



## Lindsay Lorimer

Toronto

416.865.7197

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### education and year of call

- Called to the Ontario bar - 2000
- Dalhousie University, LLB - 1998
- Dalhousie University, BA, History (*Deans List*) - 1994

### practice areas

litigation  
product liability  
class actions  
insurance  
business litigation  
mediation  
appellate advocacy  
construction litigation  
product safety regulatory  
data breach and privacy litigation

### industries

automotive  
life sciences  
pharmaceuticals  
transportation  
construction  
food, beverage and agribusiness  
healthcare  
aboriginal law

### profile

Lindsay Lorimer is a partner in the Litigation and Dispute Resolution Group. Her practice is focused on product liability litigation, class actions, complex commercial litigation, jurisdictional issues and insurance. Lindsay assists a number of companies with national coordination and management of their litigation matters. In addition, Lindsay has advised clients in crisis situations dealing with privacy and data breaches.

Lindsay also regularly advises manufacturers, distributors, importers and retailers on regulatory requirements of various products, risk management issues and corrective actions including product warnings and recalls.

Lindsay enjoys a Distinguished rating from *Martindale-Hubbell*, is recognized in the international Who's Who Legal for Product Liability Defence and is described as a "top tier advocate who is known to be a very effective either at mediation or in the courtroom". She has extensive experience defending class actions and both individual and commercial product liability lawsuits involving a broad range of products including fire and security products, consumer products, food products, pharmaceuticals and medical devices, recreational products, construction and industrial machinery, motor vehicles, building materials and juvenile products. Her broad experience includes cases that involve complex scientific, medical and technical evidence.

Lindsay has been counsel in several class proceedings, national and international, relating to product liability, with a strong emphasis on pharmaceutical products. Her class action experience includes decisions on a wide range of domestic and cross-border issues including those relating to parallel proceedings, cross-border discovery, challenging expert evidence, jurisdiction and class action certification and

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settlement. She has been involved extensively in multijurisdictional product liability litigation in pharmaceuticals including the Canadian diet drug litigation, Baycol and Prepulsid class actions. As a result of her work, Lindsay has knowledge of medical-legal issues and also the regulatory regime governing the approval and marketing of pharmaceutical products in Canada.

Prior to joining the firm, Lindsay practised with a prominent class action boutique and served as in-house counsel with a large insurance company. Lindsay has expertise in complex insurance disputes, insurance coverage issues and reinsurance.

Lindsay has been counsel in a range of civil cases and has appeared as counsel before all levels of court in Ontario, as well as the Financial Services Commission of Ontario. In addition, Lindsay has experience in product liability-related Coroner's Inquest proceedings.

## directorships and professional associations

- Ontario Bar Association
- The Advocates' Society
- Toronto Construction Association
- BILD
- Defense Research Institute, Chair, Juvenile and Children's Products Specialized Litigation Group
- International Association of Defence Counsel

## representative matters

- Acting as national counsel to major global manufacturer in connection with their product liability litigation across Canada
- Successfully defending foreign company in anti-suit proceeding
- Providing policy and compliance advice to global companies in relation to the *Canadian Consumer Product Safety Act*
- Representing auto parts companies in multijurisdictional class proceedings involving consumer protection and competition allegations
- Representing a trust company in national class proceedings
- Representing a leading pharmaceutical company in connection with indemnity advice
- Representing a leading pharmaceutical company in connection with risk management advice
- Defended an international manufacturing company in a fatality claim respecting the design and labelling of a hydraulic component

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- Defended a building products manufacturer in a product liability claim relating to the design and construction of a waterproof membrane in a condominium
- Defended a North American manufacturing company in several personal injury claims relating to the design and performance of construction and aerial equipment
- Defended an architect in a complex, class action respecting the design, manufacture and installation of portables by a school board
- Defended a North American toilet manufacturer from a series of design defect and negligence claims
- Defended a North American building products manufacturer respecting the design and installation of external insulation finishing system
- Defended the city transit authority respecting the collapse of a bus shelter which caused significant personal injuries

#### **Selected Superior Court and Appellate Decisions**

- *Sheridan Chevrolet v Hitachi et al*, 2017 ONSC 2803 (CanLII)
- *Urlin Rent a Car v Furukawa Electric*, 2016 ONSC 7965 (CanLII)
- *Fontanilla v Thermo Cool Mechanical*, 2016 ONSC 7023 (CanLII)
- *Urlin Rent A Car v Furukawa Electric et al*, 2016 ONSC 5736 (CanLII)
- [Groves v Sehgal et al](#), 2016 ONSC 5053 (CanLII)
- *Groves v Sehgal et al*, 2016 ONSC 3976 (CanLII)
- *Veritas Investment v Indiabulls Real Estate Limited et al.*, 2015 ONSC 6040 (CanLII)
- *Veritas Investment Research Corporation et al. v Indiabulls Real Estate Limited et al.*, 2015 ONSC 6839 (CanLII)
- *Glube v. Pella Corp.*, 2013 Carswell Ont 13746, 2013 ONSC 6164, 233 A.C.W.S. (3d) 16
- *Catunto (Re)*, 2014 CanLII 90424 (ON OCCO)
- *Veritas Investment Research Corporation et al. v Indiabulls Real Estate Limited et al.*, 2015 ONSC 6040 (CanLII)
- *1422791 Ontario Inc v. Dynamic Health Care Solutions*, [2011] ONSC 6209
- *Butler v. Honda Canada Inc.*, [2009] O.J. 2262
- *Butler v. Honda Canada Inc.*, [2009] O.J. 2263
- *Butler v. Honda Canada Inc.*, [2008] O.J. 5390 (Ont. Sup. Ct.)

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- *Arie v. Schreiber*, [2008] O.J. 2176
- *1092072 Ontario Inc. (c.o.b. Elfe Juvenile Products) v. GCAN Insurance Co et al.* [2008] O.J. 3943 (Ont. Sup. Ct. J.)
- *Sollen v. Pfizer* (2008), 290 D.L.R. (4th) 603, 55 C.P.C. (6th) 340 (Ont Sup. Ct. J.)
- *EdperBrascan Corp. v. 117373 Canada Ltd.* (2000), 50 O.R. (3d) 425, 9 B.L.R. (3d) 234, 37 R.P.R. (3d) 188 (Sup. Ct. J.)
- *MacDonald (Litigation Guardian of) v. Dufferin- Peel Catholic* (2000), 20 C.P.C. (5th) 345 (Sup. Ct. J.)
- *McGrath v. Lou*, [2000] O.J. No. 4998 (Sup. Ct. J.)
- *Spreadbury v. Milne*, [2007] O.J. No. 2375 (Sup. Ct. J.)
- *Testa v. Greater Toronto Area (GTA) Credit Union* (2001), 43 R.P.R. (3d) 121 (Ont. Sup. Ct. J.)
- *Testa v. Greater Toronto Area (GTA) Credit Union*, [2001] O.J. No. 5257 (Sup. Ct. J.)
- *Testa v. Greater Toronto Area (GTA) Credit Union*, [2001] O.J. No. 5359 (Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2002] O.J. No. 2019 (Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2002] O.J. No. 3722 (Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2002] 26 C.P.C. (5th) 194 (Ont. Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2003] O.J. No. 155 (Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2003] O.J. No. 157 (Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2003] O.J. No. 280 (Sup. Ct. J.)
- *Argiloff v. Co-operators General Insurance Co.*; 2005 CarswellOnt 2681, Financial Services Commission of Ontario (Arbitration Decision)

## awards and rankings

- Recognized by *Chambers Canada (2020)* as a leading lawyer in the area of Litigation: Product Liability
- Named in *Who's Who Legal: Product Liability Defence 2016-18*
- Received a BV® Distinguished™ 4.4 out of 5 Peer Review Ranking from *Martindale-Hubbell*. Lindsay has been described as "very highly regarded within the products liability bar as a direct result of both her knowledge and her

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professionalism. Lindsay is known to be one of the hardest working litigators on Bay Street who has established herself as a top tier advocate who is known to be a very effective either at mediation or in the courtroom."

- Second Place, National Mooting Competition, Gale Cup Moot, Toronto, Ontario
- Honours Recipient in Clinical Program, Dalhousie University

## community involvement

- Corporate Sponsor Committee, Bessborough Home and School
- Sponsorship, Leaside Minor Novice Gold Hockey

## media mentions

- "Ontario summary judgment rules", *LawTimes*, March 11, 2011

## publications

### April 2019

Canada: Insurance & Reinsurance 2019  
International Comparative Legal Guide (ICLG)

### March 2018

The International Comparative Legal Guide to: Insurance & Reinsurance 2018  
Global Legal Group

### Fall 2017

To Warn or Not to Warn - Obligations, Risks and Considerations in Product Improvements  
In-House Defense Quarterly, V.11 number 4

### February 2017

The International Comparative Legal Guide to: Insurance & Reinsurance 2017  
Global Legal Group

### August 2016

Mis(class)ified? First-of-its-Kind Class Action Gets the Green Light  
Employment and Labour Bulletin

### February 2016

The International Comparative Legal Guide to: Insurance & Reinsurance 2016  
Global Legal Group

### 2015

The Law on Experts a Work in Progress  
Annual Review of Civil Litigation  
Eds: The Honourable Mr. Justice Todd L. Archibald, The

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Honourable Mr. Justice Randall Scott Echlin

**January 2015**

Is it Safe to Talk Now? Ontario Court of Appeal Decision in Moore on Counsel/Expert Interaction  
Litigation Bulletin

**2015**

Canada Chapter  
The International Comparative Legal Guide to: Insurance & Reinsurance 2015, 4th Edition

**Fall 2014**

Coping with the Proposed Rules, Proposed Guidance and Growing Aggressiveness of the CPSC and Health Canada In-House Quarterly, Defence Research Institute: by Cheryl Possenti, Aaron Aisen and Lindsay Lorimer

**June 2014**

Expert Evidence in Canada  
Author, DRI International Bulletin

**May 2014**

Counsel Beware: Changes in Expert Evidence  
DRI International

**April 2014**

What's in Store for the Children's Products Industry, Given the Growing Aggressiveness of the CPSC and Health Canada Paper & Presentation, Defence Research Institute, Biltmore, Arizona

**December 2013**

The Essential Guide to Settlement in Canada  
LexisNexis Canada

**December 2010**

limitation periods where 'discoverability' at issue can now be determined at summary judgment  
Litigation Bulletin

**October 2010**

Supreme Court finds coverage for construction defect claim  
Construction Litigation Bulletin

**August 2010**

Chinese Drywall - Construction Products Claims and Coverage Issues  
CCH: British Columbia Real Estate Law Developments

**presentations**

**February 2017**

Silent Recall or Product Improvement



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Product Liability Conference, Las Vegas, Nevada

**April 2016**

The Civil Litigator's Survival Guide to Evidence  
Osgoode Professional Development

**September 11, 2014**

Reporting Requirements and the risk Assessment Framework  
under the CCPSA  
Panel Presentation, Mid-West Regional Meeting at International  
Consumer Product Health and Safety Organization

**May 2014**

Built to Last: Toronto Mentoring Dinner Series  
Mentor, The Advocates Society