



Lynne McArdle

LYNNE MCARDLE

is Research Counsel at Lenczner Slaght.

Lynne's practice is focused on legal research, written advocacy, and advice. She uses her thorough understanding of the law to help our clients analyze their complex legal problems and execute the best litigation strategy.

Prior to joining Lenczner Slaght and after starting her career practicing litigation at a large full-service firm, Lynne spent 20+ years practicing litigation for the provincial Crown.

During her career, Lynne has acted for clients in a wide variety of proceedings including oppression and dissent claims, commercial disputes, various class actions and injunctions, an aggregate claim for the recovery of health care costs caused by smoking, judicial reviews, and the defence of Crown attorneys and police officers. Lynne has appeared at all levels of court including the Supreme Court of Canada.

Education

University of Toronto (1996) LLB
Queen's University (1993) BA
(Political Studies)

Bar Admissions

Ontario (1998)

Practice Areas

Appeals
Class Actions
Commercial Litigation
Injunctions
Public Law

Contact

T 416-238-1860
lmcardle@litigate.com

SELECT CASES

- **R v Swaine** – Counsel to the intervener, the Ontario Superior Court Judges' Association, in an application at the Court of Appeal for Ontario. The accused respondent sought an order allowing him to communicate with the trial judge about why reasons for judgment were not issued. We successfully resisted this application.
- **Bell Media Inc et al v Warner Bros. Discovery et al** – Counsel to the Warner Bros. Discovery entities responding to Bell Media's application for a permanent injunction in a media licensing dispute involving television content rights and distribution to Rogers Communications Inc.
- **Lithium Royalty Corporation v Orion Resource Partners et al** – Counsel to Lithium Royalty Corporation in a successful trial to enforce a binding contract for the purchase of an 85% interest in a Nevada lithium royalty for US\$18.7 million total consideration.
- **Bluemoon Capital Ltd v Ceridian HCM Holding Inc et al** – Counsel to applicant in Norwich application seeking information relating to the acquisition of Lifeworks.
- **Leroy Burr and Joan Callister v Tecumseh Products of Canada Limited et al** – Counsel to defendant component parts manufacturer in successful defence at trial alleging negligence in manufacture of heat recovery ventilator.
- **Barbara Cohen v Steven Eric Cohen** – Counsel to plaintiff in estates and family law proceeding.
- **Grupo Bimbo** – Counsel to Grupo Bimbo in connection with proceedings under the *Competition Act*.
- **Hexo Operations Inc v Peter Hwang et al** – Counsel to defendant

director in successful summary judgment motion dismissing claim for breach of fiduciary duty and breach of the duty of good faith in relation to a supply agreement.

- **Confidential Matter** – Counsel to investor in arbitration regarding oppression and dissent claims.
- **Confidential Matter** – Counsel to landlord in arbitration regarding option to purchase commercial property.
- **Crosslinx Transit Solutions Constructors** – Counsel to consortium of construction companies building Eglinton Crosstown Light Rapid Transit line.
- **The Corporation of the City of Kingston v Jason English et al** – Counsel to the City of Kingston in an application for a permanent injunction which involved a *Charter* Challenge to one of its by-laws.
- **Gopal Bhatnagar et al v Cresco Labs Inc** – Counsel to applicants in a proceeding claiming breach of the duty of good faith in relation to earn-out provisions in a share purchase agreement.
- **Tallman Truck Centre Ltd v K.S.P. Holdings Inc** – Counsel in appeal of motion decision staying proceeding for inadequate disclosure of settlement agreement.
- **Lacroix v Walmart Canada Corporation; Dussiaume v Walmart Canada Corporation** – Counsel to Walmart in pharmaceutical product liability class actions in Ontario and British Columbia relating to the manufacturing, supply and sale of Zantac Ranitidine. Successful in having action dismissed.
- **La Caisse Populaire de Shippagan Ltee V Grant Thornton LLP et al** – Counsel to auditor in defence of negligence claim.
- **Canadian National Railway Company v Holmes** – Counsel to CN in a complex dispute involving employee fraud, accounting of profits, abuse of process, defamation and negligent exercise of statutory...
- **Anselm v Ontario (HRC)** – Counsel to the Human Rights Commission in a judicial review application relating to a decision of the Commission. *(Prior to joining Lenczner Slaght)*
- **Pearson v Inco Ltd et al** – Counsel to the Crown in a class proceeding brought against the government and Inco in connection with the operation of a refinery in Port Colbourne. *(Prior to joining Lenczner Slaght)*
- **Ontario (Community and Social Services) v Winter** – Counsel for HMQ in a series of applications regarding community placements for people with developmental disabilities following the closure of the province's three remaining large-scale facilities for people with developmental disabilities. *(Prior to joining Lenczner Slaght)*
- **Singh v Ontario (Attorney General)** – Counsel for the Crown and a Crown attorney in an action alleging various claims, including malicious prosecution, in connection with a criminal prosecution. *(Prior to joining Lenczner Slaght)*
- **Cerqueira v HMQ** – Counsel to HMQ in an action alleging failure to provide adequate health care. *(Prior to joining Lenczner Slaght)*
- **Dolmage v HMQ** – Counsel for the Crown in defence of a class action alleging systemic negligence in the operation of provincial facilities for the developmentally disabled. *(Prior to joining Lenczner Slaght)*

- **Weninger Farms Ltd v Canada (Minister of National Revenue)** – Counsel to HMQ in an action brought by tobacco farmers alleging the provincial and federal governments failed to properly enforce statutes by allowing the sale of contraband tobacco products. (*Prior to joining Lenczner Slaght*)
- **Endean v British Columbia** – Counsel to HMQ in an appeal to the Supreme Court of Canada regarding jurisdiction of superior court judges to hold hearings outside provincial borders while managing a pan-national class action. (*Prior to joining Lenczner Slaght*)
- **HMQ v Imperial Tobacco Canada Limited et al** – Counsel to HMQ in an aggregate claim against several tobacco manufacturers seeking to recover health care costs associated with smoking. (*Prior to joining Lenczner Slaght*)
- **Pente Investment Management Ltd v Schneider Corp.** – Counsel in an action relating to a takeover bid for Schneider Corp. (*Prior to joining Lenczner Slaght*)

SELECT PUBLICATIONS AND PRESENTATIONS

- **Assessment of Parallel Class Proceedings in Multiple Provinces Should Occur at Certification and Not on Preliminary Stay Motion** – Lynne McArdle and Jonathan Chen co-authored the article *Assessment of Parallel Class Proceedings in Multiple Provinces Should Occur at Certification and Not on Preliminary Stay Motion*, published on the Ontario Bar Association's Class Actions Law Section. In this article, Lynne and Jonathan discuss the BC Court of Appeal's decision in *InvestorCOM Inc v L'Anton*, which confirms that parallel class actions are not an abuse of process and that staying such actions before certification requires extraordinary circumstances.

BLOG POSTS

- **On the Docket: Cases to Watch (Issue 2)** – *On the Docket: Cases to Watch* features a collection of decisions, identified by our expert Research & Advisory team, that are important to keep top of mind as they offer significant legal insights and shape the evolving landscape of Canadian law.
- **On the Docket: Cases to Watch (Issue 1)** – Lynne McArdle published the first issue of *On the Docket: Cases to Watch*, which features a collection of cases that move the law forward in some meaningful way. The cases in this edition are diverse in that they arise in different areas of the law: fraudulent conveyances, securities law, class actions, employment law, discovery, and Crown law.

SELECT NEWS ARTICLES

- **Lynne McArdle Joins Lenczner Slaght** – Canada's leading litigation firm strengthens its legal research team with the addition of Lynne McArdle as Research Counsel.

PROFESSIONAL ACTIVITIES

- Ontario Bar Association