



Lawrence E. Thacker

LAWRENCE E. THACKER is a partner at Lenczner Slaght.

One of Canada's leading trial and appellate lawyers, Lawrence has broad experience in mergers and acquisitions, shareholder disputes, complex class actions, infrastructure disputes, procurement matters, securities issues, tax litigation, commercial arbitrations and insolvency restructuring. He has served as lead counsel in several complex international commercial arbitration matters involving large energy infrastructure and power generation projects. He appears regularly at all levels of the Canadian courts, including the Supreme Court of Canada.

Lawrence is also deeply involved in legal education. For a decade he was an adjunct professor in the Political Science Department at the University of Toronto, where he taught international law. Since 1998 he has been an adjunct professor at Osgoode Hall Law School, where he teaches trial advocacy and serves as a team leader and instructor in the school's Intensive Trial Advocacy Workshop. He also teaches courses in trial advocacy skills for The Advocates' Society.

Education

Dalhousie University (1993) LLB
 University of Oxford (1992) BA
 (Honours - Jurisprudence)
 University of Toronto (1990) MA
 (Philosophy)
 University of Toronto (1989) BA
 (Honours - Politics and Philosophy)

Bar Admissions

Ontario (1995)

Practice Areas

Appeals
 Arbitration
 Class Actions
 Commercial Litigation
 Construction and Infrastructure
 Insolvency and Restructuring
 Intellectual Property
 Public Law
 Securities Litigation

Contact

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RECOGNITION

- ▶ Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers (2015-2017)
- ▶ The Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada
- ▶ Benchmark Canada (2012-2019)
 Litigation Star - Arbitration, Class Action, General Commercial, Insolvency, Securities and Tax
- ▶ Best Lawyers in Canada (2019-2020)
 Corporate & Commercial Litigation
- ▶ Canadian Legal Lexpert® Directory (2011-2019)
 Litigation - Corporate Commercial; Class Actions - Up and Coming (2016), 25
 Cross-Border Litigators to Watch (2006)
- ▶ Chambers Canada (2020)
 Dispute Resolution: Arbitration (Nationwide – Canada)
- ▶ Lexpert Guide to the Leading US/Canada Cross-border Litigation Lawyers in Canada (2014-2017)
 Corporate Commercial Litigation

SELECT CASES

- **Galway Gold Inc v Republic of Colombia** – Counsel to Galway Gold Inc in an investor-state arbitration against the Republic of Colombia before the International Centre for the Settlement of Investment Disputes (ICSID).
- **Irving Shipbuilding Inc v Attorney General of Canada and CSMG Inc** – Counsel in lengthy judicial review proceedings in Federal Court (Trial Division) and Federal Court of Appeal relating to the procurement process for the contract for refurbishment and ongoing maintenance of Canadian Armed Forces submarines.
- **Bernstein v Peoples Trust Company** – Counsel to the Defendants in a class proceeding alleging that various brands of network-branded payment cards were subject to activation, dormancy...
- **Baldwin v Imperial Metals Corporation** – Counsel to the defendant Imperial Metals Corporation in a class action relating to alleged breaches of the Securities Act in connection with a breach of...
- **Dennis v Her Majesty the Queen in Right of Canada** – Counsel to the Canadian Wheat Board in a proposed class proceeding in the Federal Court by former grain producers.
- **Khavari v Mizrahi** – Counsel to a developer in a dispute relating to the construction and management of two condominium developments. Successfully opposed a motion to...
- **Berglund v BCE Inc** – Counsel to a defendant cell phone manufacturer in a proposed class proceeding alleging that cellular phones designed, manufactured, and sold by various...
- **Commercial Arbitration** – Counsel to a mining company in a commercial arbitration relating to a joint venture.
- **Middlesex Condominium Corporation No 229 v 1510231 Ontario Inc** – Counsel to a property owner in a dispute relating to a collapsed retaining wall consisting of gabion baskets.
- **Natural Resource Gas Limited v Ontario Energy Board** – Counsel to the appellant, Natural Resources Gas Limited, on an appeal from a decision of the Ontario Energy Board which provided only a short three year...
- **International Commercial Arbitration** – Counsel to a UK-based energy company in a series of international commercial arbitrations relating to the sale of a nuclear power generation facility.
- **International Commercial Arbitration** – Counsel to a patent licensing company in an international commercial arbitration relating to a patent license agreement and related US multi-jurisdict...
- **Inukshuk Wireless Partnership v 4253311 Canada Inc** – Counsel to the defendants in an action relating to an alleged breach of an agreement to convey radio wave spectrum licenses.
- **Filson v Canadian Wheat Board** – Counsel to the defendant Canadian Wheat Board in a class proceeding by former producers seeking \$15 billion in the Saskatchewan Court of Queen's Bench...
- **International Commercial Arbitration** – Counsel to a German-based nuclear energy company in an international commercial arbitration relating to a long-term uranium supply agreement.

- **International Commercial Arbitration** – Counsel to a software distributor in an international commercial arbitration relating to a breach of a distribution agreement.
- **Re Jowdat Waheed and Bruce Walter** – Counsel to the Ontario Securities Commission in a lengthy insider trader prosecution arising out of a hostile take-over bid.
- **Avanti v Argex** – Counsel to the plaintiffs in a proceeding relating to the termination of a services agreement with a mining exploration company. Successfully...
- **Windsor Glass Company Limited v Asahi Glass Company Limited** – Counsel to one of the defendants in a class proceeding against numerous flat glass manufacturers alleging a price fixing conspiracy and breach of the...
- **Sorenson v easyhome Ltd** – Counsel to defendants in securities class action relating to misstatements in financial results.
- **Stevens v Stevens** – Counsel to the applicant on an application (and on appeal) to enforce the provisions of a domestic contract alleged to contain a fundamental mistake as...
- **British Energy Limited v Bruce Power LP** – Counsel to plaintiff, British Energy Limited, in an action alleging negligence, breach of contract and breach of trust issues.
- **The State Group Inc v Quebecor World Inc** – Counsel to the defendant in a dispute relating to claims for liens under the *Construction Lien Act* in a large construction project.
- **International Commercial Arbitration** – Counsel to the respondent technology company in an international commercial arbitration relating to alleged non-payment of invoices and a priorities...
- **Carom v Bre-X Minerals Ltd** – Counsel to the Chief Executive Officer and certain directors in a shareholder class action alleging fraud and misrepresentation through press releases...
- **Barbiero v Pollack** – Counsel to a physician in a class action relating to the use of an injectable treatment.
- **2201334 Ontario Limited v One Bloor Street East Limited** – Counsel to owner/developer of landmark condominium project at One Bloor Street East in a complex debt restructuring, including successful defense of...
- **Canpages Inc v Quebecor Media Inc** – Counsel for the defendant on a motion for injunctive relief to prevent the defendant from soliciting and competing with customers of the plaintiff.
- **Apotex Inc v Ontario (Minister of Health and Long-term Care)** – Counsel in a judicial review of the Minister's decision not to list Apocitalopram as interchangeable with Lundbeck's citalopram-containing pharmaceutical...
- **CC&L Dedicated Enterprise Fund (Trustee of) v Fisherman** – Counsel to a law firm and one of its partners in shareholder class proceedings alleging fraud and misrepresentation in a prospectus and financial stat...
- **Re Royal Oak Mines Inc** – Counsel to the senior secured creditor in a CCAA/receivership proceeding involving a mining company. Read Lexpert's Significant Matters summary.
- **1235866 Ontario Inc v Visagie** – Counsel to the defendant, the Alpha Group, in an action alleging breaches of contract, fiduciary duties and confidence involving the acquisition and...

- **Visagie v TVX Gold Inc** – Counsel to the respondents on an appeal and cross-appeal in an action for breach of a confidentiality agreement, breach of confidence and breach of...
- **Re Pacifica Papers Inc** – Counsel to an opposing shareholder alleging oppression in a lengthy application, and on appeal, for court approval of a plan of arrangement of the...

SELECT PUBLICATIONS AND PRESENTATIONS

- **Intensive Workshop: Negotiation Skills and Strategies for Litigators** – Lawrence E. Thacker joined a faculty at The Osgoode Intensive Workshop Negotiation Skills and Strategies for Litigators on April 11, 2017.
- **36th Annual Intensive Trial Advocacy Workshop** – Peter Osborne, Lawrence Thacker, Risa Kirshblum, Monique Jilesen, Eli Lederman, Matthew Sammon, Rebecca Jones, Jaan Lilles and Dena Varah were among the...
- **How ADR and court actions can actually work together** – Lawrence Thacker's article appears in the April 3, 2015 issue of the Lawyers Weekly published by Lexis Nexis Canada Inc. This article describes the use of Alternative Dispute Resolution in combination with, or supplementary to court proceedings.
- **Mitigating Class Action Risks with Effective Arbitration Clauses and Class Action Waivers: A Guide for Canadian Corporations** – Lawrence Thacker and Mark Veneziano co-authored an article in the September, 2014 issue of the Class Actions Defence Quarterly.
- **35th Annual Intensive Trial Advocacy Workshop** – Peter Osborne, Lawrence Thacker, Risa Kirshblum, Monique Jilesen, Eli Lederman, Matthew Sammon, Rebecca Jones, Jaan Lilles and Dena Varah were among the...
- **Advice for Successfully and Cost-effectively Navigating Multi-jurisdictional Litigation** – Lawrence E. Thacker presented at the CCCA 2012 World Summit.
- **Arbitration (International) Recent Developments of Importance** – Thacker, L. and Laxer, J. "Arbitration (International) Recent Developments of Importance". The 2012 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada.
- **Achieving Optimal Results in High-Stake Litigation** – Lawrence E. Thacker spoke on panel discussion at the 2011 CCCA National Spring Conference.
- **Strategy Behind the Cases** – Lawrence E. Thacker presented at the University of Toronto Litigation Association's luncheon discussing some of the tactical decisions and strategies he employs in his cases.
- **Trial Preparation: A Trial from A to Z** – Lawrence Thacker provides individualized feedback to participants at the Advocates' Society Civil Litigation Skills Development Program on April 1, 2009 in Toronto.
- **Counsel as the Board's Information Gatekeepers** – Lawrence E. Thacker was an instructor at the Federated Press' Intensive Seminar on General Counsel's Role in Maximizing Board Effectiveness. The seminar was attended by a large number of general counsel for Canadian and U.S. corporations.

BLOG POSTS

- **Copy and Paste: Avoiding Duplicative Procedures in National Class Actions** – The proliferation of parallel class proceedings in multiple Canadian provinces often defeats the very purpose of class proceedings: the avoidance of a multiplicity of actions. In order to streamline procedures, ensure consistent results, and encourage judicial economy, judges in several provinces have started demanding greater co-ordination among both class counsel and the courts. In *McKay v Air Canada*, Chief Justice Hinkson took this trend even farther in approving a settlement distribution plan by simply reproducing the reasons of the Ontario Court in *Airia Brands v Air Canada*.
- **Novel action, settled law** – Any action described by the Judge as novelty on steroids provides an opportunity for the Court to balance the opportunity to develop new law, with the importance of rigorously applying existing law. This duality arose in a motion in the class action *Fisher v IG Investment Management Ltd* (2015 ONSC 3525), recently decided by the Ontario Superior Court.
- **Access to Justice a Key Concern in Certification Decisions** – The Ontario Divisional Court has recently affirmed the importance of access to justice as a factor in determining whether to certify a proposed class action.
- **Court Certifies Sino-Forest Class Action** – The Sino-Forest class action has been certified, and leave was granted to bring a claim under the *Securities Act* for secondary market misrepresentations.

SELECT NEWS ARTICLES

- **Chambers Canada Recognizes Lenczner Slaght as a Top-Tier Litigation Firm** – Canada’s leading litigation firm and its expert litigators continue to advance their position in the latest edition of world-renowned directory, Chambers Canada, with nine new rankings.
- **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.
- **Benchmark Canada Highlights Lenczner Slaght’s Litigation Excellence** – Benchmark Canada 2019 not only recognizes Canada’s leading litigation firm with the top tier ranking of “Highly Recommended in Ontario”, 17 Lenczner Slaght litigators are also ranked for their expertise.
- **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 Receives Top Tier Ranking in Benchmark Litigation** – 19 Lenczner Slaght leading litigators are ranked in Benchmark Litigation's 2018 directory, including 7 new additions since last year. Three of the firm's litigation stars are also recognized as a Top 50 Trial Lawyer in Canada.
- **Arbitral Authority** – Lawrence Thacker is quoted in the 2017 Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers article *Arbitral Authority* where he discusses the implications of the ruling in *Teal Cedar Products v. BC* and the scope of appeals stemming from arbitral decisions.
- **Lexpert Highlights Lenczner Slaght's Litigation Strength** – A total of 13 Lenczner Slaght litigators have once again been ranked among the foremost litigators in their field in the 2017 Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers.
- **Lenczner Slaght's Cross-Border Litigation Expertise is Highly Ranked** – Almost half of the partners at Canada's leading litigation firm are ranked with one Litigation Lawyer to Watch and 12 Leading Cross-Border Litigation Lawyers.
- **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.
- **23 Percent of Lenczner Slaght Lawyers ranked in Benchmark Litigation 2017** – 12 Lenczner Slaght leading litigators are ranked in Benchmark Litigation's 2017 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
- **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 Leads in Cross-Border Litigation** – Recognition of Lenczner Slaght lawyers as Canada's Leading Cross-Border Litigators Endures
- **20 Lenczner Slaght Lawyers Recognized in 2015 Lexpert Directory** – Recognized by Canadian Legal Lexpert® Directory as leading practitioners.
- **Carriage decision fails to provide expected guidance: lawyers** – Lawrence Thacker was quoted in Law Times on June 1, 2015 in relation to the recent ruling granting carriage to a group of law firms in the Barrick Gold Corp. class action.
- **Class actions aren't the only game in town for product liability claims** – Lawrence Thacker was quoted in the Financial Post on May 27, 2015 in relation to the issue of mass tort litigation as an alternative to class actions.

- **Lenczner Slaght - "a fortress inhabited by litigation royalty"** – 13 Lenczner Slaght lawyers recognized in the 2015 Benchmark Litigation Directory.
- **A Leader in Cross-Border Litigation** – 14 Lenczner Slaght litigators ranked in Lexpert 2014 Guide to the Leading U.S/Canada Cross-Border Litigation Lawyers in Canada.
- **'Co-operative federalism' is emphasized** – Lawrence Thacker was quoted in the October 3, issue of the Lawyers Weekly published by LexisNexis Canada Inc.
- **Supreme Court of Canada says provincial consumer protection laws apply to banks** – Lawrence Thacker was quoted in the Financial Post on September 19, 2014 in relation to a Supreme Court of Canada decision on whether provincial consumer protection legislation applies to federally regulated financial institutions.
- **Lenczner Slaght Increases Rankings in 2014 Lexpert Directory** – Canada's leading litigation practice continues to add new names to the list.
- **Plaintiffs counsel turn to 'mass tort' as class action alternative** – Lawrence E. Thacker was quoted in the Financial Post on May 28, 2014 following his interview with Julius Melnitzer.
- **Wiretaps at centre of gas price-fixing class action** – Lawrence Thacker was quoted in this Financial Post article on April 23, 2014.
- **Lenczner Slaght in Top Tier and 11 Lawyers Ranked as Stars** – Canada's leading litigation practice also wins two national impact cases.
- **Ethical Issues : Identifying Conflicts of Interest** – Lawrence Thacker speaks on Successful enterprise risk management and the role of corporate counsel at the Enterprise Risk Management for Corporate Counsel Course.
- **Lies and Deception: Litigating Civil Fraud Claims** – Lawrence Thacker chairs OBA Program - Lies and Deception: Litigating Civil Fraud Claims on October 16, 2012.
- **The opt-out option controversy** – Lawrence E. Thacker comments in the National Post on the right of class members to opt-out in class action litigation.
- **Lenczner Slaght Lawyers Win Top Peer Ratings** – Recognized by Canadian Legal Lexpert Directory as leading practitioners.

PROFESSIONAL ACTIVITIES

- University of Toronto
Adjunct Lecturer of International Law (1999-2009)
- Commercial Bar Association (comBAR)
Honourary Member
- The Advocates' Society
- Canadian Bar Association
- Osgoode Hall Law School
Instructor and Former Adjunct Faculty
- University of Toronto (Faculty of Law)
Instructor and Former Law Faculty
- Ontario Bar Association