

# Norm Emblem Counsel



Counsel

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## Overview

Norm Emblem is a member of the **Litigation and Dispute Resolution** group of Dentons' Toronto office. Norm has a very broad-ranging commercial litigation and advocacy practice which includes class action defense, securities, auditor's negligence, CCAA, defamation, banking and insolvency litigation, professional negligence, Mareva injunctions, Anton Piller Orders, Norwich Orders, high-end disability income claims, insurance defence, workplace investigations, "whistleblower" complaints, directors & officers liability, shareholders' disputes, intellectual property disputes involving trade secrets, patents and confidential information, Coroners' Inquests, Public Inquiries and human rights litigation.

Norm has particular expertise advising and representing accounting firms and, in particular, the "Big 4" Canadian accounting firms, primarily in securities related class actions often with cross Canada and/or cross border implications as well as in related regulatory proceedings involving the Ontario Securities Commission (OSC), the Securities and Exchange Commission (SEC), the Autorité des marchés financiers (AMF), the Institute of Professional Chartered Accountants of Ontario (ICPAO) and the Department of Justice (DOJ). In addition to appearing regularly before the Superior Court of Ontario, Norm appears in the Court of Appeal for Ontario, the Supreme Court of Canada, the Tax Court of Canada, the Supreme Court of the Commonwealth of the Bahamas, the Saskatchewan Court of King's Bench and the Superior Court of Quebec. He also appears before the Commercial List in Toronto as well as before numerous regulatory and administrative tribunals throughout the Province of Ontario, including the OSC, the ICPAO, the Royal College of Physicians and Surgeons, the Alcohol and Gaming Commission, the Workplace Safety and Insurance Appeals Tribunal and the Ontario Pension Board.

Norm has done a significant amount of pro bono work acting as duty counsel on behalf of lawyers and paralegals appearing before The Law Society Tribunal particularly where mental health issues are in play. He is a frequent speaker at continuing legal education conferences regarding Litigation, ADR and Class Actions. He is recognized by Best Lawyers in Canada as one of Canada's leading lawyers in the area of Corporate and Commercial Litigation. Norm moonlights playing electric guitar with his blues band Oui B. Jamon which regularly play events for CIBC's Run For The Cure, March of Dimes Canada's "Rock For Dimes", Peacebuilders International's "Spring For Peace", Covenant House, The Canadian Music Therapy Trust Fund, CANFAR's "AIDSBEAT", Lawyers International Food Enterprise's "Rock For Life", The Law Society of Upper Canada, The Advocates' Society and The Nanny Angel Network.

# Experience

- **Confidential client:** Acting for an accountant before the Professional Conduct Committee of the Chartered Accountants of Ontario (2023).
- **Confidential client:** Acting for an accountant in a Good Character Hearing before the Admissions and Registration Committee of the Chartered Professional Accountants of Ontario
- **Confidential Client:** Acting in an Arbitration involving environmental damages claims arising out of a train derailment.
- **Confidential Client:** Acting for the plaintiff obtaining an ex parte injunction and a continuing injunction enjoining the defendants from encumbering trust property.
- **Confidential Client:** Acting for the manufacturer of lithium batteries in a products liability action.
- **Confidential client:** Acting for a lawyer before The Law Society Tribunal in a leading case challenging the scope of an investigator's powers under *The Law Society Act*.
- **Confidential client:** Acting for the partner of one of the "Big 4" accounting firms in an alleged negligence action by disenfranchised shareholders of a private company.
- **Confidential client:** Acting for the vendors of a residential property by their former real estate agent and her real estate brokerage firm in a virtual trial.
- **Confidential client:** Acting for the defendants/plaintiffs by counterclaim in an action arising out of a dispute over an arbitral award involving a *Mareva* Order.
- **Confidential client:** Acting for a partner of one of the "Big 4" Canadian accounting firms, a non-party, in relation to an action between a purchaser seeking specific performance against the vendor of an automobile dealership.
- **Confidential client:** Acting as independent counsel to a litigation funder in relation to a securities class action in the cannabis sector.
- **Confidential client:** Acting for a global supply chain logistics company obtaining a continuing Mareva injunction, a mandatory injunction and a preservation order in an action against fiduciaries and their company for deceit, passing off, unlawful means, injurious falsehood, breach of the Copyright Act, breach of contract, conversion and breach of fiduciary duty.
- **Confidential client:** Acting for a global logistics company obtaining an ex parte Mareva injunction against fiduciaries who set up a competitive company.
- **Confidential client:** Acting for numerous clients providing strategic advice and guidance regarding the impact of COVID 19 on their businesses and, in particular, clients in the Seniors Housing sector operating, among other facilities, long term care homes.
- **Confidential client:** Acting for a lawyer on a virtual Summary Hearing before the Law Society Tribunal using the Zoom platform.
- **Confidential client:** Acting on behalf of a U.S. law firm assisting a client obtaining letters of request in relation to an action on a Bill of Information which will subsequently be enforced by an application in Ontario.
- **Confidential client:** Acting with Vancouver colleagues in a multi-million dollar warranty fraud case on behalf of a leading global manufacturer of home appliances.
- **Confidential client:** Acting for a leading national accounting, tax and business consulting firm whose partners are involved as witnesses in the Collingwood Judicial Inquiry.
- **Confidential client:** Acting for a leading national accounting, tax and business consulting firm who previously

obtained a permanent quia timet injunction against a defendant following an in camera trial to protect the firm's interests in a subsequent related proceeding against the same defendant commenced by a different professional services firm.

- **Confidential client:** Acting for a client in the biomass industry in respect of an ongoing dispute in related ICC and AAA arbitration proceedings with different dispute resolution mechanisms.
- **Confidential client:** Acting for a leading national accounting, tax and business consulting firm defending an action arising out of the demise of an investment dealer shut down by IRROC
- **Confidential client:** Acting for a National accounting firm in an action against a law firm and the accounting firm arising out of an estate freeze transaction involving income tax issues.
- **Confidential client:** Acting for a Crown Corporation resisting an Application to Enforce Letters of Request aka Letters Rogatory issued by a State Court Judge in Michigan in relation to the construction of the Gordie Howe International Bridge.
- **Confidential client:** Acting for the manufacturer and lessor of an excavator in a Coroner's Inquest in Windsor, Ontario arising out of a workplace fatality on the shores of Lake Erie.
- **Law Society of Upper Canada:** Acting to obtain a permanent injunction enjoining a lawyer who previously had his licence to practice law revoked from continuing to hold himself out as a lawyer capable of providing legal services in Ontario.
- **Law Society Pro Bono Duty Counsel:** Acting for a paralegal before a three member panel of the Law Society Tribunal at a "good character" hearing.
- **Law Society of Ontario:** Acting for the Law Society of Ontario in respect of a statutory injunction restraining a former lawyer from engaging in the unauthorized practice of law and holding himself out to the public as a lawyer.
- **Confidential client:** Acting for a paralegal who continues to practice facing allegations of professional misconduct before The Law Society Tribunal.
- **Confidential client:** Acting for a lawyer who continues to practice facing allegations of professional misconduct before The Law Society Tribunal.
- **Confidential Client:** Acting in a breach of trust, breach of fiduciary duty, unjust enrichment, quantum meruit case seeking a remedial constructive trust, an accounting, a tracing order and other equitable relief as well as damages for deceit, conversion and fraudulent concealment in relation to monies invested in trust which the primary defendant refuses to account for.
- **Confidential client:** Acting for a party to a one sided settlement agreement in a potential negligence action against the party's former solicitors.
- **Confidential client:** Acting for a Town Councillor challenging the decision making process of a local Town Council.
- **Confidential client:** Acting for a tax accountant in an alleged negligence action involving an estate and a trust.
- **Confidential client:** Acting for a paralegal who has ceased to practice facing allegations of professional misconduct before The Law Society Tribunal.
- **Confidential client:** Acting for a lawyer who has ceased to practice facing allegations of professional misconduct before The Law Society Tribunal.
- **Law Society Pro Bono Duty Counsel:** Acting for a paralegal before a three member panel of the Law Society Tribunal at a conduct hearing defending allegations of professional misconduct and conduct unbecoming a paralegal.
- **Law Society Pro Bono Duty Counsel:** Acting for a lawyer before a three member panel of the Law Society

Tribunal defending allegations of professional misconduct on the basis that the lawyer failed to cooperate with a Law Society investigation and that the lawyer failed to reply promptly and completely to communications from the Administrative Compliance Department.

- **Law Society Pro Bono Duty Counsel:** Acting for a paralegal before a three member panel of the Law Society Tribunal defending allegations of professional misconduct.
- **Law Society Pro Bono Duty Counsel:** Acting for a lawyer before a three member panel of the Law Society Tribunal defending allegations of professional misconduct on the basis that the lawyer failed to fully cooperate with the Law Society's investigation.
- **Law Society Pro Bono Duty Counsel:** Acting for a lawyer before a three member panel of the Law Society Tribunal defending allegations of professional misconduct on the basis that the lawyer failed to serve his client and acted without instructions.
- **Law Society Pro Bono Duty Counsel:** Acting for a paralegal before a three member panel of the Law Society Tribunal challenging the restriction on the activities a paralegal is authorized to engage in.
- **Big Four accounting firm:** Acting as counsel in a threatened action by tax clients.
- **Law Society Pro Bono Duty Counsel:** Acting for a lawyer before a three member panel of the Law Society Tribunal defending allegations of professional misconduct on the basis that the lawyer failed to cooperate with the Law Society's investigation.
- **Big Four accounting firm and its affiliated investigative firm:** Acting as counsel in a Commercial List Action seeking a permanent *quia timet* injunction following an *in camera* trial.
- **Confidential client:** Acting as counsel for the Plaintiffs in a Commercial List Action and obtained an Order on notice to the defendant and to three media outlet interveners providing that the trial be conducted *in camera*.
- **Big Four accounting firm:** Acting as counsel in a successful motion for an interim interlocutory injunction.
- **Confidential client:** Acting as counsel in respect of Ian Binnie's engagement by Court appointment to provide his opinion to the Court regarding an appropriate distribution protocol with respect to the settlement monies recovered to date.
- **Ontario corporation:** Representing a client responding to an application to enforce Letters of Request issued by a Texas Court in relation to US litigation concerning trade secrets and blast units.
- **Various US entities:** Acting as counsel in connection with applying for Orders in Ontario and Quebec recognizing Letters of Request issued by an Illinois Court in relation to patent litigation before the International Trade Commission in the US concerning krill oil.
- **Flurry, Inc.:** Defending one of a number of defendants in a putative national class action in Quebec relating to iPhone and iPad apps and providing guidance with respect to communications with the Office of the Privacy Commissioner of Canada. The putative class proceeding alleges the intentional interception of user's personally identifying information without the user's consent.
- **Big Four accounting firm:** Acting as counsel in relation to the interim receivership and bankruptcy of Daymonex Limited.
- **Big Four accounting firm:** Acting as counsel in relation to an investigation by the Autorité des marchés financiers.
- **Big Four accounting firm:** Acting as counsel in relation to securities litigation in Delaware.
- **Big Four accounting firm:** Acting as counsel in relation to an investigation by the Professional Conduct Committee of the CPAO in relation to an OSC registrant.
- **Big Four accounting firm:** Acting as counsel in relation to a threatened securities action in Ontario and Quebec.

- **Big Four accounting firm:** Acting as counsel to the Nassau, Bahamas office of its member firms in multi-jurisdictional securities litigation arising out of the demise of a CA\$500 million hedge fund with respect to securities held in Québec, Ontario, Barbados and Bahamas.
- **Pet food supplier:** Acting as counsel in multi-jurisdictional class actions arising out of contaminated pet food.
- **Big Four accounting firm:** Acting as counsel in a proposed securities class action arising out of the demise of an international hedge fund (Ontario, Quebec).
- **Successful bidder:** Acting as counsel in a take-over fight before the Ontario Superior Court of Justice (Commercial List), the OSC and the Court of Appeal for Ontario which resulted in a change to the bid financing rules under the *Ontario Securities Act*.
- **Big Four accounting firm:** Acting as counsel in proceedings before the OSC relating to the derivative use of materials produced in an OSC proceeding to be used to make full answer and defence in a criminal securities related proceeding in the United States.
- **Big Four accounting firm:** Acting as counsel in relation to a securities related investigation by the RCMP/IMET regarding a land flip by an OSC registrant.
- **Court-appointed forensic auditor in Ontario:** Acting as counsel with respect to an investigation into possible fraudulent activities in a real estate development company.
- **Uniform manufacturer:** Acting as counsel defending an action in the Ontario Superior Court of Justice brought by former employees claiming they were entitled to participate in the employer's stock option program.
- **Big Four accounting firm:** Acting as counsel in a national class action relating to overtime pay.
- **Big Four accounting firm:** Acting as counsel regarding the solvency opinion pertaining to the plan to privatize BCE.
- **Big Four accounting firm:** Acting as counsel in Ontario in relation to two actions regarding the expiry of tax losses.
- **US employer in Ontario:** Acting as counsel in successfully upholding a restrictive covenant without any geographic limitation in scope.
- **Big Four accounting firm:** Acting as counsel in a putative class action in Québec relating to Olympus United Funds Corporation.
- **Big Four accounting firm:** Acting as counsel in proceedings before the OSC relating to the derivative use of materials produced in an OSC proceeding in relation to publicly held securities.
- **Building products company:** Acting as counsel in an Ontario Superior Court of Justice action arising out of a dispute concerning pension benefits involving allegations of breach of trust (Toronto).
- **Big Four accounting firm:** Acting as counsel defending securities related class actions in Ontario and New York.
- **Big Four accounting firm:** Acting as counsel regarding numerous civil and regulatory matters in Canada and the United States regarding a Canadian and US registrant (Ontario, Saskatchewan, New York, Illinois).
- **Big Four Canadian accounting firm, retained as an expert:** Acting as counsel in a dispute over the working capital of an Ontario registrant in a transaction arising out of a CCAA application before the Ontario Superior Court of Justice (Commercial List) and the Court of Appeal for Ontario.
- **Manufacturer of steel culverts:** Acting as counsel in a coroner's inquest under the *Coroners' Act* regarding the drowning death of a man in a bottom draw well on an irrigation farm (2005) (Wallacetown, Ontario).
- **Big Four accounting firm:** Acting as counsel before the Professional Conduct Committee of the CPAO in

relation to an Ontario registrant.

- **Building supplies company:** Acting as counsel in resisting the efforts of various other stakeholders in a dispute over trust funds to be added to an Ontario Superior Court of Justice action as defendants or interveners (Toronto).
- **Law Society Pro Bono Duty Counsel:** Acting for a lawyer before a three member panel of the Law Society Tribunal defending allegations of professional misconduct on the basis that the lawyer failed to cooperate with the Law Society's investigation.
- **Nationally known brewer:** Acting as counsel in a case initiated by the Alcohol and Gaming Commission arising out of a "frat party" in Guelph, Ontario (Toronto).
- **Nationally known brewer:** Acting as counsel in a case initiated by the Alcohol and Gaming Commission arising out of a "street party" in Kingston, Ontario (Toronto).
- **Big Four accounting firm:** Acting as counsel in a leading case before the OSC, the Divisional Court, the Court of Appeal for Ontario and the Supreme Court of Canada concerning the scope of documentary disclosure in securities related proceedings commenced by the OSC.
- **Group of minority shareholders:** Acting as counsel in an Ontario Superior Court of Justice action arising out of an option agreement regarding privately held securities.
- **Big Four accounting firm:** Acting as counsel in a multi-million dollar securities action in the Ontario Superior Court of Justice (initially commenced in California) arising out of the demise of a nationally known real estate developer.
- **Gunnite pool installer:** Acting as counsel in an arbitration.
- **Big Four Canadian accounting firm acting as liquidator on behalf of the owner of a landfill site:** Acting as counsel in a protracted liquidation in the Ontario Superior Court of Justice relating to a landfill site (Toronto).
- **Manufacturer of gas-testing equipment:** Acting as counsel in a coroner's inquest under the Coroner's Act into the deaths of two young men who were asphyxiated by breathing argon gas in a vacuum degasser tank at a steel manufacturing plant (Hamilton, Ontario).
- **Accident and sickness insurer:** Acting as counsel in an Ontario Superior Court of Justice action arising out of the termination of payments pursuant to a group disability policy involving allegations of non-disclosure (Kingston, Ontario).
- **Big Four accounting firm:** Acting as counsel in an Ontario Superior Court of Justice action arising out of a request for the audit firm's work papers in relation to a securities action.
- **Insured party:** Acting as counsel in an Ontario Superior Court of Justice action against a private accident and sickness insurer under an "own occupation" disability insurance policy.
- **Debtor:** Acting as counsel in a major restructuring of a steel manufacturer under the CCAA in the Ontario Superior Court of Justice (Commercial List).
- **Nationally known accident and sickness insurer:** Acting as counsel in an Ontario Superior Court of Justice action arising out of the termination of disability payments.
- **Party to a shareholders' agreement:** Acting as counsel in an arbitration involving sugar futures contracts and the application of GAAP (Vancouver, British Columbia).
- **Nationally known accident and sickness insurer:** Acting as counsel in an Ontario Superior Court of Justice action arising out of the termination of disability payments and the termination of the insured's employment with the insurer (Toronto).
- **Accident and sickness insurer:** Acting as counsel in an Ontario Superior Court of Justice action arising out

of the termination of disability payments involving allegations of non-disclosure of the part of the insured (Toronto).

- **Nationally known pharmaceuticals firm:** Acting as counsel in a misleading advertising action in the Ontario Superior Court of Justice arising out of the advertising of blood pressure control medication using test results derived from a study using ambulatory blood pressure monitoring devices (Toronto).
- **Departed fiduciary:** Acting as counsel in an injunction brought by an engineering firm in the Ontario Superior Court of Justice which would have interfered with a fiduciary's ability to earn a livelihood (Toronto).
- **Nationally known paper products company:** Acting as counsel lifting the stay of an order made under the CCAA and obtaining summary judgment in the Ontario Superior Court of Justice upheld on appeal by the Court of Appeal for Ontario (Toronto).
- **Nationally known accident and sickness insurer:** Acting as counsel in an Ontario Superior Court of Justice action arising out of the termination of the insured's benefits under a group disability policy (Hamilton, Ont.).
- **Nationally known bank:** Acting as counsel in restructuring proceedings commenced by a nationally known real estate developer under the CCAA in the Ontario Superior Court of Justice.
- **Creditors:** Acting as counsel in significant CCAA cases such as Olympia & York Developments Limited, Bramalea Limited, and Curragh Inc.
- **Debtors:** Acting as counsel in significant CCAA cases such as the Sammi Atlas matter.
- **Automobile insurer:** Acting as counsel in a jury trial in the Ontario Superior Court of Justice arising out of a multi-vehicle motor vehicle accident in Northern Ontario (Toronto).
- **Estate:** Acting as counsel in an Ontario Superior Court of Justice trial involving a multi-million dollar land flip (Toronto).

## Recognition

First recognized in 2013, Norm has been commended for his extensive knowledge and experience in the following respected publications:

- *The Best Lawyers in Canada:* Corporate and Commercial Litigation
- *Benchmark Litigation:* Local Litigation Star (Ontario)

## In the Media

- Quoted in the article, "Venezuela's USD 1.39bn Crystallex judgment could present the specter of technical default," REDD Intelligence, August 31, 2016
- Quoted in Michael McKiernan's article, "Bias a hot topic for experts as Getahun debate continues," *Law Times*, May 12, 2014
- Quoted in Julius Melnitzer's article, "Unique process seeks class members' engagement," *Law Times*, April 7, 2014
- Quoted in the article "Quebec court certifies class action against RBC," published by *The Lawyers Weekly* on November 29, 2013
- Quoted in the article "**CFTC details RBC 'wash trading' case, claims emails proof of false statements**," published by the *Financial Post* on November 12, 2012
- Quoted in the article "**Bands battle takes Notorious Road**," published by the *Financial Post* on October 19,

- Quoted in the article “Firms see rise in class-action cases,” published by the *National Post* on January 13, 2010
- Interviewed for Law Times article regarding the use of ADR as part of a redress plan to settle a proposed national class action, December 2009
- Quoted in the article “Can arbitration clauses stop a class action?” published by the *Financial Post* on December 30, 2009

## Insights

- Norm Emblem & Josh Shneer, "**Court of appeal clarifies jurisdiction to award costs against non-party**", *International Law Office*, April 11, 2017
- Norm Emblem & Jessie Lamont, "**Court overturns C\$125 million damages award based on extent of inadmissible hearsay evidence relied on by judge**", *International Law Office*, March 28, 2017
- Norm Emblem, Chelsea Rasmussen & Amer Pasalic, "**Judicial inattentiveness? Speak up or forever hold your peace!**", *International Law Office*, March 14, 2017
- Norm Emblem, Aoife Quinn & Emily Bellavy, "**Law Society's misguided prosecution drives stern rebuke and adverse costs award**", *International Law Office*, February 28, 2017
- Norm Emblem, Aoife Quinn & Lisa Hawker, "**Judicial oversight required when seeking relief from deemed undertaking**", *International Law Office*, February 21, 2017
- Norm Emblem, Joseph Pignatelli & Josh Shneer, "**Gimme Shelter: expert testimony immunity**", *International Law Office*, January 17, 2017
- Norm Emblem, Jessie Lamont, & Aoife Quinn, "**Court of Appeal certifies class action dominated by foreign investors**", *International Law Office*, January 10, 2017
- Norm Emblem & Aoife Quinn, "**Supreme Court elevates solicitor-client and litigation privilege**", *International Law Office*, December 20, 2016
- Norm Emblem & Ara Basmdjian, "**The cost of a wrongful injunction**", *International Law Office*, December 13, 2016
- Norm Emblem & Aoife Quinn, "**Doctrine of collateral attack and issue estoppel**", *International Law Office*, December 13, 2016
- Norm Emblem & Bethany McKoy, "**Clean up, clean up, everybody clean up: the doctrine of clean hands**", *International Law Office*, December 6, 2016
- Norm Emblem & Robert Stellick, "**Let's go surfing now' – spoliation revisited**", *International Law Office*, December 6, 2016
- Norm Emblem & Jessie Lamont, "**Procedural fairness and disclosure obligations in investigations by agencies with special expertise**", *International Law Office*, November 29, 2016
- Norm Emblem & Bethany McKoy, "**Hyperbole – the danger of overstating a case**", *International Law Office*, November 29, 2016
- Norm Emblem, Jessie Lamont & Jana Pauk, "**Negligent investigation, malicious prosecution and misfeasance in (abuse of) public office**", *International Law Office*, November 15, 2016
- Douglas Stewart, Norm Emblem, Frank Bowman & Cynthia Amsterdam, "**Reputation at risk if letter ignored**" (November 2016) 32:14 *The Bottom Line* 12



- Norm Emblem, Paige Donnelly & Rachael Andrew, "**New protocol for notifying media of discretionary publication bans**", *International Law Office*, September 20, 2016
- "**Bargainer's Remorse: Collective Bargaining Agreement Highlights Limited Ability to Appeal Arbitral Awards in Deflategate Appeal / Remords d'un négociateur : la convention collective de l'affaire « Deflategate » met en lumière la capacité limitée de faire appel par suite des décisions arbitrales**", *ADR Perspectives/Perspectives PRD*, September 2016
- Norm Emblem & Ara Basmadjian, "Impecuniosity or Hardship as a Factor in the Award of Costs: Towards a Coherent Framework" (July 2016) 45:4 *The Advocates' Quarterly* 420
- Norm Emblem & Barbara Capes, "**Scowling visage' not grounds for judicial recusal**", *International Law Office*, August 9, 2016
- Norm Emblem & Amer Pasalic, "**Media coverage in politics: court draws line between critical political reporting and defamation**", *International Law Office*, July 5, 2016
- Norm Emblem & Zev Smith, "**The ineffectiveness of publications bans**", *International Law Office*, June 7, 2016
- Norm Emblem & Zev Smith, "**Equitable doctrine of fraudulent concealment**", *International Law Office*, April 26, 2016
- "**When Pash Comes to Shove – Lessons from “Deflategate” / Quand le jeu devient sérieux – Leçons tirées de l'affaire Deflategate**", *ADR Perspectives/Perspectives PRD*, December 2015
- Norm Emblem & Amer Pasalic, "OSC bans Conrad Black from holding key roles in public entities", *International Law Office*, May 5, 2015
- Norm Emblem, Christina Porretta & Amer Pasalic, "**Participant and non-party experts exempt from expert witness requirements**", *International Law Office*, April 21, 2015
- Norm Emblem, Barbara Grossman & Christina Porretta, "**Appeal court confirms judge's inherent jurisdiction to sit outside home territory**", *International Law Office*, April 7, 2015
- Norm Emblem & Amer Pasalic, "**Court generously interprets timeframe for foreign state to set aside default judgment**", *International Law Office*, March 31, 2015
- Norm Emblem & Amer Pasalic, "**Court of Appeal on judicial use of enhanced summary judgment powers**", *International Law Office*, March 24, 2015
- Norm Emblem, Matthew Fleming & Amer Pasalic, "**Ontario declines jurisdiction over BP cross-border securities class action**", *International Law Office*, September 16, 2014
- Norm Emblem & Soloman Lam, "**The Test for Granting Leave to Sue a Court-appointed Receiver**", *National Insolvency Review*, June 2014
- Norm Emblem & Amer Pasalic, "**The Conrad Black saga continues: OSC affirms reciprocal order power**", *International Law Office*, July 8, 2014
- Norm Emblem & Amer Pasalic, "**Interlocutory challenges to requests to admit: putting teeth into the procedure**", *International Law Office*, April 15, 2014
- Norm Emblem & Ara Basmadjian, "**The ‘Indoor Management Rule’ Explained,**" *International Law Office*, April 1, 2014
- Norm Emblem & Amer Pasalic "**Lawyers beware – risks of giving investment advice to clients**", *International Law Office*, March 11, 2014
- Norm Emblem & Soloman Lam "**Security for costs motions**", *International Law Office*, March 11, 2014
- Norm Emblem & Soloman Lam "**Remedies for suing the wrong party**", *International Law Office*, March 4,

- Norm Emblem & Christina Porretta "**The meaning of 'unlawful' in the tort of unlawful means**", *International Law Office* (25 February 2014)
- Norm Emblem & Soloman Lam "**Test for granting leave to sue court-appointed receiver**", *International Law Office* (18 February 2014)
- Norm Emblem & Ara Basmadjian, "**Moore v Getahun: Lawyers are not Permitted to Review and Shape Draft Expert Reports**," Case Comment, *International Law Office* (11 February 2014)
- Norm Emblem, Arden MacLean & Amer Pasalic, "**Strategies on moving to enforce and responding to letters rogatory in Ontario**", *International Law Office*, January 21, 2014
- Norm Emblem & Ara Basmadjian, "**Silver v Imax: The Saga Continues**," Case Comment, *International Law Office* (19 November 2013)
- Norm Emblem & Ara Basmadjian, "**Pierringer Agreement Settlement Amounts Need Not Be Disclosed**", *International Law Office*, July 16, 2013
- Norm Emblem & Marina Sampson, "**Supreme Court Denies Leave to Appeal in Overtime Class Action**", *International Law Office*, May 28, 2013
- Norm Emblem & Ara Basmadjian, "**Silver v IMAX: Avoiding War on Two Fronts**", *International Law Office*, April 30, 2013
- Norm Emblem & Chloe Snider, "Twice Bitten, Not Infinitely Shy—Be Careful What You Fish For And Where You Cast: Receivers Are Not Biting" (2013) 30 Nat. Insol. Review 33-41
- Norm Emblem & Chloe Snider, "**Production of Documents from Court-Appointed Receivers - Limits on Disclosure Obligations**", *National Creditor/Debtor Review*, March 2013
- Norm Emblem & Chelsea Rasmussen, "**Cultural Revolution: Judicial Squeezing, Pinching, and Hammering**", *International Law Office*, March 26, 2013
- Norm Emblem & Ara Basmadjian, "**Quantum of Settlement: Accounting at Trial for Settlement Moneys**," *International Law Office* (12 March 2013)
- Norm Emblem & Deepshikha Dutt, "**Sunshine North of the US Border for the Plaintiff Securities Class**", *International Law Office*, February 5, 2013
- Norm Emblem & Chloe Snider, "**Production of Documents from Court-Appointed Receivers**", *International Law Office*, January 2013
- Norm Emblem & Deepshikha Dutt, "**Thinking Outside the Box - Using the Companies' Creditors Arrangement Act to Resolve a Prospective Class Action**", *OBA Class Actions Law Section Newsletter*, Volume 3, No. 1, December 2012
- Norm Emblem & Kathleen Burke, "**Covenants in Restraint of Trade Connected to Sale Transactions**", *International Law Office*, August 2012
- Norm Emblem & Soloman Lam, "**From Morguard to Club Resorts: The Evolution of the Real and Substantial Connection Test**", Prepared for Osgoode Professional Development Centre Program, *Foreign Parties in Ontario Proceedings: Challenges and Solutions for Civil Litigators*, May 29, 2012
- Norm Emblem & Rebecca Studin, "**Application for Leave to Appeal Dismissed Due to Reasonable Apprehension of Bias**", *International Law Office*, May 2012
- Norm Emblem & Kathleen Burke, "**The Development of Privacy Torts in Ontario: A Case Comment**", *International Law Office*, May 2012
- Norm Emblem & Kathleen Burke, "**The Development of Privacy Torts in Ontario – A Case Comment on**

**Jones v. Tsige, 2012 ONCA 32**", Focus on Litigation | Dispute Resolution, April 2012

- Norm Emblem & Chloe Snider, "The Hollinger Sealing Order – Using the Sierra Club Test to Protect Settlement Privilege", *International Law Office*, November 2011
- Norm Emblem & Chloe Snider, "Ontario Issues Most Recent Decision on Overtime Pay Class Actions", *International Law Office*, July 2011
- Norm Emblem, "Cleaning Up Class Actions using ADR", *The ADR Journal of Canada*, Fall 2009

## Activities and Affiliations

### Professional Development

- Gold Standard Course in International Commercial Arbitration, Toronto Commercial Arbitration Society, 2020-2021
- Executive Short Program Certificate in Arbitration and International Arbitration, University of Ottawa, 2012

### Affiliations

- Former Director, jack.org
- Former Director, The Advocates' Society
- Member of the Chair's Roundtable of The Law Society of Ontario
- Former Director, Sir William Campbell Foundation

## Presentations

- Speaker, "Avoid Exclusion: An Overview of Rule 702 – Changes in the United States and Challenges to Financial Expert Testimony with An Overview of the Law in Canada," AICA and CIMA (Forensic & Valuation Services Section), May 24, 2022
- Speaker, "Arbitration Advocacy, Lessons Learned from Arbitrations in the Pandemic: The Practitioner's Perspective," The Advocates' Society, December 7, 2021
- Co-chair, "Defamation Law - What Litigators Need To Know, The Advocates' Society," January 25, 2021
- Moderator, Dentons Webinar, "**Public Inquiries In Canada: What you need to know in the age of COVID-19**," June 23, 2020
- Moderator, Dentons Webinar, "**Risks and Issues relating to COVID-19 – long-term care facilities**," May 20, 2020
- Co-chair, "Negotiation Skills For Litigators," The Advocates' Society, April 16, 2019
- Speaker, "The Role of Experts in ADR," Annual ADRIC Conference, Montreal, November, 2018
- Chair, "Insolvency Litigation," The Advocates' Society, June 1, 2018
- Co-chair, "Putting Theory into Practice – Professionalism and Civility," The Advocates' Society, December 18, 2017
- Moderator, "Hot Topics in Arbitration, Annual ADRIC Conference," St. John's, October, 2017
- Speaker, "What I Wish I Knew When I was New: Managing Expectations and Finding the Healthy Balance", Stress-Free Litigation - A Myth?," The Advocates' Society, July 21, 2017

- Speaker, "Fights Over Access to an Accountant's Working Papers," Whaley Estate Litigation, Breakfast Seminar, March 30, 2017
- Speaker, "Top Cases in Commercial Litigation," The Advocates' Society, March 1, 2017
- Co-chair, "The Advocates' Society – Professionalism and Civility," December 16, 2016
- Speaker, "Professionalism and Civility in Practice," Dentons CPD Bootcamp, November 30, 2016
- Norm Emblem & Ara Basmadjian, "*Quia Timet* Injunctions and the Tort of Unlawful Means," Dentons Canada LLP: Continuing Professional Development Program, Toronto, ON, November 21, 2016
- Speaker, "You Cannot Satisfy Hunger By Drawing A Cake – Access to an Accountant's Working Papers, Duty of Confidentiality, No Accountant-Client Privilege," 19th Annual Estates and Trusts Summit, November 3, 2016
- Speaker, "Annual ADRIIC Conference," Toronto, October, 2016
- Speaker, "What to do when you receive a letter requesting that you appear before the Professional Conduct Committee of the Institute of Chartered Professional Accountants of Ontario," Dentons Fall 2016 Tax Update, September 22, 2016
- Co-Chair, "The Advocates' Society – Practice Management Essentials: Managing Your Way to Trial Success," May 18, 2016, Toronto
- Speaker, "Effective Use of Valuation Reports in Civil Cases", The Advocates' Society, "Business Valuations," May 3, 2016, Toronto
- Panel Chair, "When Pash Comes to Shove – Lessons from 'Deflate Gate'," ADR Institute of Canada Conference, October 2015, Calgary
- Co-Chair, "The Advocates' Society – Practice Management Essentials: Managing Your Way To Trial Success," April 30, 2015, Toronto
- Class Actions and ADR Across Canada, October 23-24, 2014, Montreal
- "Evolving Trends in Class Actions" presented at The Advocates' Society Seminar on Class Actions Advocacy, March 5, 2014
- Speaker, "Challenging Certification - What You Must Know", "Class Actions Advocacy," The Advocates' Society, March, 2014, Toronto
- Speaker, "Effective Document Management in Large Commercial Litigation Cases," Dentons CPD Bootcamp, November, 2013, Toronto
- Speaker, "Thinking Outside the Litigation Box to Realize ALL Potential Benefits of Commercial Arbitration," ADRIIC 2013 / ICC Canada 2013, October 24, 2013, Toronto
- Co-Chair, "Class Actions Litigation," The Canadian Institute's 14th Annual National Forum on Class Actions Litigation, September 24-25, 2013, Toronto
- Speaker, "Effective Document Management in Large Commercial Litigation Cases," Dentons CPD Bootcamp, November 2012, Toronto
- Speaker, "Using ADR to Resolve Individual Issues in Class Actions", ADRIIC 2012: Guiding Beacon to Best Practices in ADR, October 25-26, 2012, Halifax
- Co-Chair, "Class Actions Litigation", The Canadian Institute's 13th Annual National Forum on Class Actions Litigation, September, 2012, Toronto
- Speaker, "Foreign Parties in Ontario Litigation", Osgoode Professional Development, May 29, 2012, Toronto

- Co-Chair, The Canadian Institute's Class Actions Litigation Bootcamp, April 18-19, 2012, Toronto
- Speaker, "Effective Document Management in Large Commercial Litigation Cases", Dentons CPD Bootcamp, November 30, 2011, Toronto
- Speaker, Peak Performance in ADR, "Is ADR Bad for Consumers?", October, 2011, Vancouver
- Co-Chair, "Class Actions Litigation", The Canadian Institute's 12th Annual National Forum on Class Actions Litigation, September, 2011, Toronto
- Live Cross-Examination, Court House Series, The Advocates' Society, February, 2011, Thunder Bay
- Co-Chair, "Class Actions Litigation", The Canadian Institute's 11th Annual National Forum on Class Actions Litigation, September, 2010, Toronto
- Speaker, "Resourceful ADR", The Use of ADR to Resolve Class Actions, September, 2010, Calgary
- Speaker, "Full Spectrum ADR", The Use of ADR to Resolve Class Actions, October, 2009, Gatineau
- Speaker, "18th Annual Seminar for Lawyers Specializing in Securities" Indemnification of Directors and Officers, October, 2009, Mt. Tremblant, Quebec
- Speaker, "Strategies to Avoid or Mitigate Class Actions", The Canadian Institute's 10th Annual National Forum on Class Actions Litigation, September, 2009, Toronto
- Co-leader, "The Nuts and Bolts of Class Actions Litigation", The Canadian Institute's 10th Annual National Forum on Class Actions Litigation, Pre-Conference Workshop, September, 2009, Toronto
- Speaker, Economic Crime Prevention Conference, "Civil Redress for Economic Crimes", March, 2009, Hamilton
- Speaker, "Dentons and Deloitte's Anti-Money Laundering and the Real Estate Industry Seminar", January, 2009, Toronto
- Chair and Speaker, "Intensive Course in Securities Law & Practice", The Canadian Institute, November, 2008, Calgary
- Chair and Speaker, "Intensive Course in Securities Law & Practice", The Canadian Institute, October 2008, Toronto
- Co-leader, Pre Conference Workshop, The Canadian Institute's 9th Annual National Forum on "Class Actions Litigation", September, 2008, Toronto
- Chair and Speaker, "Intensive Course in Securities Law & Practice", The Canadian Institute, November, 2007, Vancouver
- Speaker, 7th Annual Canada/US GAAP Course, "The Relationship Between Auditors and Audit Committees", May, 2006, Toronto
- Speaker, 14th Annual Seminar for Lawyers Specializing in Securities, "Bid Financing and the Financial Models Inc. case", October, 2005, Mont Tremblant, Québec

## Areas of focus

### Practices

- **Alternative Dispute Resolution (ADR)**
- **Appellate Advocacy**

- **Arbitration**
- **Class Action Defense**
- **Commercial Litigation**
- **Environmental Litigation**
- **Litigation and Dispute Resolution**
- **Product Liability and Complex Torts**
- **Professional Liability Litigation**
- **Securities and Shareholder Litigation**
- **Public inquiries and coroners' inquests in Canada**

## Industry sectors

- **Accounting Firms**
- **Bad Faith Defense**
- **Insurance Litigation and Arbitration**
- **Professional Liability**
- **Professional Services**
- **HealthTech**

## Education

- Queen's University, 1986, LLB
- Concordia University, 1983, B.Comm. (with Distinction)

## Admissions and qualifications

- Ontario, 1988

## Languages

- English