

Philip S. Tinkler

Counsel



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Overview

Philip Tinkler is a Civil Litigator and Counsel in Dentons' Litigation and Dispute Resolution practice group. He is an experienced class action lawyer and leads Dentons' Class Action practice in the Edmonton office.

Philip's practice encompasses all aspects of civil litigation. His practice is mainly concentrated in the area of class actions, where he acts for both defendants and for plaintiffs. His involvement as counsel on both sides of a dispute, over many years and across a variety of types of cases, has given him valuable insight into what drives these particular proceedings and the strategic factors that can be leveraged to shape the course of the litigation. His strengths include risk and option analysis, development and implementation of strategies, working in collaborative teams with lawyers, experts and other stakeholders on complex or sensitive lawsuits, and counsel work. He is a trusted advisor providing practical counsel and guidance on resolving a broad range of disputes being handled by Dentons' Edmonton office and Dentons' National Litigation and Dispute Resolution practice group.

In addition to his class action experience, Philip's practice includes work in the areas of professional liability (emphasizing health professional and allied health professional liability) and insurance litigation (including products' liability, personal injury and catastrophic loss cases).

Philip has appeared before all levels of court, including all levels in Alberta and Ontario, before the trial and appeal divisions of the Federal Court of Canada, as well as the Supreme Court of Canada. He has also acted as counsel in numerous arbitrations and mediations, and other forms of ADR.

Experience

- **Confidential Client:** Successfully defended a North American railway in a proposed class action filed in Alberta: 2023 ABCA 150.
- **Confidential Client:** Defending a defendant in a proposed Indian Day School class action filed in Alberta.
- **Confidential Client:** Advised in the successful defence of North American clients in a proposed Canada-wide class action certification application involving an automotive product liability claim.
- ***Bruno v Samson Cree Nation*, 2020 CanLII 109462 (AB QB):** Lead Counsel in a class proceeding in the

Court of Queen's Bench of Alberta concerning benefits entitlements of members of a First Nation. The decision of the Court of Queen's Bench of Alberta granted certification as well as summary judgment to our client on some of the common issues certified to proceed to a common issues trial.

- **Confidential Client:** Advised in the successful certification and settlement of a class proceeding concerning the delivery of a private vocational training school program in practical nursing.
- **Confidential client:** Advised in connection with the defence of a class action relating to the distribution and sale of E. coli contaminated meat product.
- **Confidential Client:** Lead counsel in a class proceeding relating to a hospital outbreak of Methicillin-resistant *Staphylococcus aureus*.
- **Parsons v. Canadian Red Cross Society:** Plaintiff's consortium counsel in the CA\$1.5 billion multi-jurisdictional class action arising from the contamination of the blood system in Canada with Hepatitis C.
- **Roth v. Alberta:** Lead Counsel in the first class action to receive certification, and successful settlement approval, under Alberta's *Class Proceedings Act*.
- **LC v Alberta, 2017 ABCA 133:** Advised in a class action concerning the operation of the child welfare system in Alberta. This Alberta Court of Appeal decision dismissed the defendant's application for permission to appeal an award of advance costs to continue with the class proceedings, and awarded advance costs to our client, the representative plaintiff.
- **Reid v Bitangcol, 2016 ABQB 122:** Advised in Court of Queen's Bench of Alberta decision dismissing the defendants' application for production of records, based on our clients' continuing litigation privilege, in a medical negligence/catastrophic personal injury claim.
- **Gulevich v Miller, 2015 ABCA 411:** Advised in Alberta Court of Appeal decision that addressed "the difficult issue of situating a tort in order to establish jurisdiction". The appeal court held that the Alberta court has constitutional jurisdiction over our client's professional malpractice / personal injury action in a case when breach of the duty of care occurred in Ontario and the injury manifested in Alberta.
- **Chorney v Thompson, 2014 ABQB 410:** Advised in successful summary dismissal of an action against our client, a physician.
- **Nette v. Stiles, 2012 ABQB 290 :** Advised in Court of Queen's Bench of Alberta decision dismissing the Canadian Chiropractic Protective Association's application to add it as a party to our client's action commenced against a chiropractor alleging that the plaintiff suffered catastrophic injuries resulting from his treatment, and to set aside judgments obtained against the chiropractor.
- **Allison v. Francescutti, 2003 ABQB 983:** Successfully defended the applicant, a physician, interpreting Alberta's Limitation Act in a medical malpractice claim.
- **Confidential clients:** Advising in connection with litigation of personal injury matters including fatality and catastrophic injury. Co-counsel representing an insurer's CA\$25 million subrogated recovery claim for damages in a product liability action.
- **Confidential clients:** Advising in connection with potential and actual class proceedings concerning pension entitlements, product liability claims, franchise disputes, and securities issues.

Recognition

In the Media

- Quoted in "Hundreds of women notified of class-action suit against Samson Cree," *CBC Edmonton*, November 2020
- Quoted in "Alberta Health sues Ontario doctor for costly tumour mistake of patient who moved out west,"

Insights

- Co-author, Kevin P. Feehan, Q.C. and Philip S. Tinkler (2004), "Medical Malpractice Litigation: The Pure Application of the Principles of Negligence," *Annual Review of Civil Litigation 2004*; The Honourable Justice Todd Archibald, Ontario Superior Court, and Michael Cochrane, LL.B. (Eds.), Carswell/Thompson Canada Limited, Toronto, September

Activities and Affiliations

- Member, Law Society of Alberta

Presentations

- Presented at the Canadian Bar Association Health Meeting: "Class Action Litigation: An Emerging Trend in Alberta Health Care", November 2010
- Presented at the Canadian Defence Lawyers' Annual Alberta CLE Programme "Defence Briefs", January 2008
- Presented to the Canadian Bar Association Alberta: "Class Action Law Suits: Alberta Case Study", April 2007

Areas of focus

Practices

- **Public inquiries and coroners' inquests in Canada**
- **Litigation and Dispute Resolution**

Industry sectors

- **Insurance**
- **Insurance Litigation and Arbitration**
- **Professional Liability**

Education

- Queen's University, 1992, LLB
- University of Toronto, 1988, BA (with Distinction)

Admissions and qualifications

- Ontario, 1994
- Alberta, 2005

Languages

- English