



#### Education

Osgoode Hall Law School (1997) LLB  
 University of Western Ontario (1993)  
 MA (Critical Theory)  
 University of Western Ontario (1991)  
 BA (Philosophy and Economics)

#### Bar Admissions

Ontario (1999)

#### Practice Areas

Appeals  
 Commercial Litigation  
 Insurance  
 Product Liability  
 Professional Liability and Regulation  
 Public Law

#### Contact

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# Nina Bombier

**NINA BOMBIER** is a partner at Lenczner Slaght.

Nina's broad litigation practice encompasses commercial litigation, professional negligence and regulatory matters, environmental litigation, insurance litigation and public law. She has extensive trial experience litigating commercial and regulatory cases, in addition to many medical malpractice actions. She has appeared as counsel before all levels of court in Ontario, as well as the Federal Court and the Supreme Court of Canada. Nina appears regularly before administrative tribunals and boards, both as a prosecutor and as defence counsel on behalf of professional members.

Nina joined Lenczner Slaght in 1999 after clerking at the Supreme Court of Canada. She has taught trial advocacy at Osgoode Hall Law School, as well as the Intensive Trial Advocacy Course for practising lawyers. She regularly speaks at continuing legal education conferences and has written articles on a diverse range of topics, from health, pension and environmental law to professional regulation and civil litigation.

## RECOGNITION

- **Best Lawyers in Canada (2014-2020)**  
 Corporate & Commercial Litigation, Health Care Law, Insurance, Medical Negligence, Product Liability
- **Canadian Legal Lexpert® Directory (2014-2019)**  
 Litigation - Corporate Commercial, Medical Negligence, Professional Liability
- **Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers (2016, 2018)**
- **The Legal 500 Canada (2019)**  
 Insurance (Recommended Lawyer)

## SELECT CASES

- **Dentons v Trisura Guarantee** – Counsel for the insured applicant seeking coverage for a social engineering fraud under a computer fraud rider policy.
- **General Electric Canada Co v Aviva Canada, Inc** – Counsel for the insured in an application and appeal concerning insurer's duty to investigate and defend claims arising from the historical release of...
- **Gore v College of Physicians and Surgeons of Ontario** – Counsel for the physician in an application for judicial review of the powers of the College of Physicians and Surgeons of Ontario to observe physicians...

- **Professional Institute of the Public Service of Canada v Canada (Attorney General)** – Counsel to the Government of Canada in a matter concerning the entitlement of public service unions to pension surpluses of approximately \$18 billion...
- **407 ETR Concession Company v Ontario (Registrar of Motor Vehicles)** – Counsel to the 407 ETR in a successful judicial review application, in which the 407 ETR sought an order compelling the Registrar of Motor Vehicles to...
- **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.
- **TTC v General Electric Canada et al.** – Counsel for defendant in claim for property damage and environmental clean-up costs arising from TCE contamination caused by historical industrial operations.
- **Bennett v Bennett Environmental** – Counsel to the plaintiff in successful proceedings for advancement of funds to pay legal fees relating to criminal charges. The Court's decisions in...
- **Fepro Farms v Wajax GP Holdco Inc** – Counsel to a manufacturer of biogas engine in a product liability proceeding.
- **Century Services v New World Engineering Corporation** – Counsel for defendant law firm in complex trial involving many parties and alleging fraud and negligence in secured lending transaction.
- **Alves v Hennessy Industries Inc** – Counsel to the manufacturer of a tire changer alleged to have malfunctioned.
- **Martin v American International Assurance Life Co. (SCC)** – Counsel to insurer in appeal at the Supreme Court of Canada concerning interpretation of accidental death benefit in life insurance policy.
- **Erco Worldwide v General Electric Canada** – Counsel to a manufacturer of transformers in a product liability proceeding.
- **DA v RH** – Counsel to optometrists in a successful review of a decision of the College of Optometrists of Ontario to issue written cautions, on the basis that the...
- **McAllister v 1537768 Ontario Inc** – Counsel to General Electric in product liability proceedings relating to light bulbs alleged to have caused a fire at a marina.
- **Cristofari Farms Inc v Union Gas Limited** – Counsel to a manufacturer of regulators in a product liability proceeding.
- **O'Halloran v Trillium Health Centre** – Counsel to the physician on successful motion opposing the addition of four physicians to a medical negligence action.
- **Girard and Gagnon v Windsor Regional Hospital** – Counsel to two successful defendant physicians in a medical negligence action relating to treatment of wrist fractures.
- **Livent Inc v Deloitte & Touche LLP** – Counsel to Deloitte & Touche LLP for the appeal to the Court of Appeal and the Supreme Court of Canada from a trial judgment awarding substantial...
- **Plummer v College of Massage Therapists of Ontario** – Prosecutor for The College of Massage Therapists of Ontario in an appeal of a decision of the Discipline Panel of the College finding a member guilty of...

- **Graat v Adibfar** – Counsel to the successful defendant doctor in a jury trial concerning the plaintiff's informed consent to a breast augmentation and lift.
- **Mangal v William Osler Health Centre** – Counsel to the successful defendant physicians at trial and on appeal in a wrongful death medical negligence action relating to a post-partum...
- **Reyhanian v Health Professions Appeal and Review Board** – Counsel to the successful respondent doctor on an application for judicial review of a decision of the Health Professions Appeal and Review Board in a...
- **Law Society of Upper Canada v Ross** – Counsel for the Law Society in an appeal from a Discipline Committee decision.
- **Marcoccia v Ford Credit Canada Limited** – Counsel to Ford Credit Canada in an appeal concerning the apportionment of liability and reasonableness of damages awarded by jury.
- **Conway v Bell Canada** – Counsel to Bell Canada in an action alleging negligent misrepresentation and negligent supply and installation of phone equipment. Successful at...
- **GM v Alter** – Counsel for defendant physicians in an action relating to the in utero infection of a baby with HIV. Contested hearing and appeal concerning the...
- **Tantawy v Casa Verde** – Counsel for a physician on a motion to prevent the addition of a physician to a medical negligence action beyond the relevant limitation period. ...
- **CB v Sawadsky** – Counsel to a physician alleged to have failed to advise patient of her right to counsel under the Mental Health Act and the Charter of Rights and Freedoms...
- **A & W Food Services of Canada Inc v McDonald's Restaurants of Canada Ltd** – Counsel to McDonald's in a successful defence at trial of a claim alleging breach of the trade-mark "Chicken Grill" and loss of goodwill. This was the...
- **Nagoya Venture Ltd v Bacopulos** – Counsel in a successful application to dismiss a third party action brought against an American law firm for lack of court's jurisdiction over legal...
- **Hercules v Sunnybrook and Women's College Health Sciences Centre** – Counsel to two physicians on a successful motion and appeal for summary judgment in a medical negligence action.
- **Montreal Trust Co of Canada v Call-Net Enterprises Inc** – Counsel to Call-Net Enterprises in a successful defence at trial and on appeal of claim by former senior executives that they were entitled to benefits as...
- **Liberty Mutual Insurance Co v Hollinger Inc** – Counsel in an appeal of an insurance application concerning the obligation of the insurer to defend claim of intentional discrimination.
- **Nyilas v Lamb** – Successful defence at trial of medical malpractice claim against physician concerning punctured lung.
- **Sutherland v Birks** – Counsel in a successful oppression application at trial and appeal on behalf of two shareholders in a family foundation for buy-out of shares and other...
- **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.

- **College of Massage Therapists of Ontario v Kamoulakos** – Prosecutor for The College of Massage Therapists in Discipline Committee hearing concerning allegations of, among other things, practicing while suspended...
- **Vitez v GE Canada et al** – Counsel for defendant in claim for personal health issues allegedly related to TCE contamination.
- **GE Canada v Continental Insurance Company et al** – Counsel for applicant seeking defence and indemnity under historical insurance policy for environmental contamination claims.
- **Northstar Aerospace Inc v GE Canada et al** – Counsel for defendant in claim for contribution and indemnity arising from class action for TCE contamination in Cambridge, Ontario.
- **XL Insurance Company SE v ACE INA Insurance** – Counsel to ACE defending claim for defence and indemnity for environmental contamination actions.
- **Regional Municipality of Waterloo v GE Canada et al** – Counsel for defendant in claim for property damages, clean-up costs and indemnification arising from TCE contamination.
- **GE Canada v Aviva Canada Inc et al** – Counsel to GE Canada claiming for indemnity for environmental investigations and remediation related to PCB contamination.

#### SELECT PUBLICATIONS AND PRESENTATIONS

- **Waiver of Privilege** – Nina Bombier spoke at the Advocates' Society's program, "Privilege: A litigator's Guide". She spoke about "Waiver of Privilege" and how it impacts solicitor-client privilege.
- **Understanding and Dealing with the Litigation Process** – Nina Bombier spoke at the Osgoode Certificate program in Clinical Risk, Negligence & Claims Management in Health Care. Her panel was called "Litigation Session: Live Demonstrations - Examination in Chief and Cross-Examination of Plaintiff Expert".
- **Decision clarifies dispute resolution for international insurance policies** – Nina Bombier authored the article *Decision clarifies dispute resolution for international insurance policies* which appeared in the Lawyer's Daily on February 2, 2018. This article discusses the Ontario Court of Appeal decision in *Trade Finance Solutions Inc. v Equinox Global Limited* 2018 ONCA 12 which reinforces that deference will be granted to mandatory arbitration clauses and clears up the uncertainty around application of domestic Action Against Insurer clauses in international insurance policies.
- **Privilege: A litigator's Guide** – Nina Bombier spoke at the Advocates' Society's program on the "strategic considerations, best practices and practical advice" on solicitor-client and litigation privilege.
- **Apportioning defence costs at start of litigation** – This article, co-authored by Nina Bombier and Lars Brusven, appeared in the Insurance Law Focus Section of the March 24, 2017 issue of The Lawyers Weekly. This article discussed how the court deals with allocating costs between an insured and the insurer when losses extend over a long period of time or not all claims are covered by the insurance policy.

- **The Latest in Indemnification and Advancement Issues** – Nina Bombier presented the topic "*The Latest in Indemnification and Advancement Issues*" at The Advocates' Society event *Cross-Border Issues for Litigators* on September 16, 2016.
- **Expert Evidence in Personal Injury Cases: Winning Strategies and Techniques** – Nina Bombier spoke at Osgoode's program *Expert Evidence in Personal Injury Cases: Winning Strategies and Techniques*, which took place December 10, 2015.
- **Liability limited by covenant** – Nina Bombier's article appeared in the June 12, 2015 issue of the *Lawyers Weekly* published by Lexis Nexis Canada Inc. The article discussed a recent decision which affirmed that a covenant to insure will operate as a transfer of risk, and that non-contracting parties can be protected by this transfer despite the lack of privity.
- **The perils of waiting** – Early determination of coverage issues can be essential, appeal court ruling shows
- **The Osgoode Certificate in Professional Regulation and Discipline in the Ontario Health Care Sector** – Nina Bombier was a speaker at this Osgoode Professional Development program on the "Discipline Hearing".
- **When medical records go missing – Legal regimes and remedies in Ontario differ depending on the source of the information**  
Nina Bombier and Paul-Erik Veel co-authored the article *When medical records go missing* which appeared in the July 11, 2014 issue of the *Lawyers Weekly*.
- **The Dangers of Voluntary Compliance** – Nina Bombier co-authored the article *The Dangers of Voluntary Compliance* which appeared in the May 9, 2014 issue of *The Lawyers Weekly*.
- **General Electric Canada Company v. Aviva Canada, Inc.** – Nina Bombier authored "*General Electric Canada Company v. Aviva Canada, Inc.*", a case comment on representation of the appellant at the Ontario Court of Appeal for Take Five, Ontario Edition: On Point Legal Research.
- **The Basel Convention's Complete Ban on Hazardous Waste Exports** – Nina Bombier's article *The Basel Convention's Complete Ban on Hazardous Waste Exports* appeared in Volume 7 of the *Journal of Environmental Law and Practice*.
- **Prosecuting and Defending Professional Discipline Cases** – Nina Bombier chaired the Osgoode Short Course on prosecuting and defending professional discipline cases.
- **Liebig v. Guelph General Hospital: Affirming the Duty Owed to a Fetus During Labour and Delivery** – Nina Bombier presented her paper *Liebig v. Guelph General Hospital: Affirming the Duty Owed to a Fetus During Labour and Delivery* at LSUC Emerging Issues in Health Law Conference.
- **Investigatory Powers into Professional Misconduct and Incompetence: Gore v. CPSO and New Amendments Requiring Cooperation from Members** – Nina Bombier presented her paper "Investigatory Powers into Professional Misconduct and Incompetence: *Gore v. CPSO* and New Amendments Requiring Cooperation from Members" at the Osgoode Professional Discipline Conference.
- **Critical Issues in Health Law: Case Law and Legislation Updates** – Nina Bombier and Anne E. Posno presented at the OBA PD Program.

- **Emerging Issues in Class Action Pension Law Suits** – Nina Bombier presented a paper *Emerging Issues in Class Action Pension Law Suits* at the CCA National Spring Conference.
- **Section 75 Investigations into Professional Competence and Misconduct: Gore v College of Physicians and Surgeons of Ontario Expands the Powers of Investigators** – Nina Bombier presented on the topic at OBA Critical Issues in Health Law Conference.

## BLOG POSTS

- **Disappointed No Longer: Supreme Court Clarifies the Interplay between Insurance Act Beneficiary Designations and Unjust Enrichment** – Last Friday, the Supreme Court of Canada released its long-awaited decision in the case of *Moore v Sweet*, and settled a troubling issue in the trusts and estates world: the case of the disappointed life insurance beneficiary.
- **Constructive Trusts in Life Insurance Cases: Supreme Court to Clarify Remedies for Disappointed Beneficiary Case** – “Disappointed beneficiary” claims over life insurance proceeds have resulted in a complex body of case law combining elements of family law, trusts and insurance law.
- **Insurance Policy Covers Defence Costs Incurred for Directors and Officers in Security Regulators’ Investigation** – As regulatory investigations and litigation against corporate directors and officers become increasingly complex and extensive, insurance policies covering defence costs are all the more important. But how far does this coverage stretch? The recent decision of *Liberty Silver v Liberty Insurance* demonstrates the significant value these policies can provide in covering an early and proactive legal defence. The court rejected the Insurer’s narrow and technical interpretation of the insurance policy, and affirmed that legal costs incurred on behalf of senior officers and directors to respond to an Investigative Order by security regulators, even before any formal charges or accusations were laid, were covered.
- **LCBO Loses Privacy Dispute over Wine Club Member Information** – The Liquor Control Board of Ontario has lost a protracted dispute with the Information and Privacy Commissioner (IPC) over its right to collect the personal information of wine club members in the recent case of *Liquor Control Board of Ontario v. Vin De Garde Wine Club*, 2015 ONSC 2537.
- **Versa Fittings ruling underscores high bar to relieve insurer of duty to defend** – The recent decision of the Ontario Superior Court in *Versa Fittings v. Berkley Insurance Co.* (2015 ONSC 1756) reinforces that a Rule 21 motion is an expedient way to secure a ruling on whether an insurers duty to defend has been triggered.
- **Know Thy Client** – The Court of Appeal recently released a decision that serves as a reminder to all counsel: never lose sight of who you act for.

## 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.
- **Firm in \$1.7-million dispute with insurer** – Nina Bombier is quoted in the Law Times article “*Firm in \$1.7-million dispute with insurer*” on January 21, 2019. This article discusses the recent decision in *Dentons Canada LLP v. Trisura Guarantee Insurance Company*.
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- **Lenczner Slaght Recognized as a Top-Tier Litigation Firm by Legal 500** – Legal 500 recognizes Lenczner Slaght as the “best litigation boutique in Canada.”
- **Arbitration Advantages** – Nina Bombier is quoted in the Lexpert article *Arbitration Advantages* on November 30, 2018. This article discusses the value of arbitration.
- **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.
- **Clarity needed in estates after divorce** – Nina Bombier was mentioned in the Law Times article “*Clarity needed in estates after divorce*” on October 22, 2018. This article discusses the need for clarification in trusts and estates law, in the event of divorce.
- **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 Raises over \$17,000 for Covenant House Toronto** – On February 7, 2018, our lawyers participated in the Covenant House Guts + Glory Obstacle Challenge and fundraised over \$17,000 which will go to providing health care, food, shelter, and clean clothes to at-risk, homeless and trafficked youth.
- **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.
- **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

- **Top court widens scope for appeals of insurance contract disputes** – Nina Bombier is quoted in the article *Top court widens scope for appeals of insurance contract disputes* on Canadian Lawyer's website. The article focuses on the September 15, 2016 decision reached in *Ledcor Construction Ltd. v. Northbridge Indemnity Insurance Co.*
- **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.
- **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.
- **20 Lenczner Slaght Lawyers Recognized in 2015 Lexpert Directory** – Recognized by Canadian Legal Lexpert® Directory as leading practitioners.
- **Appeal court weighs in on duties of counsel appointed by insurers** – Nina Bombier was quoted in Law Times in relation to the Court of Appeal decision in *Mallory v. Werkmann Estate*, 2015 ONCA 71, which reinforces how the duty of loyalty and good faith owed by defence counsel to the insured client must trump the interests of the insurer that appoints and pays for counsel.
- **Negligence proof onus on plaintiffs, court reaffirms** – Nina Bombier was quoted in the October 10, 2014 issue of the Lawyers Weekly on the decision in *Mangal et al. v. William Osler Health Centre et al.*
- **Judge offers guidance on a 'troublesome area of practice'** – Nina Bombier was quoted in the September 1, 2014 issue of Law Times on handling delays in compliance with undertakings.
- **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 Ranked Among the Best** – Canada's leading litigation practice has 22 professionals in the 2014 Best Lawyers in Canada list.

## PROFESSIONAL ACTIVITIES

- The Advocates' Society
- Canadian Bar Association
- Ontario Bar Association
- Canadian Defence Lawyers Association