

## SCOTT MAIDMENT



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

Scott Maidment is one of Canada's leading litigation counsel. He has appeared before trial and appellate courts across the country, including the Supreme Court of Canada, and before arbitration tribunals in Canada and the United States. Scott is recognized for leading expertise in litigation and particularly class actions in numerous directories, including *Chambers Canada* and *Benchmark Litigation: Canada*.

Known especially for his work in class actions and matters involving product liability and regulation, Scott acts in legal disputes for clients in a wide range of industries, including life sciences, insurance and technology. He provides representation on issues relating to competition / antitrust and foreign investment, defamation, employment law, constitutional law and human rights.

Scott has served as a trial advocacy instructor for The Advocates' Society, the Attorney General of Canada, The Honourable Society of the Middle Temple, and the United Nations. He has been an adjunct professor of trial

practice at Osgoode Hall Law School, and a team leader and instructor at Osgoode Hall's Intensive Trial Advocacy Workshop. Scott is a past president and past chair of the board of directors of The Advocates' Society.

A regular contributor and speaker on topics related to trial advocacy, Scott is also a co-author of *Product Liability: Canadian Law and Practice*, the comprehensive work on product liability litigation published by Canada Law Book. He is a leader of the firm's Class Actions and Product Liability & Regulation groups.

**Email:** [scott.maidment@mcmillan.ca](mailto:scott.maidment@mcmillan.ca)

**Expertise:** Class Actions, Life Sciences, Litigation & Dispute Resolution, Product Liability & Regulation, Technology

**Location:** Toronto

**Phone:** 416.865.7911

**Position/Title:** Partner, Litigation & Dispute Resolution

**Directorships & Affiliations:**

- The Advocates' Society, Past President
- Litigation Counsel of America
- American Bar Association
- Canadian Bar Association
- Federation of Defence and Corporate Counsel
- International Association of Defence Counsel
- Canadian Defence Lawyers Association
- Lawyers for Civil Justice

**Publications:**

- "[Exclusive Forum Selection in National Class Actions: A Common Issues Approach](#)," Reproduced with permission from The Canadian Class Action Review, Vol. 5, No. 2, (published in August 2009) (August 2009)
- "Generic Causation in Canadian Class Actions," For the Defence (a Defence Research Institute publication), July 2008 (July 2008)
- "Defending Your Product in Canada," (2nd ed.) Published by McMillan LLP (2006)

- "[Cost Awards in Class Actions](#)" Published in For the Defense, a Defense Research Institute publication (August 2005)
- "[Defending Product Liability Cases in Canada - A Dozen Key Differences](#)," For the Defense, December 2004 (December 2004)
- "[Ontario Court of Appeal Opens the Door to Enforcement of Non-monetary Judgements](#)," Article from Commercial Litigation Committee, published by DRI's The Business Suit (September 17, 2004)
- "[Canadian Tyco Decision Reflects Shift in Summary Judgment Law](#)," DRI (Defense Research Institute) - The Business Suit by Scott Maidment and Jennifer Dent (June 10, 2004)
- "[So You Thought You Had a 'Global' Settlement in that Class Action? Beware of Canadian 'Natural Justice'!](#)," DRI - The Business Suit - News from the Commercial Litigation Committee - The Defense Research Institute (February 2004)
- "Product Liability: Canadian Law and Practice," published by Canada Law Book (December 2002)
- "Enforcing the Insurer's Duty to Defend," published in North American Corporate Lawyer (December 2002)
- "Pre-Trial Discovery In Canada: Some Important Differences," Published in DRI's 'For The Defence' (December 2002)
- "Coroner's Inquest: a Defence Opportunity," Published in DRI's 'For The Defence' (December 2002)
- "Litigating in Canada: An Overview," (co-author) published by McMillan LLP (December 2002)
- "The Canadian Policyholder Handbook," published by McMillan Binch (December 2002)
- "Sanctions For Spoliation: It's Not a Tort In Canada," Published in DRI's 'For The Defence' (November 2002)
- "Market Conduct: The New Duty of Care" Presented to the Life Insurance Institute of Canada, (November 2002)
- "Tort Liability of Directors and Officers: A Cross-Border , Perspective," published in DRI's 'For the Defence' (November 2002)

#### **Education & Admissions:**

**Degree:** Called to the Ontario bar

**Year:** 1992

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**Degree:** Called to the Newfoundland bar

**Year:** 1989

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**Degree:** LLM, Atlantic Accord Graduate Fellowship

**University:** London School of Economics

**Year:** 1990

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**Degree:** LLB, Queen's University Scholarship

**University:** Queen's University

**Year:** 1988

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**Degree:** B.Comm. (First Class Honours) - Dean's Award

**University:** Memorial University of Newfoundland

**Year:** 1985

**Media Mentions:**

- "[Federal judiciary edges closer to gender parity, but numbers of minorities drop](#)", The Globe and Mail, November 11, 2019
- "[Some bar groups leery of top judge's idea that appellate nominees face public scrutiny](#)", The Lawyer's Daily, August 19, 2019

**Rankings & Recognition:**

- Recognized in the *2022 Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2022 Canadian Legal Lexpert Directory as a Most Frequently Recommended Lawyer in the area of Litigation: Product Liability; a Consistently Recommended Lawyer in the area of Class Actions and a Repeatedly Recommended Lawyer in the area of Litigation: Corporate Commercial
- Recognized in the *2022 Lexpert / American Lawyer Guide to the Leading 500 Lawyers in Canada: Litigation – Product Liability*
- Recognized by *Chambers Canada (2022)* as a leading lawyer in the areas of Dispute Resolution: Class Action (Defence) and Litigation: Products Liability
- Recognized by *Best Lawyers in Canada (2022)* as a leading lawyer in the areas of Class Action Litigation; Corporate and Commercial Litigation and Product Liability Law
- Listed in *Who's Who Legal: Global 2021* as a leader in Life Sciences and Product Liability Defence
- Listed in *Who's Who Legal: Canada 2021* as a leader in Life Sciences and Product Liability Defence
- Recognized in the 2021 Lexpert Special Edition on Canada's Leading Litigation Lawyers as a Leading Litigation Lawyer
- Recognized in the 2021 Lexpert Special Edition on Canada's Leading Health Sciences Lawyers as a Leading Health Science Lawyer

- Recognized in the *2021 Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2021 Canadian Legal Lexpert Directory as a Most Frequently Recommended Lawyer in the area of Litigation: Product Liability; a Consistently Recommended Lawyer in the area of Class Actions and a Repeatedly Recommended Lawyer in the area of Litigation: Corporate Commercial
- Recognized by the Best Lawyers in Canada (2021) as a leading lawyer in the areas of Class Action Litigation, Corporate & Commercial Litigation and Product Liability Law
- Recognized by Chambers Canada (2021) as a leading lawyer in the areas of Dispute Resolution: Class Action (Defence) and Litigation: Products Liability
- Recognized in the 2020 Benchmark Litigation: Canada Guide as a Litigation Star
- Listed in Who's Who Legal: Canada 2020 as a leader in Life Sciences and Product Liability Defence
- Recognized in the 2020 Canadian Legal Lexpert Directory as a Consistently Recommended lawyer in the areas of Class Actions and Litigation: Product Liability
- Recognized by Chambers Canada (2020) as a leading lawyer in the areas of Dispute Resolution: Class Action (Defence) and Litigation: Product Liability
- Recognized by Best Lawyers in Canada (2020) as a leading lawyer in the areas of Class Action Litigation and Product Liability Law
- Listed in Who's Who Legal: Canada 2019 as a leader in Life Sciences and Product Liability Defence
- Recognized in the 2019 Lexpert/ROB Litigation – Special Edition as one of Canada's Leading Litigation Lawyers
- Recognized in the 2019 Canadian Legal Lexpert Directory as a Repeatedly Recommended lawyer in the area of Litigation – Corporate Commercial and a Consistently Recommended lawyer in the areas of Class Actions and Litigation – Product Liability
- Recognized in the 2019 Benchmark Litigation Canada Guide as Litigation Star
- Chambers Canada (2019) - recognized as a leader in Dispute Resolution: Class Action (Defense) and Litigation: Products Liability Best Lawyers in Canada (2019) - recognized as a leading lawyer in the areas of Class Action Litigation and Product Liability Law
- Recognized in the 2018 Benchmark Litigation Canada Guide as Litigation Star
- Recognized in the 2018 Canadian Legal Lexpert Directory as a Most Frequently Recommended lawyer in the area of Litigation – Product Liability
- Lexpert Report on Business on Litigation 2018 – Special Edition - recognized as one of Canada's leading litigation lawyers
- Who's Who Legal Canada (2018) - listed as a leader in Life Sciences and Product Liability Defence
- Lexpert Guide (2018) - ranked as a leading US/Canada Cross-Border Lawyer in Canada
- Chambers Canada (2018) - Litigation: Products Liability



### **Speaking Engagements:**

- “Summary Judgment: Where Do We Go From Here?,” Presented to the County of York Law Association (December 2002)

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- “Defending Your Product In Canada: Some Important Differences,” Presented to the Centre for International Legal Studies, Austria (December 2002)

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- “Making Your Evidence Persuasive,” Presented to the Toronto litigation bar (November 2002)

### **Representative Matters:** Selected Superior Court and Appellate Decisions:

- Richardson v. Samsung, 2018 ONSC 6130
- Batten v Boehringer Ingelheim (Canada) Ltd., 2017 ONSC 53.
- Batten v Boehringer Ingelheim (Canada) Ltd., 2017 ONSC 6098 (Div. ct.)
- Board of Regents of Victoria University v GE Canada Real Estate Equity (2015), 54 RPR (5th) 48 (Ont. Sup. Ct.).
- Board of Regents of Victoria University v GE Canada Real Estate Equity, 2016 ONCA 646.
- 2249740 Ontario Inc. v. Morguard Elgin Ltd. (2016), 62 R.P.R. (5th) 171 (Ont. C.A.); (2016), 67 R.P.R. (5th) 178 (Ont CA).
- R. v. Nestlé Canada Inc., (2015) 120 W.C.B. (2d) 44, 124 O.R. (3d) 498, 319 C.C.C. (3d) 211 (Ont Sup Ct)
- Player v. Janssen-Ortho Inc (2014), BCSC 1122.
- Main v. Cadbury Schweppes plc (2011), 300 B.C.A.C. 302 (BCCA).
- Main v. Cadbury Schweppes plc (2010), 8 B.C.L.R. (5th) 305, 92 C.P.C. (6th) 95 (BCSC).
- 1092072 Ontario Inc. (c.o.b. Elfe Juvenile Products) v. GCAN Insurance Co. (2009), 74 C.C.L.I. (4th) 10 (Ont CA).
- Osmun v. Cadbury Adams Canada Inc. (2009), 85 C.P.C. (6th) 148 (Ont SCJ)
- Sollen v. Pfizer Canada Inc. (2008), 290 D.L.R. (4th) 603; 55 C.P.C. (6th) 340 (Ont SCJ).
- Lincoln General Insurance Co. v. Insurance Corp. of British Columbia (2008), 64 C.C.L.I. (4th) 16 (Ont CA).
- Boehringer Ingelheim (Canada) Ltd. v. Canadian Agency for Drugs and Technologies in Health (2008), 243 O.A.C. 200 (Ont Div Ct).
- Sollen v. Pfizer Canada Inc. (2008), 63 C.P.C. (6th) 1; 305 D.L.R. (4th) 184 (Ont CA).
- Sollen v. Pfizer (2008), 290 D.L.R. (4th) 603 (Ont. Sup. Ct.)
- Sanofi-Aventis Canada Inc. v. Apotex Inc. (2007), 60 C.P.R. (4th) 273 (F.C.T.D.)
- Lincoln General Insurance Co. v. Insurance Corporation of British Columbia (2007), 54 C.C.L.I. (4th) 213 (Ont. Sup. Ct.)

- Parlette v. Sokkia Inc. (2007), 27 B.L.R. (4th) 32, 46 C.C.L.T. (3d) 161 (Ont. Sup. Ct.)
- Englund v. Pfizer [2007] 9 W.W.R. 434, 43 C.P.C. (6th) 296, 284 D.L.R. (4th) 94 (Sask. C.A.)
- Rivard Instruments In. v. Ideal Instruments Inc. (2006), 54 C.P.R. (4th) 420, 302 F.T.R. 301 (F.C.T.D.)
- Keays v. Honda (2006), 82 O.R. (3d) 161, 274 D.L.R. (4th) 107 (C.A.)
- Colantino v. Kuhlmann (2006), 80 O.R. (3d) 21 (Ont. Sup. Ct.)
- Englund v. Pfizer, [2006] 7 W.W.R. 128, 274 Sask.R. 172, 23 C.P.C. (6th) 136 (Q.B.)
- Cardozo v. Becton, Dickinson and Co. (2005), 29 C.P.C. (6th) 112 (B.C.S.C.)
- Croplife Canada v. Toronto (City) (2005), 75 O.R. (3d) 357, (2005) 254 D.L.R. (4th) 40, (2005) 198 O.A.C. 35, (2005) 14 C.E.L.R. (3d) 207, (2005) 10 M.P.L.R. (4th) 1 (C.A.)
- Sollen v. Boehringer Ingelheim (Canada) Ltd. (2005), 14 C.P.C. (6th) 344, (2005) 139 A.C.W.S. (3d) 854
- Parlette v. Sokkia Inc. (2005), 194 O.A.C. 22 (Sup. Ct.)
- Keays v. Honda Canada Inc. (2005), 40 C.C.E.L. (3d) 258 (Ont. Sup. Ct.)
- Oakville Hydro v. Tyco Electronics (2004), 71 O.R. (3d) 330 (Sup. Ct.)
- General Electric Capital Canada Inc. v. Deloitte & Touche LLP (2002), 29 B.L.R. (3d) 308
- Smith v. Brockton (Municipality) (2001), 106 A.C.W.S. (3d) 55
- Amcan Consolidated Technologies Corp. v. Connell Limited Partnership (2001), 107 A.C.W.S. (3d) 154
- Richter & Partners Inc. v. Westwood Mall (Mississauga) Ltd. (2001), 33 C.B.R. (4th) 292 (Ont. Sup. Ct.)
- Lincoln General Insurance Co. v. Insurance Corp. of British Columbia (2001), 27 C.C.L.I. (3d) 127 (Ont. Sup. Ct.)
- Apotex Inc. v. Hoffmann-La Roche (2000), 195 D.L.R. (4th) 244 (C.A.), 139 O.A.C. 63, 9 C.P.R. (4th) 417
- Bank of Tokyo v. Toronto District School Board (1999), 126 O.A.C. 101 (C.A.)
- Aguonie v. Galion Solid Waste Material Inc. (1998), 38 O.R. (3d) 161 (C.A.), 156 D.L.R. (4th) 222, 107 O.A.C. 114, 17 C.P.C. (4th) 219
- Aguonie v. Galion Solid Waste Material Inc. (1997), 33 O.R. (3d) 615 (Gen. Div.)
- Atlantic Steel v. CIGNA (1997), 33 O.R. (3d) 12 (Gen. Div.)
- Capital Distributing Co. v. Blakey (1997), 33 O.R. (3d) 58 (Gen. Div.), 147 D.L.R. (4th) 372, 10 C.P.C. (4th) 109
- Klingbeil v. Worthington Trucking (1997), 36 O.R. (3d) 656 (Gen. Div.), 155 D.L.R. (4th) 469, 18 C.P.C. (4th) 255, 1 C.C.L.I. (3d) 62, 34 M.V.R. (3d) 222
- Litowitz v. Standard Life (1996), 30 O.R. (3d) 579 (C.A.), 143 D.L.R. (4th) 77, 94 O.A.C. 274, 5 R.P.R. (3d) 161
- Revenue Properties Co. v. Victoria University (1993), 101 D.L.R. (4th) 172 (Div. Ct.), 62 O.A.C. 351
- Wayfarer Holidays v. Hoteles Barcelo (1993), 12 O.R. (3d) 208, 18 C.P.C. (3d) 36 (Gen. Div.)

### Teaching Engagements:

- Adjunct Professor, Trial Practice, Osgoode Hall Law School, York University, Toronto (2000-2003)



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**Industries:** Life Sciences, Technology

**Practices:** Class Actions, Litigation & Dispute Resolution, Product Liability & Regulation