



Jessica Starck

JESSICA STARCK

is a research associate at Lenczner Slaght.

Jessica's practice focuses on complex litigation. She prepares opinions and memoranda relating to complicated or novel legal issues arising in all areas of the firm's practice. Jessica drafts submissions for all levels of court, and routinely provides strategic advice in the context of appeals.

Jessica joined the firm after practicing for two years at a major national law firm, where she maintained a general commercial litigation practice, with a focus on securities litigation and class actions.

While in law school, Jessica was a managing editor for the *McGill Journal of Law and Health* and volunteered with the McGill Legal Information Clinic. Jessica also completed a summer internship at Her Justice, a non-profit legal organization in New York City providing free legal advice and information to victims of domestic violence.

Education

McGill University, Faculty of Law (2015), BCL / LLB
 Vrije University, Amsterdam (2014) (Exchange Program; International Law)
 Concordia University (2011)

Bar Admissions

Ontario (2016)
 New York (2016)

Practice Areas

Appeals
 Arbitration
 Class Actions
 Commercial Litigation
 Defamation and Media
 Professional Liability and Regulation
 Securities Litigation

Contact

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SELECT CASES

- **1000425140 Ontario Inc v 1000176653 Ontario Inc** – Appellate counsel concerning a claim for fraudulent misrepresentation and failure to disclose a latent defect in a luxury residential property.
- **Coscarella Dentistry v Clifford Harvey** – Appellate counsel to Dr. Coscarella in a dispute concerning solicitation of patients from dental practice.
- **Friends of Toronto Public Cemeteries Inc v Public Guardian and Trustee** – Counsel to the successful appellant Mount Pleasant Group of Cemeteries before the Court of Appeal for Ontario overturning a decision regarding the interpretation of historical corporate governance legislation related to one of Toronto's iconic historical landmarks.
- **Oakville (Town) v Clublink Corporation ULC** – Appellate counsel to the Town of Oakville in a dispute relating to the redevelopment of the Glen Abbey golf course and interpretation of ss. 33 and 34 of the *Ontario Heritage Act*.
- **Canadian National Railway Company v Crosslink Bridge Corp** – Appellate counsel to the third-party respondent, McMillan LLP, in which the Ontario Court of Appeal upheld the lower court's summary judgment decision dismissing the claim against the respondents for solicitor's negligence in respect of Crosslink's purchase of railway lands from CN.

- **Forbes Energy Group Inc v Parsian Energy Rad Gas** – Counsel to Forbes Energy Group Inc. in the context of a dispute over the interpretation of a forum selection clause and Ontario court’s jurisdiction over the dispute. (*Prior to joining Lenczner Slaght*)
- **Anti-Vibration Rubber Parts Class Actions** – Counsel to Bridgestone Corporation in the defense of class actions related to anti-vibration rubber parts. (*Prior to joining Lenczner Slaght*)
- **R v Comeau** – Counsel to the intervener, the Canadian Vintners Association before the Supreme Court of Canada in which the Court considered whether the prohibition on transporting liquor between provinces violated the free trade guarantee in s. 121 of the *Constitution Act, 1867*. (*Prior to joining Lenczner Slaght*)
- **Trinity Western University v Law Society of Upper Canada** – Counsel to Trinity Western University before the Supreme Court of Canada in which the Court considered the constitutionality under the Canadian *Charter of Rights and Freedoms* of the Law Society’s refusal to accredit TWU’s proposed law school. (*Prior to joining Lenczner Slaght*)
- **Valeant Pharmaceuticals Class Actions** – Counsel to the former Chief Financial Officer of Valeant Pharmaceuticals International Inc. in defense of securities class actions commenced in the Ontario and Quebec courts. (*Prior to joining Lenczner Slaght*)

SELECT PUBLICATIONS AND PRESENTATIONS

- **New Case Law: Another Unsuccessful Attempt to “Unring” the Certification Bell – Levac v James** – Jessica Starck authored the article *New Case Law: Another Unsuccessful Attempt to “Unring” the Certification Bell – Levac v James*, which was published in the BCF Netletter (Issue 11).
- **The Dispute Resolution Review - Edition 10** – Jessica Starck was a co-author of "The Dispute Resolution Review - Edition 10". The publication provides an indispensable overview of the civil court systems of 37 jurisdictions.
- **Global Legal Insights: Litigation and Dispute Resolution 2017, Sixth Edition** – Jessica Starck was a chapter author for the "Global Legal Insights: Litigation and Dispute resolution 2017, Sixth Edition (Canada)".
- **The BCSC Decision in Re Red Eagle** – Jessica Starck was the co-author of "The BCSC Decision in Re Red Eagle: Private Placement Survives Regulatory Review in the Context of a Hostile Bid". This article reviews the decision of the British Columbia Securities Commission in *Red Eagle, Re, 2015 BCSECCOM 401*.

BLOG POSTS

- **Navigating the Unknown: Setting the Standard for Legal AI Research Tools** – “There is nothing more dangerous than someone who knows a little law.” My late father, a longtime criminal prosecutor turned judge, used to say this to me when I first started law school and immediately assumed I could solve any legal problem that came my way. What I lacked in knowledge, I made up for in confidence.
- **MDS Inc v Factory Mutual Insurance Company: Loss of Use is Not “Physical Damage” Under Exception to an Exclusion in an All-Risks Policy** – On September 3, 2021, the Ontario Court of Appeal (“ONCA”) released its decision in *MDS Inc v Factory Mutual Insurance Company*, which considered the proper interpretation of corrosion exclusions and

resulting damage exceptions in standard-form property and casualty insurance policies.

- **A New Year's Resolution for Civil Practice: New Rules Amendments Nudge Civil Litigation into the Digital Age** – On January 1, 2021, significant changes to the *Rules of Civil Procedure* will come into force. The COVID-19 pandemic has materially transformed the day-to-day practice of litigation, and these rule changes are a significant attempt to capture the pragmatism and efficiencies that the pandemic has pushed litigators to adopt to keep their files moving.

SELECT NEWS ARTICLES

- **Lenczner Slaght Welcomes Jessica Starck** – Lenczner Slaght strengthens its legal research expertise with the addition of another talented associate.

PROFESSIONAL ACTIVITIES

- The Advocates' Society
- Ontario Bar Association
- Canadian American Bar Association
- New York State Bar Association