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Man With Unauthorized Access to Solicitor-Client Communications Barred From Defending Application

Interviewed by Law Times, Tom Curry shared his expert insights on the dispute in *2177546 Ontario Inc v 2177545 Ontario Inc*. Tom acted for the appellant in the appeal. In his interview, Tom explains that while the justice system is used to dealing with the inadvertent disclosure of information in a civil action, a different set of problems arise in the context of an application because there is not the same disclosure of information regime.

...

"[Tom] Curry says the fact that the court was not persuaded to order a less punitive remedy demonstrates that Continental Currency Exchange Canada Inc. v. Sprott, 2023 ONCA 61 applies widely and strictly.

'It will have an impact. It's a strong signal from the Court of Appeal that if a party has access to privileged information, they've got to address it and demonstrate why there has been no prejudice to their opponent,' he says.

'It's a real warning from the court about the consequences of not addressing it in the way that Continental Currency has described. It's very important guidance.'"

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