

MITCH KOCZERGINSKI



Categories: [People](#), [Lawyers](#)

Mitch Koczerginski is an accomplished commercial litigator. His practice is focused on privacy & data security, franchising and commercial leasing.

Mitch routinely provides strategic advice to clients in connection with data breaches involving sensitive personal and confidential information. He counsels clients through all aspects of the incident response process, including compliance with legal obligations, managing privilege issues and implementation of an effective communications strategy. Mitch also regularly advises clients regarding the privacy law implications of new products, services, technologies and initiatives, and helps to develop privacy compliance programs and policies.

With extensive experience across a variety of industries, Mitch acts for a range of domestic and international franchisors, manufacturers and distributors. He regularly litigates franchise and distribution disputes,

including in connection with the termination of agreements, allegations of bad faith, and breaches of de-identification, non-competition and confidentiality covenants. He is also an active member of the Executive of the Ontario Bar Association's Franchise Law Section.

Mitch frequently advises and represents landlords and tenants regarding a variety of leasing disputes, including in connection with contested maintenance and rental charges, enforcement of restrictive covenants and applications for relief from forfeiture.

Mitch's clients engage him to provide advice on a broad range of commercial disputes because he brings a strategic and creative approach to conflict resolution. Mitch's advice is drawn from an in-depth understanding of a client's business objectives and concerns, which leads to practical solutions to complicated legal issues.

Email: mitch.koczerzinski@mcmillan.ca

Expertise: Corporate Commercial Litigation, Franchising & Distribution, Litigation & Dispute Resolution, Privacy & Data Protection, Startups & Emerging Companies

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Location: Toronto

Phone: 416.865.7262

Position/Title: Partner, Litigation & Dispute Resolution | Privacy & Data Protection

Directorships & Affiliations:

- Franchise Law Section Executive for 2018-2019
- Appointed as Newsletter Editor

Publications:

- "[Canada now has an open banking lead — here's why that matters](#)" The Lawyer's Daily, This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc. Co-authored with Darcy Ammerman and Robbie Grant (April 8, 2022)
- "[Canadian Centre for Cyber Security Releases Ransom Playbook](#)" reproduced in LexisNexis' Internet and E-Commerce Law in Canada, Vol.22, No 11 co-author with Robbie Grant (March 2022)
- "[Privacy implications of an open banking system in Canada](#)", co-author with Darcy Ammerman and

Robbie Grant, National Banking Law Review, Vol.40, No 6 (December 2021)

Education & Admissions:

Degree: Called to the Ontario bar

Year: 2015

Degree: J.D., cum laude

University: University of Ottawa

Year: 2014

Degree: J.D., cum laude

University: Michigan State University

Year: 2014

Degree: B.A. (Philosophy)

University: University of Western Ontario

Year: 2010

Rankings & Recognition:

- University of Ottawa Faculty of Law, Dean's list
- Michigan State University College of Law, Dean's list

Speaking Engagements:

- Access to Information Requests and Practical Considerations for Not-for-Profit and Charitable Organizations
- November 19, 2019
- https://www.cbapd.org/details_en.aspx?id=ON_ON19CHA06T

Representative Matters: Representative litigation matters that Mitch has been involved in:

- Representing a commercial landlord in response to an application for relief from forfeiture following a tenant's failure to exercise an option to renew a lease in accordance with its terms.
- Representing a subcontractor in a construction dispute against a general contractor and municipal owner.

- Representing a Canadian business in a dispute regarding the sale of livestock to a U.S. purchaser.
- Defending a corporation and certain officers and directors in an oppression action commenced by a director and shareholder.
- Defending a general contractor in a construction dispute regarding the alleged non-return of rental equipment at the conclusion of a construction project.
- Defending a general contractor in a construction dispute regarding the alleged non-payment of extras charged in connection with a construction project.
- Representing an employer in a dispute against its employee benefits provider for charges incurred by non-employees.
- Representing a creditor in a dispute against a debtor for enforcement of a demand promissory note.
- Representing a subcontractor in a dispute against a general contractor for non-payment following the failure of a municipality to grant necessary permits in connection with a development.
- Defending a manufacturer in a product liability dispute regarding alleged product defects resulting in significant damage to personal property.
- Defending a mining company in a dispute regarding royalties allegedly due pursuant to a Net Smelter Royalty Agreement.
- Defending an owner and general contractor in a construction lien action commenced by a subcontractor alleging damages resulting from a change in the scope of the subcontract.
- Representing an auto-recycling company in a dispute against a seller of auto parts that were not as valuable as initially represented.
- Defending a franchisor against a franchisee purporting to rescind the franchise agreement on the basis that the franchisor provided a deficient disclosure document.
- Representing a Canadian distributor against a US supplier following the termination of the distribution agreement without providing sufficient notice of termination.

Reported decisions that Mitch has been involved in:

- Subway Franchise Restaurants v. BMO Life Assurance Co., 2020 ONSC 371
- Singh v. PCPO, 2018 ONSC 203
- Dosanjh v. Maple Leaf Sports, 2016 ONSC 8005

Representative privacy matters that Mitch has been involved in:

- Conducting privacy impact assessments to evaluate whether the business processes of an organization comply with FIPPA.
- Representing a government institution in an appeal before the Information and Privacy Commissioner of

Ontario regarding an access to information request.

- Representing a corporation in an appeal before the Information and Privacy Commissioner of Ontario regarding an access to information request.
- Representing a government institution in an appeal before the Office of the Privacy Commissioner of Canada regarding an access to information request.
- Representing a corporation in an appeal before the Information and Privacy Commissioner of Ontario regarding an access to information request.
- Reviewing and drafting privacy policies for organizations conducting business in Canada.
- Representing the purchaser in its acquisition of a company in respect of privacy provisions in the share purchase agreement.

Industries: Franchising & Distribution, Startups & Emerging Companies

Practices: Corporate Commercial Litigation, Litigation & Dispute Resolution, Privacy & Data Protection