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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.

"A new Divisional Court ruling upholding an earlier decision granting carriage to a group of law firms in the Barrick Gold Corp. class action has failed to provide the guidance many had hoped for, some lawyers say...

...On May 21, the Divisional Court upheld Justice Edward Belobaba's carriage decision from early December 2014. The ruling included a statement that reviewing courts should defer to such decisions in the absence of an error of law...

...That the appellate courts will give significant deference to the motions judge's discretion in the absence of a legal error provides some clarification, says Lawrence Thacker of Lenczner Slaght Royce Smith Griffin LLP.

'Once the correct legal test is identified, there will be deference given to the application and the facts and the weighing of the evidence that establishes those facts,' says Thacker..."

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