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Lorne Silver* maintains a full [commercial litigation](#) practice and has extensive application, trial and appellate experience. His litigation experiences span a broad range of commercial litigation matters with a focus on shareholder disputes and remedies, securities litigation, estate litigation, debtor/creditor rights and remedies and civil contempt. Lorne articulated at Cassels Brock and has practiced with the firm throughout his entire legal career.

Lorne has a history of appearances and successes within all levels of the Ontario Courts, the Federal Court Trial Division, and the Supreme Court of Canada where he was successful counsel in *Madsen Estate v. Saylor* (2007 SCC 18) and follow-up litigation regarding the application of presumptions of law in the context of estate disputes. In 2014, in the case of *Sawdon Estate v. Sawdon*, 2014 ONCA 101 (Can LII), the Court of Appeal for Ontario affirmed the trial decision regarding joint accounts and a rebutting of the presumption of resulting trust, and found that the trustee respondent was entitled to costs from the losing party with the balance to full indemnity recoverable from the estate.

In two separate proceedings, Lorne was successful counsel in civil contempt proceedings for failure to abide by court orders. In both cases, findings of contempt were made, accompanied by remedies including judgments, restitution orders, substantial indemnity cost awards and incarceration.

Lorne's particular strength lies in his ability to comprehend complex legal and factual issues and to fashion and implement effective dispute resolution strategies. Lorne combines these strengths with extensive knowledge of the various advocacy processes, allowing him to represent his clients effectively and efficiently in all aspects of dispute. Moreover, Lorne has a unique ability to deal with people and to understand their individual and corporate issues and concerns. This allows him to effectively communicate with his clients as to substantive issues of fact and law, process, likely result and cost.

Significant Decisions:

- *Best v. Cox*, 2014 ONCA 167
- *Sawdon Estate v. Watch Tower Bible and Tract Society of Canada*, 2014 ONCA 101; 93 E.T.R. (3d) 247
- *Solloway v. Klondex Mines Ltd.*, 2014 ONSC 391
- *Best v. Cox*, 2013 ONCA 695
- *Best v. Cox*, 2013 ONSC 8025
- *Can-Euro Investments Ltd. v. Coles*, 2012 NSSC 247; 318 N.S.R. (2d) 385



- *Delta Hotels Ltd. v. Backus-Naur Inc.*, 2012 CarswellOnt 17343
- *Gunraj v. Cyr*, 2012 ONSC 1609
- *Zucker v. Zucker Estate*, 2011 ONSC 7165; 75 E.T.R. (3d) 268
- *IWHL Inc., Re*, 2011 ONSC 5762; 84 C.B.R. (5th) 223
- *Schembri v. Way*, 2011 ONSC 5393; 90 C.B.R. (5th) 116
- *Schembri v. Way*, 2011 ONCA 568; 90 C.B.R. (5th) 113
- *Schembri v. Way*, 2011 ONCA 528; 339 D.L.R. (4th) 500
- *Schembri v. Way*, 2011 ONSC 4021; 84 C.B.R. (5th) 185
- *Goodwill Industries of Toronto v. Bel-Three Property Management Ltd.*, 2011 ONSC 3703; 6 R.P.R. (5th) 166
- *Wheels Holdco Inc. v. NFM Investments Corp.*, 2011 ONSC 2614
- *Wheels Holdco Inc. v. NFM Investments Corp.*, 2011 ONSC 1739
- *NorthWest Value Partners Inc. v. Bell*, 2010 ONSC 5693
- *Nelson Barbados Group Ltd. v. Cox*, 2010 ONSC 569
- *Northwest Value Partners Inc. v. Bell*, [2009] O.J. No. 4036; 97 O.R. (3d) 511
- *NorthWest Value Partners Inc. v. Bell*, [2009] O.J. No. 3632
- *HudBay Minerals Inc., Re*, (2009) 32 O.S.C.B. 4427
- *Nelson Barbados Group Ltd. v. Cox*, (2009) 75 C.P.C. (6th) 58
- *HudBay Minerals Inc., Re*, (2009) 32 O.S.C.B. 3733
- *Mian v. Girdhar*, 2009 ONCA 356
- *Coss Systems Inc. v. Spitzer*, (2008) 51 B.L.R. (4th) 141
- *Nelson Barbados Group Ltd. v. Cox*, [2008] O.J. No. 2410
- *Nelson Barbados Group Ltd. v. Cox*, 2008 CarswellOnt 2142
- *Nelson Barbados Group Ltd. v. Cox*, [2008] O.J. No. 454
- *McEwen v. Goldcorp Inc.*, 2007 CarswellOnt 7737
- *Jack Digital Productions Inc. v. Comex Foreign Exchange Inc.*, [2007] O.J. No. 3994
- *1565831 Ontario Ltd. v. Klupt*, 2007 ONCA 440
- *Saylor v. Madsen Estate*, 2007 SCC 18; [2007] 1 S.C.R. 838



- *McEwen v. Goldcorp Inc.*, (2007) 224 O.A.C. 128; 35 B.L.R. (4th) 265
- *McEwen v. Goldcorp Inc.*, [2006] O.J. No. 4437; 21 B.L.R. (4th) 306
- *Waxman v. Waxman*, [2006] O.J. No. 4242; 216 O.A.C. 379
- *McEwen v. Goldcorp Inc.*, [2006] O.J. No. 4265; 21 B.L.R. (4th) 262
- *Dursol-Fabrik Otto Durst GmbH & Co. KG v. Dursol North America Inc.*, 2006 FC 1115; 297 F.T.R. 301
- *Johnston v. Mlakar*, [2006] O.J. No. 2375; 212 O.A.C. 79
- *Prosser v. Naziri*, (2005) 20 B.L.R. (4th) 127
- *1565831 Ontario Ltd. v. Klupt*, [2005] O.J. No. 4946
- *Wolf Advertising Ltd.*, Re, 2005 CarswellOnt 5988
- *T.I. Group Inc. v. Wolf Advertising Ltd.*, 2005 CarswellOnt 4681
- *INCO Ltd. v. McGrath*, [2005] O.J. No. 2614
- *Saylor v. Madsen Estate*, [2005] O.J. No. 15 Ont. C.A.
- *Grammercy Ltd. v. Dynamic Tire Corp.*, (2004) 71 O.R. (3d) 191
- *Grammercy Ltd. v. Dynamic Tire Corp.*, (2004) 69 O.R. (3d) 210
- *Waxman v. Waxman*, (2003) 168 O.A.C. 217
- *Waxman v. Waxman*, [2002] O.J. No. 3533
- *565486 Ontario Inc. v. Tristone Properties Inc.*, (2001) 54 O.R. (3d) 689
- *Philip Services Corp.*, Re, [1999] O.J. No. 4232; 13 C.B.R. (4th) 159
- *Betzdearborn Canada Inc. v. Hartwick*, 1997 CarswellOnt 4946
- *Czerevko v. Zawadzki*, [1997] O.J. No. 54
- *997724 Ontario Inc. v. 407430 Ontario Ltd.*, 1995 CarswellOnt 3224
- *Euromart Realty Ltd. v. Marrese*, 1993 CarswellOnt 2575
- *Planned Insurance Portfolios Co. v. Crown Life Insurance Co.* (1989), 68 O.R. (2d) 270

*denotes Professional Corporation



Achievements

- *Martindale-Hubbell*, Distinguished™ rating
- *Canadian Legal Expert Directory* 2014 (Securities Litigation)
- Former Advocacy Group Head, Chair of Finance Committee and Deputy Managing Partner at Cassels Brock

Call to the bar

Ontario, 1984

Associations

- American Trial Lawyer Association
- Canadian Bar Association
- Ontario Bar Association
- Toronto Lawyers Association
- The Advocates' Society

Expertise

Litigation
Securities Litigation