



Jessica Kras

JESSICA KRAS

is an associate at Lenczner Slaght.

Jessica maintains a comprehensive litigation practice, with a focus on professional liability, class actions, and complex commercial disputes – including fraud and oppression claims. She has significant experience obtaining urgent injunctive relief. She acts on mandates across a wide range of industries, including banking, professional services, construction, and pharmaceutical industries, as well as mandates involving government and other public institutions. Jessica has appeared before courts in Ontario, British Columbia, and the Northwest Territories. In addition to her regular courtroom practice, she is also experienced in conducting and representing parties involved in complex workplace and regulatory investigations.

Jessica is a graduate of the University of Toronto where she obtained both her JD and Masters of Public Policy, as well as a certificate in Aboriginal law. A passionate oral advocate, Jessica participated in and coached the Laskin Moot and was selected to represent the University of Toronto at its annual Grand Moot. She was also the recipient of the Edward J Kowal Prize for achievement in commercial law courses.

Education

University of Toronto Faculty of Law
(2018) JD
McGill University (2014) BA (Political
Science and English Literature)

Bar Admissions

Ontario (2019)

Practice Areas

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

Contact

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SELECT CASES

- **Canadian News Media Companies v OpenAI** – Counsel to Canada's leading news media organizations in their legal action against OpenAI for breach of copyright, breach of online terms of use, breach of contract, and unjust enrichment for scraping large swaths of content (millions of works) from Canadian media to help develop its products, such as ChatGPT.
- **Chief James Marlowe and the Lutsel K'e Dene First Nation v Mirza Mohammad Imran Karim Barlas et al** – Counsel to the Lutsel K'e Dene First Nation and its elected chief in an oppression application (and related injunction) arising from allegations of breach of fiduciary duty, misappropriation, and fraud by the CEO of the First Nations' company.
- **Julius Di Filippo and David Caron v The Bank of Nova Scotia et al** – Counsel to a financial institution in a class action pertaining to allegations of price fixing in the precious metals market.
- **Li et al v Barber et al** – Agent for class counsel in a class proceeding by residents, employees, and businesses in Ottawa against the Freedom Convoy organizers. Successfully obtained an *ex parte Mareva* order freezing donations made to Freedom Convoy organizers and preserving the funds for the benefit of Ottawa residents, employees, and businesses.

- **Independent Investigation** – Independent investigation into allegations of bullying and breach of policy by a senior official.
- **Owala v Makary** – Counsel to several defendant physicians in connection with a medical negligence action after a woman died from an aortic dissection. Successfully defended the action through a 10-week trial.
- **Independent Investigation** – Independent investigation into allegations of sexual misconduct by a senior official.
- **Lacroix v Walmart Canada Corporation; Dussiaume v Walmart Canada Corporation** – Counsel to Walmart in proposed class actions in Ontario and British Columbia relating to the manufacturing, supply and sale of Zantac Ranitidine. Successfully in having action dismissed.
- **Zurich Insurance Company Ltd v 2442931 Ontario Inc, Bondfield Construction Company Limited, John Aquino, Vasos Georgiou and Unity Health Toronto** – Counsel to Zurich in an action to rescind surety bonds worth nearly \$300 million, and to recover over \$68 million, due to collusion and misrepresentations in the bidding process for the St. Michael's Hospital Redevelopment Project in Toronto.
- **The Manitoba Metis Federation v The Government of Manitoba et al** – Counsel to the Manitoba Metis Federation in a dispute with the Government of Manitoba over the cancellation of hydro contracts.
- **Cheesman v Credit Valley Hospital** – Counsel to a defendant ophthalmologist in an action alleging negligence in respect of the care and treatment of an infection resulting in sepsis and multiple complications. Successful in having the action dismissed following a 15 week trial before a jury.
- **Wintercorn v Global Learning Group Inc; Pielt v Global Learning Group Inc** – Counsel to a defendant law firm in a class proceedings in Ontario and Saskatchewan relating to a tax donation program.
- **Warwaruk v Jones-Carter** – Counsel to the successful defendant physician in a medical malpractice trial involving allegations that the physician was negligent in his management of shoulder dystocia during delivery. Decision includes important consideration of the causation principles applicable to medical malpractice actions generally.
- **Lipson v Cassels Brock & Blackwell LLP** – Counsel to defendant law firm in a class action in connection with a charitable tax program. The Court of Appeal rendered a seminal decision on the commonality of the defence of a limitation period on a certification motion. In 2023, the Court approved the successful resolution of the action.

SELECT PUBLICATIONS AND PRESENTATIONS

- **2024 Snapshot: Through the Lens of Lenczner Slaght** – Lenczner Slaght launches our *2024 Snapshot*, which highlights the most significant developments, decisions, and trends in litigation from the past year across 20 areas of expertise. Reflect on 2024 and look ahead to 2025 through the lens of our expert litigators.
- **Rethinking the Rules of Civil Evidence** – In the March 2022 edition of The Advocates' Journal, Monique Jilesen and Jessica Kras provided a practical refresher on the evidentiary principles that govern the use and admissibility of documents to refresh a witness's memory.

BLOG POSTS

- **The (Corporate) Mind Is Its Own Place** – As important as corporations

are to modern commerce, Courts have long struggled with how to make these fictional persons responsible for their actions when allegations against them require the Court to assess their state of mind. The problem is as old as the modern corporation, and can cause exasperation when corporations fail, leading Lord Chancellor Thurlow in the 18th century to remark that a corporation, being a fiction, “has neither a body to kick, nor soul to be damned.”

SELECT NEWS ARTICLES

- **Lexpert's Top 10 Business Decisions of 2021/2022** – In Lexpert's Top 10 Business Decisions of 2021/2022, Lenczner Slaght is featured for its involvement in *Li v Barber* and *Society of Composers, Authors and Music Publishers of Canada v Entertainment Software Association*. Monique Jilesen was further interviewed on our involvement in *Li v Barber*, where our team successfully obtained a precedent-setting Mareva order.
- **Lenczner Slaght Welcomes Eight New Associates** – Canada's leading litigation firm continues to strengthen its talent pool with the addition of eight exceptional associates.

PROFESSIONAL ACTIVITIES

- Ontario Bar Association