach of fiduciary duty.
- **Malpass v Morrison** – Counsel in respect of an appeal of a trial judgment arising from an aborted real estate transaction.

- **742315 Ontario Limited v Continua Capital Inc** – Counsel on successful motion to the Superior Court of Justice striking out portions of a Statement of Claim.
- **CIBC World Markets Inc v Genuity Capital Markets** – Counsel to an investment bank in high profile action for breach of fiduciary duty, wrongful solicitation of employees and corporate conspiracy.
- **Re Price** – Representation of a physician before the Discipline Committee of the College of Physicians and Surgeons of Ontario relating to the prescription of...
- **Isobord Enterprises Inc v Stone & Webster Canada Ltd** – Counsel to a court-appointed receiver-manager in respect of a construction dispute.
- **John E Dodge Holdings Ltd v 805062 Ontario Ltd** – Counsel to a hotel builder in successful action and subsequent appeal for specific performance of a commercial real estate transaction.
- **Hague v Liberty Mutual Insurance Co** – Counsel a large insurance company in a class proceeding.
- **1639662 Ontario Inc v 956112 Ontario Inc** – Counsel to a corporation in a negligent misrepresentation and breach of contract case in relation to a share purchase agreement.
- **Maynes v Med-Eng Systems Inc** – Counsel to a corporation in respect of an action for oppression regarding the redemption of shares under an employee and director stock option plan.
- **Fiorillo v Krispy Kreme Doughnuts, Inc** – Counsel in the trial of an action commenced against a director of Krispy Kreme Doughnuts for oppression and fraudulent misrepresentation.
- **Madonia v Stevens** – Counsel to defendant cardiologist in a medical malpractice trial in respect of the interpretation of an electrocardiogram and treatment of atrial fibr...
- **Timmis v Allen-Vanguard Corporation** – Counsel on behalf of successful respondent defeating a motion to strike a pleading alleging negligent and fraudulent misrepresentation.
- **Trade Capital Finance Corp v Cook** – Counsel to a defendant in an action alleging receipt of fraudulently obtained funds, which included a motion and appeal relating to contempt of court.
- **Cruz v Robins** – Successful defence of an obstetrician in a negligence action and subsequent appeal involving the diagnosis of gestational diabetes and the medical...
- **Duffin Capital Corp v Ontario (Minister of Municipal Affairs and Housing)** – Counsel to a major land developer against the Province of Ontario in respect of a development planning area established under the Ontario Planning and...
- **Re Growthworks Canadian Fund Ltd** – Counsel to a contingent creditor who obtained an order effectively lifting the stay of proceedings in an application made under the CCAA to allow actions...

### SELECT PUBLICATIONS AND PRESENTATIONS

- **Commercial List Advocacy** – Eli S. Lederman will be a Co-Chair at The Advocates' Society's first ever Commercial List Advocacy program. As a seasoned Commercial List litigator, Eli will be sharing expert tips about the dos and don'ts for 9:30 appointments, pre-trial hearings, judge-led mediations, electronic hearings, and more.

- **Solving Shareholder Disputes** – Eli S. Lederman will be sharing his expert insight on the panel *Solving Shareholder Disputes* at the Law Society of Ontario's 9th Business Law Summit on May 13, 2019.
- **2017 CFA Franchise Law Day** – Eli S. Lederman spoke at the 2017 CFA Franchise Law Day on "Managing Default, Termination and the Duty of Good".
- **2nd Annual Duties of Good Faith: An Update on Law** – Eli S. Lederman once again led Lexpert's full day professional development course on "Maintaining Honesty in Today's World". The program...
- **Examinations for discovery - Advanced Skills Workshop** – Eli S. Lederman served as Program Chair at the Osgoode Professional Development Intensive Trial Advocacy Workshop, Advanced Skills Series.
- **Osgoode Professional Development: Examining Expert Witness** – Lawyers Monique Jilesen and Eli S. Lederman co-chaired the Osgoode Professional Development advanced skills workshop Examining Expert Witnesses on...
- **The Advocates' Society: Securities Law Update** – Eli Lederman presented a Class Actions and Securities Litigation Update at The Advocates' Society's Securities Law Update event on November 17, 2016.
- **Duties of Good Faith: Recent Developments in the Law and Practical Implications** – Eli S. Lederman led an all day seminar on contractual rights, employee consideration and caselaw review on June 9, 2016. Marguerite Ethier also at the...
- **Examinations for Discovery: Advanced Skills Workshop** – Eli S. Lederman chaired a one day skills workshop on May 13, 2016 for Osgoode Professional Development. Matthew Lerner served as an instructor for the...
- **36th Annual Intensive Trial Advocacy Workshop** – Peter Osborne, Lawrence Thacker, Risa Kirshblum, Monique Jilesen, Eli Lederman, Matthew Sammon, Rebecca Jones, Jaan Lilles and Dena Varah were among the...
- **Implied Obligations of Good Faith** – Eli Lederman spoke at Lexpert's conference on June 2, 2015 on the Supreme Court of Canada decision in *Bhasin v. Hrynew et al.* which relates to good...
- **Advanced Questioning Techniques: Mastering Examinations-in-Chief and Mastering Cross-Examinations** – Monique Jilesen and Eli Lederman were on the faculty of this Osgoode Professional Development Program led by Canadian instructors in advocacy skills...
- **Avoiding Allegations of Bad Faith: A Practical Guide to the Termination of Contracts** – Eli Lederman will be joined by Elisabeth Presion, Chief Legal Officer for Allen-Vanguard Corporation, and Agnes Di Leonardi, General Counsel for Mazda...
- **Expanding the duty of good faith – SCC has blown wide open the grounds for a contractual dispute**  
Eli Lederman's article appears in the January 30, 2015 issue of the *Lawyers Weekly* published by Lexis Nexis Canada Inc. This article discusses the Supreme Court of Canada decision in *Bhasin v. Hrynew et al.*
- **Bhasin v. Hrynew: The New Duty To Act Honestly** – Eli Lederman will be providing his insight in an Osgoode Professional Development webinar on the legal implications of *Bhasin v. Hrynew et al.*

- **35th Annual Intensive Trial Advocacy Workshop** – Peter Osborne, Lawrence Thacker, Risa Kirshblum, Monique Jilesen, Eli Lederman, Matthew Sammon, Rebecca Jones, Jaan Lilles and Dena Varah were among the...
- **Bound by the legal chain of events** – Eli Lederman's article appeared in the June 20, 2014 issue of the *Lawyers Weekly*.
- **34th Annual Intensive Trial Advocacy Workshop** – Peter Griffin, Monique Jilesen and Eli Lederman were among the distinguished guest lecturers at the 34th Annual Intensive Trial Workshop held in Toronto on July 7-14, 2013.
- **Managing the Risk of Liability Posed by Suicidal or Violent Patients: Developing a Suicide Prevention Program** – Eli S. Lederman speaks at the Canadian Institute's 9th Annual Conference.

## BLOG POSTS

- **Breaking down the Economic Barrier: Negligent Misrepresentation and Class Actions** – Over the 25 years that Ontario's *Class Proceedings Act* has been in force, there have been fewer than 20 common issue trials. While class actions have the potential to remove access to justice barriers and improve judicial economy and efficiency, in Ontario their scope has been limited.
- **Partial indemnity costs nearing the substantial indemnity scale in Ontario (Minister of Finance, Motor Vehicle Accident Claims Fund) v Chartis Insurance Company of Canada** – In a recent decision, the Ontario Superior Court awarded costs on a partial indemnity scale which constituted 75% of the costs actually incurred by the successful party. The decision demonstrates the possibility of a generous costs award on a partial indemnity scale where the issues at stake are important and complex, and both written materials and oral submissions are of high calibre.

## SELECT NEWS ARTICLES

- **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.
- **The 2019 Lexpert Directory Recognizes Lenczner Slaght with 89 Rankings** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
- **Benchmark Canada Highlights Lenczner Slaght's Litigation Excellence** – Benchmark Canada 2019 not only recognizes Canada's leading litigation firm with the top tier ranking of "Highly Recommended in Ontario", 17 Lenczner Slaght litigators are also ranked for their expertise.
- **Hamilton Mayor Fred Eisenberger says community needs to be patient with judicial inquiry process** – In this Hamilton News article, Eli S. Lederman comments on the decision to launch a judicial inquiry into Red Hill Valley Parkway.

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- **Red Hill judicial probe: what happens next?** – In the Hamilton Spectator, Eli S. Lederman shares his expert opinion regarding a judicial inquiry into Red Hill Valley Parkway.

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- **Hamilton councillors want 'complete truth' as they approve Red Hill Parkway judicial inquiry** – The Hamilton News shares Eli S. Lederman's expert advice provided to Hamilton's city council on whether to proceed with a judicial inquiry into the Red Hill Valley Parkway report.

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- **Hamilton will spend millions to do judicial inquiry into Red Hill Valley Parkway report** – In this CBC News Report, Eli S. Lederman comments on the Hamilton city council's decision to launch a judicial inquiry into the Red Hill Valley Parkway report.

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- **Lexpert Recognizes Lenczner Slaght's Excellence in Litigation** – Our expert litigators continue to be recognized as the foremost litigators in their fields by peers and senior members of the legal profession.
- **Lenczner Slaght Litigators Ranked in Best Lawyers in Canada** – Canada's leading litigation firm is proud to announce that 25 of the firm's 58 lawyers have been recognized in the *Best Lawyers in Canada 2019* publication across multiple categories.
- **Lexpert Recognizes Lenczner Slaght's Professional Excellence** – An increasing number of the firm's lawyers have been ranked by their peers as leading practitioners in their field.
- **Lenczner Slaght Receives Top Tier Ranking in Benchmark Litigation** – 19 Lenczner Slaght leading litigators are ranked in Benchmark Litigation's 2018 directory, including 7 new additions since last year. Three of the firm's litigation stars are also recognized as a Top 50 Trial Lawyer in Canada.
- **Lexpert Highlights Lenczner Slaght's Litigation Strength** – A total of 13 Lenczner Slaght litigators have once again been ranked among the foremost litigators in their field in the 2017 Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers.
- **Words and Intentions** – Eli S. Lederman is quoted in the 2017 Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers article *Words and Intentions* where he provides his expert opinion on recent and notable court decisions regarding contractual interpretation — particularly the 2014 SCC ruling in *Bhasin v. Hrynew*.
- **Lenczner Slaght's Cross-Border Litigation Expertise is Highly Ranked** – Almost half of the partners at Canada's leading litigation firm are ranked with one Litigation Lawyer to Watch and 12 Leading Cross-Border Litigation Lawyers.
- **Lenczner Slaght Ranked Among the Best** – Almost half of the leading litigation firm's lawyers are recognized in the *Best Lawyers in Canada*.
- **Lenczner Slaght Shines in 2017 Lexpert Rankings** – Lenczner Slaght's litigators continue to be recognized by their peers as leading practitioners in their fields according to the 2017 Canadian Legal Lexpert Directory.
- **23 Percent of Lenczner Slaght Lawyers ranked in Benchmark Litigation 2017** – 12 Lenczner Slaght leading litigators are ranked in Benchmark Litigation's 2017 directory.

- **16 Lenczner Slaght Lawyers Ranked as Canada's Leading Litigators**  
 – Number of Lenczner Slaght lawyers ranked in the year-end Lexpert Special Edition published in conjunction with *Report on Business* magazine jumps to 16.
- **Peers Recognize Lenczner Slaght's Expertise in Cross-border Litigation** – Fifteen Lenczner Slaght lawyers have been ranked in the Lexpert 2016 Guide to the Leading U.S./Canada Cross-Border Litigation Lawyers in Canada
- **Judge sides with former Leafs player in contract dispute over nude photo** – Eli S. Lederman is quoted in Canadian Lawyer Magazine's *Legal Feeds Blog* piece *Judge sides with former Leafs player in contract dispute over nude photo* on November 18, 2016.
- **Lenczner Slaght Lawyers Ranked Best** – Nearly half of the firm's lawyers recognized among Canada's foremost practitioners
- **23 Lenczner Slaght Lawyers Ranked in 2016 Lexpert Directory** – This year, the Canadian Legal Lexpert® Directory increased the number of Lenczner Slaght lawyers ranked among the best in Canada to 23, up from 20 in 2015.
- **Three Lenczner Slaght cases featured in Lexpert's Top 10 Business Decisions of 2015** – Canada's leading litigation practice acted as counsel on the top case in Lexpert's annual ranking
- **Lenczner Slaght Leads in Cross-Border Litigation** – Recognition of Lenczner Slaght lawyers as Canada's Leading Cross-Border Litigators Endures
- **Lenczner Slaght Lawyers Repeatedly Ranked Among the Best** – Half of the firm's lawyers are ranked as leading practitioners and three named "Lawyer of the Year" in the latest Best Lawyers in Canada Directory.
- **Decision suggests greater freedom for trial judges in contract law cases** – Eli Lederman was quoted in Canadian Lawyer InHouse on July 20, 2015 regarding the decision in *Energy Fundamentals Group Inc. v. Veresen Inc.*, 2015 ONCA 514, a significant case concerning the implication of contractual terms.
- **20 Lenczner Slaght Lawyers Recognized in 2015 Lexpert Directory** – Recognized by Canadian Legal Lexpert® Directory as leading practitioners.
- **Did the Supreme Court clarify or muddy the duty of good faith?** – Eli Lederman was quoted in the May, 2015 issue of Lexpert Magazine in relation to his involvement and his insight into the decision in *Bhasin v. Hrynew et al.*
- **Lenczner Slaght - "a fortress inhabited by litigation royalty"** – 13 Lenczner Slaght lawyers recognized in the 2015 Benchmark Litigation Directory.
- **Lexpert Big Suits: Bhasin v. Hrynew et al.** – Eli Lederman, Jon Laxer and Constanza Pauchulo appellant counsel to Heritage Education Funds Inc. and Larry Hrynew in *Bhasin v. Hrynew et al.* were mentioned in Lexpert Magazine's February 2015 issue.
- **Contract law blockbuster leaves counsel with lingering questions - 'Good faith' duty will spur litigation, lawyers predict** – Eli Lederman was quoted in the *Lawyers Weekly* on November 28, 2014 in relation to his involvement in *Bhasin v. Hrynew et al.*

- **Another Rising Star Recognized at Lenczner Slaght** – Eli Lederman is recognized as a leading lawyer under 40.
- **SCC establishes duty of honesty between contracting parties** – Eli Lederman provides insight on *Bhasin v. Hrynew et al.* in the November 24, 2014 issue of *Law Times*.
- **SCC establishes duty of honesty between contracting parties** – Eli Lederman was quoted in the *Canadian Lawyer*, *Legal Feeds Blog* on November 13, 2014 in relation to his involvement in *Bhasin v. Hrynew et al.*
- **Supreme Court of Canada imposes general duty of good faith in contract performance** – Eli Lederman, Jon Laxer and Constanza Pauchulo were mentioned in the *Financial Post* on November 13, 2014 in relation to their involvement in a leading Supreme Court of Canada case on good faith in contracts (*Bhasin v. Hrynew et al.*)
- **23 Lenczner Slaght Lawyers Ranked Among the Best** – Nearly half of the firm's 49 lawyers are ranked as leading practitioners and two named "Lawyer of the Year" in the latest *Best Lawyers in Canada Directory*.
- **Lenczner Slaght Increases Rankings in 2014 Lexpert Directory** – Canada's leading litigation practice continues to add new names to the list.
- **Lenczner Slaght Lawyers among Canada's Leading Litigators** – Lenczner Slaght lawyers recognized in the year-end *Lexpert Special Edition* published in conjunction with *Report on Business* magazine.
- **Lenczner Slaght Lawyers Ranked Among the Best** – Canada's leading litigation practice has 22 professionals in the 2014 *Best Lawyers in Canada* list.
- **Lenczner Slaght in Top Tier and 11 Lawyers Ranked as Stars** – Canada's leading litigation practice also wins two national impact cases.

#### PROFESSIONAL ACTIVITIES

- Canadian Bar Association
- The Advocates' Society
- Ontario Bar Association  
Civil Litigation Section
- Canadian Franchise Association