



# Zachary Rosen

## ZACHARY ROSEN

is an associate at Lenczner Slaght.

Zach's litigation practice is focused on complex corporate-commercial disputes and public and administrative litigation. He also has experience representing government institutions and private entities in procurement matters and advising clients on intellectual property issues.

Zach's clients come from a wide range of backgrounds and industries, from individual entrepreneurs to public companies, and government institutions to non-profit human rights organizations. Zach has appeared as counsel at all levels of court in Ontario, before the Federal Court of Appeal, as well as before a number of administrative tribunals, such as the Human Rights Tribunal of Ontario and the Canadian International Trade Tribunal.

Prior to joining the firm, Zach worked at a litigation firm in Montreal, where he assisted with general civil, commercial, and intellectual property files. He has also previously worked as an assistant to a Member of Parliament in the House of Commons as well as a research assistant in the legal department of one of Canada's largest e-commerce companies.

### Education

University of Ottawa (2015) JD  
(Magna Cum Laude)  
University of Ottawa (2014) LL.L

### Bar Admissions

Ontario (2018)  
Quebec (2016)

### Practice Areas

Appeals  
Arbitration  
Commercial Litigation  
Defamation and Media  
Employment  
Injunctions  
Intellectual Property  
Professional Liability and Regulation  
Public Law

### Contact

T 416-865-2944  
zrosen@litigate.com

## SELECT CASES

- **Wyse Meter Solutions Inc v Carma Corp** – Counsel to the responding parties in successfully obtaining the dismissal of a motion brought by an employer seeking an interlocutory injunction to prevent a former employee from continuing to work for their competitor.
- **Moore v Glenn** – Counsel to the plaintiff in a partnership dispute relating to an affiliate marketing business, including allegations of breach of contract, breach of the duty of good faith, inducing breach of contract, breach of fiduciary duty, oppression and conspiracy.
- **Contract Community Inc v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of real property project management support services for Government of Canada projects in the National Capital Region.

- **Compugen Inc v Attorney General of Canada and The Chief Electoral Officer of Canada** – Counsel to the Defendants and Plaintiffs by Counterclaim in a multimillion-dollar dispute over the termination of a contract for electronic polling technology and services and the integration and administration of a federal elections data centre.
- **CTS Defence Inc v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of leased aircraft and related services for the Department of National Defence.
- **Leistritz Advanced Technologies Corp v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of a high free volume twin-screw extruder for the National Research Council of Canada.
- **Bronson Consulting Group v Defence Construction Canada** – Counsel to Defence Construction Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of geospatial systems for use by the Department of National Defence.
- **Weir-Jones Engineering Ltd and Weir-Jones Engineering Consultants Ltd v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of patent and trademark infringement by Natural Resources Canada in respect of its early earthquake warning system.
- **Horizon Maritime Services Ltd / Heiltsuk Horizon Maritime Services Ltd v Department of Public Works and Government Services** – Counsel to the Attorney General of Canada in a successful series of judicial reviews arising from proceedings before the Canadian International Trade Tribunal over a procurement for towing vessels for the Canadian Coast Guard.
- **Pliteq Inc v Sof Surfaces Inc** – Counsel to the defendant (plaintiff by counterclaim), Sof Surfaces Inc., in a bet-the-company commercial and intellectual property litigation, involving claims of trademark infringement and unfair competition claims under the Trademark Act and Competition Act and common law.
- **Pennecon Hydraulic Systems v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of cranes for the Royal Canadian Navy.
- **Maiero v Jovian Capital Corporation** – Counsel to the defendant financial services companies at trial in a breach of contract claim brought by a financial planner and mutual fund salesman plaintiff seeking \$50 million in management fees payable under a royalty agreement. Succeeded in reducing the damages payable to the plaintiff to under \$90,000, and in obtaining the defendants' costs of the proceedings of over \$175,000.
- **Petrochemical Commercial Company International Ltd v Nexus** – Counsel to individual respondents in an application relating to a worldwide and multijurisdictional Mareva injunction, including Malaysia,

Cyprus and Australia.

- **Andersson v Aquino** – Counsel to the plaintiff in oppression proceedings concerning the alleged fraudulent execution of a share transfer agreement. Successfully obtained an order setting aside a finding of contempt of court.
- **myNext v Pacific Mortgage** – Counsel to the plaintiff/defendant by counterclaim in a complex dispute concerning allegations of misrepresentation in the course of a transaction to sell a mortgage brokerage.
- **Djossou v Chartered Professional Accountants of Ontario** – Counsel to the Chartered Professional Accountants of Ontario, the regulatory body for professional accounts in the Province of Ontario, in an application before the Human Rights Tribunal of Ontario.
- **Williams v Schuringa** – Counsel to the defendant physician in a jury trial following the death of a patient from a sudden pulmonary embolism.

### SELECT PUBLICATIONS AND PRESENTATIONS

- **2021 Nelligan Moot** – Zachary Rosen and Mari Galloway served as judges at the University of Ottawa's 2021 Nelligan Moot.
- **Going Digital (Part 2): The Impacts of Covid-19 on Civil Litigation** – Zachary Rosen was interviewed for The Law School Show podcast. In the podcast, he discusses his path to litigation, the implications of COVID-19 on the practice of law, and the importance of self-care.

### BLOG POSTS

- **Mere Share Ownership Not Enough to Justify Enforcement of Non-Compete Against an Employee** – In the recent decision of *Wyse Meter Solutions Inc v CARMA Corp*, Justice Audrey P. Ramsay rejected an attempt by a former employer to obtain injunctive relief enforcing a non-competition clause against an employee who had been required, as a condition of employment, to purchase shares in the employer.
- **“A Court of Law, Not a Policy Forum”: The Federal Court of Appeal weighs in on policy and the proper scope of intervenors’ submissions** – In 2017, the Canada Food Inspection Agency (the “CFIA”) determined that wines produced by Psagot Winery, a vineyard located within an Israeli settlement in the West Bank, could be sold in Canada with a “Product of Israel” label to meet “country of origin” labelling requirements required under the *Consumer Packaging and Labelling Act* and the *Food and Drugs Act*. This decision was challenged by Dr. David Kattenburg, a Canadian activist, on the basis that the wine was in fact produced on occupied Palestinian territory and not within Israel, making the labelling of “Product of Israel” false and misleading and therefore contrary to the applicable legislation.
- **“The revolution will be scrutinized”: Court Leaves Opening to Review the Decisions of Political Parties** – In recent years, aggrieved candidates have not had much luck seeking relief against their political parties in court. Courts have held that because unincorporated associations, such as political parties, do not exercise public authority, they are not subject to public law remedies like judicial review.
- **Breach of privacy or plain old defamation? Ontario Court recognizes “false light” privacy tort** – In the late 2019 decision in *V.M.Y. v S.H.G.*, Justice Kristjanson of the Ontario Superior Court of Justice for the first time recognized the tort of “publicity placing a person

in a false light” in Canadian law. But do we need yet another invasion of privacy tort?

- **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.

#### SELECT NEWS ARTICLES

- **Brock wrestler battles bureaucracy** – Zachary Rosen was interviewed for The Voice of Pelham article "*Brock wrestler battles bureaucracy*".
- **Scarborough wrestler facing a battle off the mat in his fight to compete for Canada at the Olympics** – Zachary Rosen was interviewed for the Toronto Sun's article "*Scarborough wrestler facing a battle off the mat in his fight to compete for Canada at the Olympics*".
- **Lenczner Slaght Welcomes Five New Associates** – Canada's leading litigation firm continues to add to its collective experience and knowledge with the addition of five talented associates.

Lenczner Slaght is delighted to welcome Derek Knoke, Graham Henry, Jonathan D. Langley, Sean Lewis, and Zachary Rosen to the firm as our new associates.

#### PROFESSIONAL ACTIVITIES

- The Advocates' Society
- Ontario Bar Association