

DAVID THOMPSON

WORK EXPERIENCE

February, 2001
to present

Partner/Lawyer/Mediator/ETDL
SCARFONE HAWKINS ^{LLP}
One James Street South, 14th Floor
Hamilton, Ontario
L8N 3P9

Civil litigation practice with emphasis on plaintiff class action work, and commercial litigation. Broad exposure to a wide range of litigation matters including class proceedings, breach of contract, oppression remedy, shareholder and corporate disputes, injunctions and mandatory orders, fiduciary duties, negligence, misrepresentation and detrimental reliance, Will challenges and Estate litigation, aborted business and real estate transactions, wrongful termination/employment and labour disputes, professional negligence claims, boundary and title issues, insurance claims and debt collection.

Responsibilities

Client contact, determined problem areas, analyzed problems, recommended and implemented solutions. Negotiated settlements to conflict, participated in numerous interlocutory proceedings in Ontario Superior Court of Justice, numerous trials in Ontario Superior Court of Justice, etc., and appeal proceedings in Divisional Court, the Ontario Court of Appeal and the Supreme Court of Canada.

Also appeared before numerous and various administrative tribunals/committees including Land Division Committees, Academic Appeals Committees, Workers' Safety and Insurance Board of Ontario, Liquor Licence Board of Ontario and Commercial Registration Appeals Tribunal.

Court appointed as Estate Trustee During Litigation (ETDL) in a number of contested litigation scenarios primarily involving will challenges, capacity, undue influence, etc.

Responsibilities included the full range of estate trustee obligations including identifying, gathering and preserving estate assets, identifying creditors and satisfying estate debts, filing tax returns, assisting in negotiations between beneficiaries, etc.

Acted as mediator in a number of estate litigation and commercial litigation matters assisting parties and their counsel with resolution/settlement and/or narrowing of issues.

February, 1988 to
January, 2001

Lawyer
BROWN, SCARFONE, HAWKINS
1050-120 King Street West
Hamilton, Ontario
L8N 3P9

Associate February 1988 - January 1993
Partner February 1993 - January, 2001

June, 1987 to
September, 1987

Student-at-Law
STEPHAN M. FRANKEL
4200-100 Main Street East
Hamilton, Ontario
L8N 3W6

Exposure to various areas of law including criminal law, civil litigation and landlord and tenant law.

June, 1986 to
June, 1987

Articled Student-at-Law
EVANS, PHILIP
1 King Street West
16th Floor
Hamilton, Ontario
L8P 1A4

Summer, 1985

Student-at-Law/Clerk
Unified Family Court
55 Main Street West
Hamilton, Ontario
L8P 1H4

Clerk for Justices Beckett, Goodearle, Mendes da Costa, Steinberg and Van Duzer.

Summer, 1984

Student-at-Law/Clerk
Unified Family Court
55 Main Street West
Hamilton, Ontario
L8P 1H4

Clerk for Justices Gravely, Steinberg and Van Duzer.

EDUCATION

September, 1987 to
February, 1988

Law Society of Upper Canada
Bar Admission Course
Called to the Bar as a Barrister and Solicitor for the Province
of Ontario:
April, 1988

1983 to 1986

Osgoode Hall Law School
Juris Doctor Degree obtained: June, 1986

1980 to 1983

McMaster University
Bachelor of Arts Degree Obtained, *Summa Cum Laude*
May, 1983
Major: Political Science

1975 to 1980

Cathedral Boys' High School
S.S.H.G.D. Obtained: January, 1980

ACADEMIC AWARDS

1982 to 1983

Edwin Marwin Dalley Memorial Scholarship
McMaster University Dean's Honour List

1981 to 1982

Edwin Marwin Dalley Memorial Scholarship
McMaster University Dean's Honour List

1980 to 1981

McMaster University Chancellors' Scholarship
McMaster University Dean's Honour List

1979 to 1980

Ontario Scholarship
The Permanent Annual Student Writing Award
Reader's Digest Award
High School Class Valedictorian

PERSONAL/PROFESSIONAL ACHIEVEMENTS

- 2024 Article published - April, 2024 HLA Journal, "Avoidable Affidavit Miscues"
- 2023 Recognized by peers in the "*Best Lawyers in Canada*", 2023-2024 Directory in the area of class action litigation.
- Article published - February, 2023 HLA Journal, "Advocate In Moderation in Family Law Disputes", with Alexandria Palazzo
- Article published - April, 2023 HLA Journal, "20 Tips for Writing A Truly Bad Factum"
- Co-Host/Planner – Hamilton Law Association , "Success Summit for Paralegals, Law Clerks and Legal Assistants" – May 18, 2023
- Panelist – Hamilton Law Association, New Lawyers Seminar - "Tips from the Litigators – Panel Discussion" September 28, 2023
- Article published - December, 2023 HLA Journal, "Don't Document Dump the Court"
- 2022 Recognized by peers in the "*Best Lawyers in Canada*", 2022-2023 Directory in the area of class action litigation.
- Speaker/Panelist – Hamilton Law Association, 17th Annual "Current Issues in Commercial Litigation" Seminar, "Benefits and Challenges of a Virtual Hearing" – February 9, 2022
- Speaker/Panelist – Hamilton Law Association, New Lawyers' Seminar II, "Tips Gleaned from Litigation Disasters" – February 15, 2022
- Host/Moderator – Hamilton Law Association , "Paralegal Roundtable: Tips & Tricks for Law Clerks and Legal Assistants in the COVID-19 Era & Beyond" – May 25, 2022
- Article published - June, 2022 HLA Journal, "Attracting and Retaining Top Talent"

Article published - October, 2022 HLA Journal, "Be a Better Lawyer"

2021

Recognized by peers in "*The 2022 Canadian Legal Expert Directory*" in the area of class action litigation.

Recognized by peers in the "*Best Lawyers in Canada*", 2021-2022 Directory in the area of class action litigation.

Speaker/Panelist – Hamilton Law Association, 16th Annual "Current Issues in Commercial Litigation" Seminar, "Practice Post-COVID19 What Will Stay and What Will Go" – February 10, 2021

Host/Moderator – Hamilton Law Association , "Paralegal Roundtable: Tips & Tricks for Law Clerks and Legal Assistants in the COVID-19 Era & Beyond" – March 16, 2021

Moderator/Panelist – Hamilton Law Association, "Tips and Tricks for Navigating Virtual Court" – September 21, 2021.

2020

Recognized by peers in the "*Best Lawyers in Canada*", 2020-2021 Directory in the area of class action litigation.

Speaker/Panellist - Hamilton Law Association
Professionalism Webinar: "Practicing Law in Hard Times" conducted by Zoom, May 14, 2020

Speaker – Hamilton Law Association: "The Adaptive Lawyer: Diversifying your Practice" Webinar – September 3, 2020

Speaker – Hamilton Law Association: The 17th Annual Employment Law Seminar, "Class Action Stories That Relate to Employment Law" – November 12, 2020

Speaker – EZ CPD: "Advocacy Lessons Learned From Politicians" Webinar - December 16, 2020.

2019

Recognized by peers in the "*Best Lawyers in Canada*", 2019-2020 Directory in the area of class action litigation.

Host - Hamilton Law Association, 14th Annual “Current Issues in Commercial Litigation” Seminar, March 6, 2019;

Speaker – Hamilton Law Association, New Lawyers’ Seminar, “Decision Making, The New Lawyer/Partner Perspective”, September 5, 2019.

Speaker – Hamilton Law Association, 19th Annual Advocacy Conference, Class Action Update, December 5, 2019.

2018

Recognized by peers in the “*Best Lawyers in Canada*”, 2018-2019 Directory in the area of class action litigation.

Speaker - Hamilton Law Association, 13th Annual “Current Issues in Commercial Litigation” Seminar, “What Politicians Can Teach Us About Advocacy”, February 21, 2018;

Speaker – Hamilton Law Association, 18th Annual Advocacy Conference, Current Issues in Equality, Diversity and Inclusion: Panel Discussion, December 6, 2018.

2017

Recognized by peers in the “*Best Lawyers in Canada*”, 2017-2018 Directory in the area of class action litigation.

Speaker - Hamilton Law Association, Fourth Annual Advocacy Skills Workshop, mock cross-examination of expert witness, January 26, 2017.

Co-Chair – Hamilton Law Association, 12th Annual “Current Issues in Commercial Litigation” Seminar, February 22, 2017.

Article published - August, 2017 HLA Journal, “Memory Book Update”.

Speaker – Southwestern Lawyers Annual Training Seminar for Legal Aid – Legal Aid Ontario “Advocacy Lessons Learned from Hollywood”, London, Ontario - September 28, 2017.

Speaker - Ontario Counsel of Children’s Aid Societies - “Advocacy Lessons Learned from Hollywood”, Burlington, Ontario- October 20, 2017.

Article published - October, 2017 HLA Journal, “Strive Mightily, but Eat and Drink as Friends”.

Article published - December, 2017 HLA Journal, "Memory Book Update".

2016

Recognized by peers in the "*Best Lawyers in Canada*", 2016-2017 Directory in the area of class action litigation.

Recognized by peers in the "*Canadian Legal Lexpert*", 2016 Directory in the area of class action litigation.

Co-Chair and Speaker – Hamilton Law Association, 11th Annual "Current Issues in Commercial Litigation" Seminar, February 26, 2016.

Speaker – The Advocates' Society, 2016 Hamilton Courthouse Series: Discovery Skills Win at Trial, March 2, 2016.

Speaker - "Advocacy Lessons Learned from Hollywood", Central-West Region, Superior Court of Justice - Justices' Conference, Langdon Hall, Cambridge, September 8, 2016.

Speaker - "Class Actions: A Basic Primer: Getting In On The Action", Ontario Trial Lawyers' Association Fall Conference - October 28, 2016.

Speaker - Ontario Legal Aid Seminar "Advocacy Lessons Learned from Hollywood", - October 28, 2016.

Speaker – Hamilton Law Association, 13th Annual Employment Law Seminar – November 17, 2016.

2015

Recognized by peers in the "*Best Lawyers in Canada*", 2015 Directory in the area of class action litigation.

Recognized by peers in the "*Canadian Legal Lexpert*", 2015 Directory in the area of class action litigation.

Appearance in and submissions to the Supreme Court of Canada on behalf of interveners. Paramountcy issue relating to *407 ETR Act* and *Bankruptcy and Insolvency Act*, related to class proceeding *Dow et al. v. 407 ETR Concession Company Limited et al.*

Co-Chair and Speaker – Hamilton Law Association, 10th Annual "Current Issues in Commercial Litigation" Seminar, February 25, 2015.

Speaker – Hamilton Law Association, Advocacy Skills Workshop, April 2, 2015.

Speaker – Hamilton Law Association, Family Law Lunch Bucket Series, “What We Can Learn From Hollywood About Advocacy”, June 3, 2015.

Speaker/Article – Hamilton Law Association Corporate Commercial Seminar, “Resolving Shareholder Disputes When There is no Shareholder Agreement”, October 15, 2015.

Speaker – Hamilton Law Association, New Lawyer’s Subcommittee, “What We Can Learn From Hollywood About Advocacy”, December 3, 2015.

Speaker – EZ CPD Webinar, ““What We Can Learn From Hollywood About Advocacy”, December 21, 2015.

2014

Recognized by peers in the “*Best Lawyers in Canada*”, 2014 Directory in the area of class action litigation.

Recognized by peers in the “*Canadian Legal Lexpert*”, 2014 Directory in the area of class action litigation.

Ontario Bar Association Central South, Council Member, 2014-2015.

Ontario Bar Association Membership Committee, 2014-2015.

Canadian Bar Association, National Council Member, 2014-2015.

Article published – Hamilton Law Association Journal, “Supreme Court of Canada Calls for ‘Culture Shift’ in Civil Justice System”, 2014.

Chair and Speaker– Hamilton Law Association, Written and Oral Advocacy Workshop, April 3, 2014.

Article published - Hamilton Law Association Advocacy Skills Workshop, “20 Tips for Writing a Truly Bad Factum”, April 3, 2014.

2013

Recognized by peers in the "*Best Lawyers in Canada*", 2013/2014 Directory in the area of class action litigation.

Recognized by peers in the "*Canadian Legal Expert*", 2013 Directory in the area of class action litigation.

Speaker – Hamilton Law Association, 8th Annual "Current Issues in Commercial Litigation" Seminar, February 27, 2013.

Speaker – Hamilton Law Association "Practical Tips for the Courtroom" Seminar, September 12, 2013.

Speaker- "14th Annual National Forum on Class Action Litigation" Seminar, September 24 & 25, 2013.

Speaker – 2nd Annual Blumberg's Canadian Charity Law Conference, "Abusive Schemes, Class Action Lawsuits and Legal Opinions", October 15, 2013.

2012

Speaker – 1st Annual Blumberg's Canadian Charity Law Conference, "Being Good At Doing Good", February 13, 2012.

Speaker – Hamilton Law Association, 7th Annual "Current Issues in Commercial Litigation" Seminar, "How to deal with bully lawyers", March 7, 2012.

Speaker- 13th Annual National Forum on Class Action Litigation, "Class Actions Litigation Bootcamp", April 18 & 19, 2012.

Speaker – The Canadian Institute, "Effectively Managing Class Action Litigation" Seminar, April 20, 2012.

2011

Speaker, Ontario Bar Association Institute 2011 - "Charity and Not-for-Profit Law" Seminar.

Speaker – Hamilton Law Association, 6th Annual "Current Issues in Commercial Litigation" Seminar, March 2, 2011.

Speaker/Presenter – Webinar on "Dangerous Legal Opinions", Charity Law Information Program.

Facilitator – Hamilton Law Association Professionalism Case Studies - Personal Injury Law and Workplace Safety and Insurance – December 5, 2011.

- 2010 Host, Hamilton Law Association, Commercial Litigation Section Dinner, October 6, 2010.
- 2009 Co-Chairman of the 4th Annual Hamilton Law Association “Current Issues In Commercial Litigation” Seminar, March 12, 2009.
- Member – Board of Directors of Mark Preece Family House.
- Speaker at Hamilton Law Association 9th Annual Advocacy Conference re: Update on Class Actions, April 30, 2009.
- Article published - May, 2009 edition “Commercial Litigation Review” Volume 7, Number 2. Co-author of article on Blended Retainer Agreements with Heather C. Devine and James Tausendfreund (Gowlings).
- Multiple appearances as guest legal commentator on CHML radio program re: Facebook Terms of Service, Access to Courts for terror victims, etc.
- 2008 Co-Chairman of the 3rd Annual Hamilton Law Association “Current Issues In Commercial Litigation” Seminar, March 27, 2008.
- Member – Board of Directors of Mark Preece Family House - a family house located near Hamilton General Hospital to provide close, accessible and affordable short-term accommodation for the families of adult patients in Hamilton hospitals.
- 2007 Co-Chairman of the 2nd Annual Hamilton Law Association “Current Issues In Commercial Litigation” Seminar, April 12, 2007.
- 2006 Multiple appearances as guest legal commentator on CHML radio program re: Payday Loan litigation.

Chairman of the 1st Annual Hamilton Law Association
“Current Issues In Commercial Litigation” Seminar, April 6,
2006.

2005

Speaker at Advocate’s Society, Court House Series,
seminar re: “Mock Summary Judgment Motion and Effective
Advocacy in Motions Court”, February 10, 2005.

Speaker at Cross-Border Commercial Litigation Seminar re:
“Class Actions: Cross-Border Issues”, April 7th and 8th,
2005.

Speaker at The 5th Annual Advocacy Conference, seminar
re: Class Actions: Nuts & Bolts of a Class Action, April 20,
2005.

Appeared as guest commentator on various legal issues on
CH TV “Live @ 5:30” television news program.

2004

Achieved successful settlement of Class Action claim
against Bell Canada on a national basis on behalf of
approximately 750,000 subscribers to Bell Canada’s First
Rate™ long distance plan in connection with unilateral
billing changes. Settlement Agreement signed March, 2004;
Court approval obtained May, 2004.

Received widespread media exposure in respect of
settlement of Bell First Rate Class Action, including articles
in Toronto Star (lead story in Business Section, etc.,)
Hamilton Spectator, etc.

Appeared as guest commentator on legal issues on CH TV
“Live @ 5:30” television news program.

Received significant media exposure regarding new class
action claim against Bell Canada relating to modem
hijacking, including articles in the Toronto Star, Hamilton
Spectator, radio news broadcasts and appearances on CH
TV television news program.

Legal Commentator on CH TV involving television
appearances on various legal topics.

2003

Speaker - Insight Conference: Class Actions - The Litigators' Conference, "Certification Update", January 27 and 28, 2003.

Speaker - Ontario Trial Lawyers Association Spring Conference, Class Actions, May 31, 2003.

Achieved successful settlement of Class Action claim against Canada Post Corporation, Cybersurf Corp. and 3Web Corp. on a national basis on behalf of approximately 150,000 customers who purchased a CD-Rom product that did not function as represented. Settlement Agreement signed July, 2003; Court approval obtained December, 2003.

2001

Achieved successful settlement of Vanishing Premium Class Action Claim against Canada Life Assurance Company on a national basis on behalf of approximately

135,000 policyholders. Settlement Agreement signed February. Court Approval obtained April.

Attendance in San Diego, California for participation in Association of Fundraising Professionals International Conference on Fundraising.

Founding principal of Freewills.com, an online free will-preparation service that uniquely links will-preparation with the encouragement and availability of charitable giving. Involvement included all aspects of business start-up including strategic vision, conceptualization, design and development of product, overall management, marketing and sales, operations, implementation, securing Subscriptions, preparation of business plan, etc.

Speaker - Lorman Education Services Seminar, "Employee Leave Issues/Maternity and Parental Leave Issues", April 26, 2001.

Speaker- Lorman Education Services Seminar, "Employee Termination in Ontario: Navigating the Process - Important Termination Concerns", May 17, 2001.

Article published - Spring, 2001 issue of the The Litigator. Journal of the Ontario Trial Lawyers Association – "Class Proceedings and Product Liability Claims".

Achieved successful settlement of Vanishing Premium Class Action Claim against London Life Insurance Company on a national basis on behalf of approximately 890,000 policyholders (settlement value \$260M). Settlement Agreement signed June, 2001; Court approval obtained October, 2001; Final Court approval by Ontario Court of Appeal, February, 2002.

Attendance in Indianapolis, Indiana for participation in National Association of Gift Planners Conference.

2000

Member - Advocates' Society.

Member - Ontario Trial Lawyers' Association.

Member - American Trial Lawyers' Association.
Continuing involvement as Lead Counsel in large Class Action claims including attendances in New York and Vancouver in respect of such matters.

Article published - Lorman Education Services Seminar – “Employee Termination in Ontario: Navigating The Process Important Termination Concerns”.

Speaker - Downtown Rotary Club – “The Internet: Changing the Dynamics of Small Business in Canada”.

1999

Member - Advocates' Society.

Member - Ontario Trial Lawyers' Association.

Member - American Trial Lawyers' Association.

Speaker - Ancaster Mens Club - Litigation Procedures and Class Actions.

Founding principal of e-incorp Inc., Canada's online corporate services provider.

1998

Member - Advocates' Society.

Member - Ontario Trial Lawyers' Association.

Member - American Trial Lawyers' Association.

Participation in Alberta Trial Lawyers Conference ("Rockies Rendezvous"), Banff Springs, Alberta.

1997

Member - Advocates' Society.

Member - Ontario Trial Lawyers' Association.

Member - American Trial Lawyers' Association.

Retained as Class Counsel on several large complex claims under the Class Proceedings Act acting for hundreds of thousands of class members in claims involving millions of dollars.

Received significant media exposure regarding the Class Action claims including Articles in The Globe & Mail, The Financial Post, Toronto Star, etc.

1996

Member - Advocates' Society.

Member - Editorial Board
The Hamilton Lawyer Newsmagazine.

Speaker - Hamilton Law Association
"Arguing Motions in Ontario Court (General Division)".

Speaker - The Advocates' Society
"Alternative Dispute Resolution".

Speaker - The Law Society of Upper Canada, The Ontario Court of Justice and The Canadian Bar Association - Ontario - "The Simplified Rules of Civil Procedure".

1995

Trustee of the Board of Directors,
Hamilton Law Association.

Member - Editorial Board
The Hamilton Lawyer Newsmagazine.

Speaker - Hamilton Law Association
"Preparing Witnesses to Give Evidence at Trial".

Speaker - CHCH TV
On-air television appearances dealing with legal topics.

1994

Trustee of the Board of Directors,
Hamilton Law Association.

Editor-In-Chief,
The Hamilton Lawyer Newsmagazine.

Member - Library Committee,
Hamilton Law Association.

Speaker - Hamilton Law Association,
"Evidence: A Practical Guide".

Speaker - C.F.M.U. Radio
"Court Process and Procedure".

Lecturer/Speaker - Ontario Trial Lawyers Association Spring
Conference "Breach of Fiduciary Duty".

1993

Trustee of the Board of Directors,
Hamilton Law Association

Editor-In-Chief, The Hamilton Lawyer Newsmagazine.

Member - Library Committee,
Hamilton Law Association.

Regular contributor to The Hamilton Lawyer Newsmagazine,
Restaurant Review column.

Speaker - Hamilton Law Association,
Practical Tips for the Courtroom.

1992

Trustee of the Board of Directors, Hamilton Law
Association.

Member - Editorial Board, The Hamilton Lawyer
Newsmagazine.

Member - Library Committee, Hamilton Law Association.

Chairman - Young Lawyers' and Articling Students'
Committee - Hamilton Law Association.

Article published - September, 1992 Contact Magazine
"What to Expect in a Lawsuit".

Article published - September, 1992 The Hamilton Lawyer Newsmagazine "Fiduciary Obligations of Real Estate Agents".

1991

Member - Editorial Board, Hamilton Law Association Newsmagazine.

Vice-Chairman - Library Committee, Hamilton Law Association.

Article published - May, 1991 Hamilton Law Association Newsmagazine "Civil Pre-Trials - Maximizing Their Effectiveness".

Article published - September, 1991 Hamilton Law Association Newsmagazine "Interlocutory Injunction Applications - Practical Tips".

Guest speaker - Kelsey's Restaurant Managers' Meeting "Tort Liability for Serving Liquor in the Hospitality Industry".

Guest speaker - LMC Management Consultants Employment Law Seminar, "Fiduciary Obligations of Employees".

1990

Member - Editorial Board, Hamilton Law Association Newsmagazine.

Member - Library Committee, Hamilton Law Association.

Article published - January, 1990 Hamilton Law Association Newsmagazine "Far Eastern Observations".

Article published - June/July, 1990 Hamilton Law Association Newsmagazine "Use of Facta in Motions Court".

Article published - September, 1990 Hamilton Law Association Newsmagazine "Court Reform in the Central South Region".

- 1989 Article published - February, 1989 Hamilton Law Association Newsmagazine - "Arguing Motions in District and Supreme Court: A Back to Basics Guide".
- Articles published - June, July/August, September and December, 1989
- Let's Talk Business Magazine - Hamilton and Niagara Editions - Four part series on Business Contracts.
- Speaker - Cathedral Girls' High School
Topic - Tort Law and Civil Litigation.
- Speaker - Hamilton Catholic High Schools
Conducted mock civil trial.
- Speaker - C.H.M.L. Radio
John Hardy Show "Your Day in Court".
- Attendance in Tokyo, Japan to conduct cross-examinations on a complex commercial litigation matter involving a heavy equipment distributorship agreement. Multi-million dollar settlement ultimately achieved.
- 1984 to 1985 Assisted Justice David M. Steinberg of the Unified Family Court with research for his text, Family Law in the Family Courts, Carswell, 1986.
- 1983 Achieved standing of 1st in graduating class from McMaster University, May, 1983.
- 1979 Class Valedictorian - Graduating Class - Cathedral Boys' High School.

CERTIFICATION AND SUCCESSFUL RESOLUTION OF CLASS PROCEEDINGS

2016

Dow et al. v. 407 ETR Concession Company Limited et al., ONSC 7086 – certification, settlement approval and class counsel fee approval – November 15, 2016, Justice Perell

2015

Emms v. Christian Economic Assistance Foundation, 2015 ONSC 7664 – certification, settlement approval and class counsel fee approval - December 8, 2015, Justice Perell

2013

McKee's Carpet Zone v. Sears Canada Inc., Sears, Roebuck and Co. and Home Coverings Buying Group Inc. – Court approval of settlement – December 6, 2013, Justice Belobaba.

2012

Robinson v. Rochester Financial et al. 2012 ONSC 911 – Court approval of settlement – January 17, 2012, Justice Strathy.

Woods v. Redeemer University College and Redeemer Foundation 2012 ONSC 7254 – Certification, settlement approval and class counsel fee approval, December 19, 2012, Justice Perell

2011

Levesque v. Ford Motor Company of Canada – Court approval of settlement – November 9, 2011, Justice Sproat.

2010

Robinson v. Rochester Financial et al. 2010 ONSC 463 – Certified, January 19, Justice Lax.

Levesque v. Ford Motor Company of Canada – Certified – January 21, Justice Sproat.

McKee's Carpet Zone v. Sears Canada Inc., Sears, Roebuck and Co. and Home Coverings Buying Group Inc. 2010 ONSC 5673 – Certified – August 23, Justice Strathy.

Stephanie Graham and Angela Miceli v. Imperial Parking Canada Corporation carrying on business as Impark 2010 ONSC 4982 – Certified – September 16, Justice Perell.

2009

Zonolite Attic Insulation – CCAA Court approval of enhanced settlement on behalf of all Canadian ZAI claimants, December 13, Justice Morawetz, Superior Court of Justice – Commercial Court, leave to appeal to the Ontario Court of Appeal denied February 19, 2010, Chief Justice Winkler, Justices MacPherson and Gillese;

Watson et al v. Northstar Aerospace, Inc., and Northstar Aerospace (Canada) Inc. – Certification and court approval of settlement, June 18, Justice Perell.

2008

McCutcheon v. The Cash Store et al. [2008] O.J. No. 5241 (S.C.J.)– Court approval of settlement, December 2, Justice Cullity.

Zonolite Attic Insulation – CCAA Court approval of settlement on behalf of all Canadian ZAI claimants, October 17, Justice Morawetz, Superior Court of Justice – Commercial Court.

2007

Bellaire/LaRocca et al. v. Salim Daya and Hamilton Health Sciences Corporation, [2007] O.J. No. 4819 – Certification and court approval of settlement, December 14, Justice Hoy.

2006

McCutcheon v. The Cash Store et al., [2006] O.J. No. 2360 - Certified May 10, Justice Cullity.

Jones v. Royal Botanical Gardens et al - Certification and court approval of settlement, September 28, Justice Crane.

Humphreys et al. v. Select Financial et al., (Hamilton Court file No. 01-3510CP) (Unreported) - Certification and court approval of settlement, November 2, Justice Crane.

Zonolite Attic Insulation – Appointed as Representative Counsel for all Canadian ZAI claimants, February 8, Justice Farley.

2004

Sajacki v. Bell Canada - Certification and court approval of settlement, May 10, Justice Crane.

2003

McArthur v. Canada Post Corporation et al, [2004] O.J. No. 1406 - Certification and court approval of settlement, December 22, Justice Crane.

2001

Gibbs v. Canada Life Assurance Co., [2001] O.J. No. 6269 - Certification and court approval of settlement, April 4, Justice Cumming.

Directright Cartage Ltd. v. London Life Insurance Co., [2001] O.J. No. 4073 - Certification and court approval of settlement, October 18, Justice Cumming.

REPRESENTATIVE WORK - REPORTED DECISIONS AS COUNSEL

Klassen v. City of Hamilton, 2022 ONSC 3660

Homes of Distinction (2002) Inc. v. Adili, 2022 ONCA 64

Homes of Distinction (2002) Inc. v. Adili, 2020 ONSC 7540

Homes of Distinction (2002) Inc. v. Adili, 2020 ONSC 7588

Homes of Distinction (2002) Inc. v Adili, 2020 ONSC 5344

Richard Sherk et al. v. Mark Sherk et al., 2020 ONSC 2909

Rivers v. Waterloo Regional Police Services Board, 2018 ONSC 4307

Adili et al v. Homes of Distinction Inc. et al 2018 ONSC 1673

Resolute Development Inc. v. Juravinski, 2017 ONSC 2109

Martino v. College of Nurses, 2017 ONSC 6892

Richard Sherk et al. v. Mark Sherk et al., 2017 ONSC 7177

Crooks Hollow Farm Corporation v. Bruce Eco Landbank Inc., 2017 ONSC 6473

2128445 Ontario Inc. v. Sherk, 2017 ONSC 5996

2128445 Ontario Inc. v. Sherk, 2017 ONSC 7177

Dow et al. v. 407 ETR Concession Company Limited et al., 2016 ONSC 7086

Richard Sherk et a.l v. Mark Sherk et al., 2016 ONSC 7772

Richard Sherk et al. v. Mark Sherk et al., 2016 ONSC 331

Richard Sherk et al. v. Mark Sherk et al., 2016 ONSC 2409

407 ETR Concession Co. v. Canada (Superintendent Bankruptcy), 2015 SCC 52 (CanLII)

Emms v. Christian Economic Assistance Foundation, 2015 ONSC 7664 (CanLII)

Richard Sherk et al v. Mark Sherk et al, 2015 ONSC 7213

1475707 Ontario Inc. Operating as Action Electric Construction and Maintenance v. Foran, 2014 ONCA 830 (CanLII)

1475707 Ontario Inc. v. Foran, 2013 ONSC 6882 (CanLII)

Pavone et al v. 603631 Ontario Limited et al, 2013 ONSC 5172 (CanLII)

578115 Ontario Inc. o/a McKee's Carpet Zone v. Sears Canada Inc., 2013 ONSC 4135 (CanLII)

Canada (Superintendent of Bankruptcy) v. 407 ETR Concession Company Limited, 2013 ONCA 769 (CanLII)

Robinson v. Rochester Financial et al. 2012 ONSC 911

Robinson v. Rochester Financial Limited, 2011 ONSC 3291 (CanLII)

Stephanie Graham v. Imperial Parking Canada Corporation, 2011 ONSC 991 (CanLII)

578115 Ontario Inc. (c.o.b. McKee's Carpet Zone) v. Sears Canada Inc., 2011 ONSC 240 (CanLII)

578115 Ontario Inc. (c.o.b. McKee's Carpet Zone) v. Sears Canada Inc. 2010 ONSC 5673 (CanLII)

Robinson v. Rochester Financial Limited, 2010 ONSC 5116 (CanLII)

Graham v. Impark, 2010 ONSC 4982 (CanLII)

578115 Ontario Inc. v. Sears Canada Inc., 2010 ONSC 4571 CanLII

Robinson v. Rochester Financial Limited, 2010 ONSC 4523 (CanLII)

Penney v. Bell Canada, 2010 ONSC 3947 (CanLII)

Penney v. Bell Canada 2010 ONSC 2801 (CanLII)

Robinson, v. Rochester Financial Limited, 2010 ONSC 1899 (CanLII)

Robinson v. Rochester Financial et al. 2010 ONSC 463

Grace Canada, Inc., 2010 ONSC 161 (CanLII)

Wamboldt et al. v. Northstar Aerospace et al., 2009 CanLII 31984 (ON SC)

Grace Canada Inc. (Re), 2009 CanLII 16575 (ON SC)

McCutcheon v. The Cash Store et al, 2008 CanLII 67900 (ON SC)

Grace Canada, Inc (Re), 2008 CanLII 54779 (ON SC)

Bellaire/LaRocca et al. v. Salim Daya and Hamilton Health Sciences Corporation, 2007 CanLII 53236 (ON SC)

Carriere v. Bell Canada, 2006 CanLII 19490 (ON SC)

McCutcheon v. Cash Store Inc., 2006 CanLII 15754 (ON SC)

Martel Commercial Realty Inc. v. Hamilton – Burlington and District Real Estate Board, 2005 CanLII 25101 (ON SC)

McArthur v. Canada Post Corporation et al, [2004] O.J. No. 1406

1146726 Ontario Inc. v. National Trust Co. [2004] OJ 2271

McArthur v. Canada Post Corp., 2004 CanLII 20131 (ON SC)

G.P.I. Greenfield Pioneer Inc. v. Moore, 2003 CanLII 3500 (ON SC)

Directright Cartage Ltd. v. London Life Insurance Co., [2002] O.J. No. 512

G.P.I. Greenfield Pioneer Inc. et al. v. Moore [2002] 58 O.R. (3d) 87

Directright Cartage Ltd. V. London Life Insurance Co. 2002 CanLII 15923 (ON CA)

G.P.I. Greenfield Pioneer Inc. v. Moore, 2002 CanLII 6832 (ON CA)

Gibbs v. Canada Life Assurance Co., [2001] CarswellOnt 1368, 10 C.P.C. (5th) 332

Directright Cartage Ltd. v. London Life Insurance Co., [2001] O.J. No. 4073

Drain-All Ltd. v. Tankmart Leasing Inc. [1999] O.J. No. 5049 (S.C.J.)

Albanese v. Albanese [1999] O.J. No. 4911

Albanese v. Albanese, 1999 CanLII 14932 (ON SC)

Canadian Red Cross Society (Re) [1998] O.J. No. 3306 (Ont. Ct. Gen.Div)

Canadian Red Cross Society (Re) [1998] O.J. No. 3307 (Ont. Ct. Gen.Div)

Canadian Red Cross Society (Re) [1998] O.J. No. 3513 (Ont. Ct. Gen.Div)

Canadian Red Cross Society/Société canadienne de la Croix-Rouge, Re, 1998 CanLII 14907 (ON SC)

Posthumas v. Garner [1995] O.J. No. 3362 (Ont. Ct.) (Gen.Div)

Thiel v. Milmine [1995] O.J. No. 3074 (Ont. Ct.) (Gen.Div)

Canpro Paving & Concrete Inc. v. Lewin [1994] O.J. No. 2329 (Ont. Ct.) (Gen.Div)

778286 Ontario Inc. v. Lukas [1992] O.J. No. 1530 (Ont. Ct.) (Gen. Div.)

C.N. Weber Ltd. V. Moncur [1991] O.J. No 1125 (S.C.J.) (Gen.Div.)

Intine v. Poos [1990] O.J. No. 2054 (Ont. Ct.) (Gen. Div.)

REPRESENTATIVE WORK – ESTATE TRUSTEE DURING LITIGATION (“ETDL”)

Edmond Lum Estate, appointed ETDL pursuant to order of Justice Reilly, November 3, 2015

- management of estate bank account;
- management of residential property in Ancaster, including multiple property inspections; arranging for property insurance;
- management of safety deposit box assets;
- management of investment portfolio;
- preservation and appraisal of sports memorabilia;
- preservation and appraisal of antique motor vehicle;
- inventory of all personal belongings and house contents, etc.;
- management and arrange for payment of estate debts, including property taxes, utilities bills, etc.;
- attend to distribution of estate assets;

Donald Arthur Rickard Estate, appointed ETDL pursuant to order of Justice Coats, September 17, 2018

- arrange for valuation of residential property in Burlington;
- management and arrange for payment of estate debts, including property taxes, utilities bills, etc.;
- attend to distribution of estate assets, including jewelry;

Veronika Toth Estate, appointed ETDL pursuant to order of Justice Chozik, February 7, 2019

- arrange for valuation of condo in Burlington;
- management and arrange for payment of estate debts, including property taxes, utilities bills, etc.;
- execution of all necessary documents with respect to sale of condo;

Anne Patricia Kay Estate, appointed ETDL pursuant to order of Justice Sweeny, March 18, 2019

- management of estate bank accounts;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;

Shirin Umar-Khitab Estate, appointed ETDL pursuant to Certificate of Appointment, November 25, 2019

- management of estate bank accounts;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;

Cathryn Dianne Perry Estate, appointed ETDL pursuant to order of Justice Chozik, June 3, 2021

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- obtain and review medical records of Cathryn Dianne Perry;
- management of multiple claims with respect personal belongings of the estate;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;

Ian Lobban MacPherson Estate, appointed ETDL pursuant to Order of Justice Parayeski, June 22, 2021

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate.

Lorraine Burns McLeish Estate, appointed Successor ETDL pursuant to Order of Justice Krawchenko, August 4, 2021

- obtain possession and sale of the Estate property;
- move for passing of accounts;
- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate.

Raffaele Cupelli Estate, appointed ETDL pursuant to Order of Justice Miller, August 24, 2021

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate.

Norman Stoneburgh Estate, appointed ETDL pursuant to order of Justice Cavanagh, October 15, 2021

- management of multiple estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of the Stoneburgh Family Trust;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management of property and sale of property;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;

Anthony Justin Kennedy Estate, appointed ETDL pursuant to Order of Justice Edwards, January 14, 2022

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management of property and sale of property;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;
- management of out-of-province including maintenance, capital improvements, and rental of property to generate revenue for the estate;

Antonio Truglia Estate, appointed ETDL pursuant to Order of Justice Sheard, January 19, 2022

- management of estate bank account;
- management of multiple counsel and beneficiaries;

- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management of property and sale of property;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;

Rami El-Haj Estate, appointed Successor ET pursuant to Order of Justice Gilmore, February 9, 2022

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;
- management of residential property and commercial property, and operation of active businesses at various sites;

Maqsood Khan Estate, appoint ETDL pursuant to the Order of Justice Edwards, April 25, 2022

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management of property and sale of property;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;

Valerie Gail Shewchuk Estate, appointed ETDL pursuant to the Order of Justice Byrne, May 13, 2022

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management of multiple properties and sale of properties;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;

Angelo Antoniazzi Estate, appointed ETDL pursuant to Order of Justice Healey, August 24, 2022

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management of multiple properties;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;

Ross Johnston Estate, appointed ETDL pursuant to Order of Justice R.J. Nightingale, October 19, 2022

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management and sale of property;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;

Edward Malcom LaFrance Estate, appointed ETDL pursuant to Order of Justice Carpenter-Gunn, November 1, 2022

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management of properties, including management of tenants and issue of past occupancy rent; and sale of properties;
- appraisal and inventory of assets of properties;
- management of corporation, including obtaining and reviewing financial statements and monthly revenue statements for corporation;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;
- management of an active transportation/logistics business and operation of that business on an ongoing basis;

Ronald and Edna Fenwick Estates, appointed Succeeding Estate Trustee pursuant to order of Justice Gorman, November 23, 2022

- management of estate bank accounts;
- management of multiple counsel and beneficiaries;
- management of multiple court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management of properties, including management of property and tenants and issue of and sale of properties;
- appraisal and inventory of assets of properties;
- management of corporation, including obtaining and reviewing financial statements and monthly revenue statements for corporation;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;
- dealing with an airplane as an asset of the estate held in a storage hangar;

Adorah Spencer Estate, appointed ETDL pursuant to judgment of Justice Dietrich, January 19, 2023

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management and sale of property;
- management of issue with respect to minor beneficiaries;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;

Saroj Virmani Estate, appointed ETDL pursuant to order of Justice Gilmore, March 22, 2023

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;

Kevin Roger Moore Estate, appointed ETDL pursuant to order of Justice Sheard, May 9, 2023

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of court proceedings;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;
- management and sale of property;
- management and sale of motor vehicles;
- management of issue with respect to minor beneficiaries;
- management of life insurance policies, RRSP, RRIFs, pension benefits and TFSA;
- prepare, manage and attend to all tax filings on behalf of the estate;
- identify, negotiate and settle debt claims against the estate;

Paul Cavanagh Estate, appointed ETDL pursuant to order of Justice Sheard, August 10, 2023

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;

Donald Gordon Richardson Estate, appointed ETDL pursuant to Order of Justice Broad, September 13, 2023

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple monetary claims against the estate;
- management and liquidation any business assets and liabilities;
- management and sale of properties;
- management of Tenant at property;
- management of CRA tax filings;
- management of multiple claims with respect personal belongings of the estate;

Peter Alexander Hahn Estate, appointed ETDL pursuant to Judgment of Justice Gordon, October 16, 2023

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple monetary claims against the estate;
- management of multiple claims with respect personal belongings of the estate;

Anna Maria Clappa Estate, appointed ETDL pursuant to Order of Justice Myers, November 20, 2023

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple monetary claims against the estate;
- management of property including maintenance, obtaining vacant possession and attend to eventual sale of property;
- management of CRA tax filings;
- management of multiple claims with respect personal belongings of the estate;

Marion Millar Estate, appointed ETDL pursuant to Order of Justice Conlan, January 12, 2024

- management of estate bank account;
- management of multiple counsel and beneficiaries;
- management of multiple monetary claims against the estate;
- management of golf course property, corporate entity, and follow-ups to maximize value of assets;
- to obtain and dispense with a bond and other security;
- to conduct examinations under oath, if required, of the beneficiaries;
- management of CRA tax filings;
- management of multiple claims with respect personal belongings of the estate;

TESTIMONIALS

CIVIL LITIGATION

“Dave Thompson and his team took over a very complex construction lien action which eventually included several other suits brought by the other side. We were dealing with very litigious adversaries. Dave personally tried every avenue in order to bring closure to this file. I appreciated his hard work and diligence trying to bring an end to this matter. Unfortunately, we were forced to deal with many delays which included bringing the City of Hamilton into the suit. This resulted in a nine week trial. I could not have had a better team of lawyers representing me. The outcome was exceptional. I appreciate Dave and his team for the guidance they provided me throughout the arduous and lengthy journey. The judge's verdict reflected complete vindication for me and my company. We also achieved one of the largest cost awards ever heard of. I would consider Dave one of the best and most capable lawyers out there. The way Dave treated me was always well intentioned and from the heart. I feel when I talk to him, I am talking to a close friend not an attorney.”

Roberto Venier, President, Homes of Distinction (2002) Inc.

“Scarfone Hawkins has been providing legal advice to Shipway Stairs for over 30 years. During that time, the firm has demonstrated its broad knowledge by offering excellent advice and guidance on our real estate dealings, corporate matters, personnel and legal disputes. The genuine concern for us and our business is always evident and we appreciate the professional approach and prompt response times.

The firm has been a part of our successful journey and we would have no hesitation to recommending their services”.

Sandra Connell, Controller, Shipway Stairs Limited

“Dave Thompson and his team at Scarfone Hawkins have been a valuable resource to Custom Ice Inc. for the last few years. We are certainly pleased with the service they have provided especially with regards to the accessibility Dave has shown for all our needs, both small and large.

Dave’s advice on our smaller matters has helped us clean up and get back to our core business with minimal disruption.

On larger litigation matters Dave and the fine people at Scarfone Hawkins have kept us informed and up to date on daily case communications allowing them to provide valuable advise to see us through several resolutions.

Custom Ice has a great deal of confidence in Scarfone Hawkins and we would certainly recommend them for any similar kinds of litigation work”.

Brendan Lenko, President, Custom Ice Inc.

“Matt Moloci and David Thompson, of Scarfone Hawkins, handled a complicated civil employment action, on my behalf, in a most professional manner. They strategically outmaneuvered the defendant through their in depth legal knowledge and the application of that knowledge.

Their efforts compressed what would normally have been a one year, or more, action to only five months and achieved the desired result. Matt, especially, was assiduous throughout the action which meant reduced stress for myself. He was available at all times, took a genuine interest in my case and was ubiquitous throughout the activity.

I strongly recommend consideration of Scarfone Hawkins for any legal activities”.

Jim Aziz, Managing Director, Baja Group Consultants, Senior Advisor to the International Monetary Fund

“For the past 5 years I have tested all of your skills and patience. We presented you with a case that was very complex and required a mindful, highly organized team to rectify and organize our records for evidence.

I began by interviewing several law firms. Your enthusiasm, knowledge of relevant matters, and the size of the team determined our only logical choice. After hiring the Scarfone Hawkins team, it didn't take long to realize that we had made the right decision. Your team knew every aspect of our case inside and out, right from the outset. My confidence grew.

Even after 5 years of testing your patience, I was always treated with the utmost of respect.

The team's handling of my father's involvement was simply remarkable. They were always aware of the stresses of certain situations and made my Father at ease and comfortable with the matters.

Inside the courtroom, David Thompson and Matthew Moloci are a cut above the rest.

I would recommend Scarfone Hawkins LLP to anyone who asked. I am very proud of my decision to hire them, and would do so again without hesitation”.

Paul McKee, McKee's Carpet Zone, Newmarket, Ontario

“I am the President/CEO & co-owner of Battlefield Graphics Inc. in Burlington, Ontario. We have been a client of Scarfone Hawkins LLP for over 20 years. I am extremely pleased with the promptness and professionalism demonstrated by their lawyers. I use them for all my personal affairs and have benefited from the scope of their knowledge and experience. I strongly recommend Scarfone Hawkins LLP for all your legal matters”.

Jerry Theoret, Battlefield Graphics Inc., President/CEO

“We were all a team in getting this done. My hat goes off to the 407 team at SH Law!”

Peter Teolis, Beaverton

“I would just like to thank everyone from your firm who has had a hand in this 407 action. You three guys who have been the main contact/work horses, Dave, Matt and Paul, you guys have done a phenomenal job...thank you, thank you, I love you guys.”

Mike Dow, Vancouver

“My company retained Scarfone Hawkins LLP, and specifically the Thompson/Moloci/Stanton team (David Thompson and Brent Marshall) to conduct a lengthy trial six weeks before the commencement of trial when it turned out that my prior counsel could not conduct the trial as he would have to give evidence.

The litigation had been ongoing for approximately seven years and the file consisted of thousands of pages and dozens of banker's boxes.

David and Brent and their entire team worked tirelessly to get “up-to-speed” very quickly starting at the end of February, 2017 with a view to starting the trial on April 1, 2017.

Scarfone Hawkins LLP was assisted in its efforts by my long-time, trusted corporate lawyer/advisor, William P. Dermody, and by my outstanding accountant. The entire team collaborated effectively to provide my company with the support and representation needed in the circumstances.

The trial proceeded and I was absolutely delighted with the representation my company received in and out of the courtroom.

After many months of reserve, the trial judge delivered a decision which is a complete victory for me and a vindication of my position throughout seven years of long, difficult dispute.

David and Brent are superb trial lawyers. They dominated the courtroom and were extremely well prepared for every witness and every issue.

I have absolutely no hesitation in providing my highest recommendation of Scarfone Hawkins LLP and the TMS team in respect of any litigation needs, in particular complicated, difficult and acrimonious commercial litigation.”

Charles Juravinski, Chief Executive Officer, Juravinski Group

“We were introduced to Scarfone Hawkins and specifically David Thompson and Matthew Moloci after unsuccessfully moving through an ugly and drawn-out shareholder dispute. Our first counsel was a large Bay Street law firm that, while competent, certainly lacked a sense of urgency to resolve this dispute. Through 18 months we gained little ground and spent hundreds of thousands of dollars. As a result of this experience, we arrived at Scarfone Hawkins frustrated and bewildered.

Immediately David and Matthew summarized where we were and what next steps needed to be towards resolution. My immediate impression that they were results-oriented and very client-focussed. “What do you want to see happen?” was a question we were asked early on in the process. The difference with Scarfone Hawkins was clearly a sense of urgency and a capacity to understand our motivations and objectives and then meet those objectives with a sensible, results-oriented action plan. We were able to resolve this dispute in 3 months in our favour. The whole process was effective and very fair, costs and actions were always justified. David and Matthew showed a personal empathy towards our situation as well as what we faced that greatly eased the stress and burden that the previous 18 months had caused.

My wife and I owe a debt of gratitude to both David and Matthew, and their team at Scarfone Hawkins”.

Steven and Nancy Simonot, Oakville, Ontario

“As a lawyer who has managed a general law practice for over 40 years, my clients on occasion require expert legal representation in litigation matters.

For the past number of years, I have called and relied upon the litigation team at Scarfone Hawkins LLP to provide such services to my clients.

In accepting these client referrals, the litigation team at Scarfone Hawkins LLP has:

- (a) creatively and professionally served the best interests of my clients;*
- (b) were considerate and sensitive to the needs of my clients;*
- (c) ensured that full disclosure was provided to my clients; and*
- (d) provided quality legal services on a reasonable cost effective basis.*

Their specialized knowledge and experience have served my clients well and I continue to recommend their legal services to my clients when needed”.

Jerry Ingrassia, Hamilton, Ontario

“We were introduced to Scarfone Hawkins and more specifically David Thompson and Brent Marshall through local business associates. To say they came highly recommended is an understatement. We were in need of a law firm that wasn’t afraid to fight for us, while keeping in mind that we are a small business with limited resources. David and Brent were focused on getting us a quick resolution at manageable costs. They have such a wonderful way of balancing that personal touch with professional ferocity. I certainly wouldn’t want to face them on the opposite side of a courtroom!

We would highly recommend using David and Brent for any and all of your legal needs”.

Denise Burke, President, Niagara IceDogs

I was referred to David Thompson and his team at Scarfone Hawkins when a situation of shareholder oppression and the related sale of my shares started to turn very ugly. My co-shareholders had retained a consultant that started using horrible tactics. I realized I needed counsel with a lot of experience, knowledge and strength of character to go to battle with the consultant and my co-shareholders.

After my first meeting with David, it was quite evident to me that I should retain him and his team at Scarfone Hawkins. I was immediately impressed and felt very confident in his experience, knowledge and initial advice. I also knew that he while very professional and pleasant, he had the strength of character that would be required to subdue the harsh and unreasonable behaviour being practiced by the consultant and my co-shareholders.

Additionally, I liked David's straightforward, no nonsense, yet very pleasant way of communicating. His explanation of legal issues were presented in terms that were easily understood, which I appreciated very much. He also listened, worked with me on my terms and came up with creative ideas. He would also quickly assess ideas I presented and steer me down the correct path if I was wrong. Throughout the ordeal, David demonstrated compassion, a sense of urgency and a strong sense of duty towards the client.

I am very pleased with the outcome of David's hard work and the value he provided in what was a very one-sided and oppressive situation. With David's success in turning a very difficult situation around, I would very highly recommend David and his team to others.

Richard Blair, P.Eng., Formerly VP, CMS

I wanted to thank David Thompson, Christine Hutton and the rest of the Scarfone, Hawkins team for their help regarding the negotiations on my severance package from my previous employer. They took the time to determine what my personal situation was before deciding on a course of action. They kept me involved and I felt like I was part of the process and also part of deciding what strategy was employed. Their patience was appreciated throughout the duration of the negotiations. I was very satisfied with the final package and would wholeheartedly recommend them to anyone who finds themselves in a similar situation to me.

Kevin Fullan

Thank you for your support. You have provided me with an excellent level of care and looked out for my best interests from start to finish. I am really happy of the outcome of my case.

Carmela Carna

Scarfone Hawkins LLP has been our legal team for many years.

We were in the middle of a very complex legal matter when Mr. Michael Valente received his appointment to Judge.

It was quite a shock when Mike left but we were left in the very capable hands of Dave Thompson, Jordan Moss and their team.

When Dave, Jordan and their team took this on, we thought it would be years before a settlement would be reached.

Jordan Moss dug in and was instrumental in the strategy forward, he poured through thousands of pages spanning twenty years.

Dave Thompson suggested mediation to us and both parties agreed.

During the mediation, we had the dynamic duo of Dave Thompson and Jordan Moss, also a great Accounting/Tax team, Durward Jones Barkwell and Company.

Within the two days a settlement was reached and we are now able to focus on the growth of our business.

Dave and Jordan were OUTSTANDING!

John L. Wordsworth, CEO, Sure Flow Equipment Inc.

MEDIATION

“David is an exceptionally effective mediator. He was well prepared and quickly developed rapport with my client – resolving a lengthy, contentious Estate litigation. He achieved the result that others could not.”

Angela Papalia, Regency Law Group

“David Thompson brings the whole tool box to mediations. He has in depth knowledge on a broad spectrum of legal issues – he has done complex trials and therefore sees ahead to the variables and risks of trial.

He prepares. He knows the file as well as those before him.

He brings humour, candor and relentless determination and enthusiasm to the mediation process; one is not left with the feeling that the mediator just “worked” the positions to the middle. This is how mediations should be done.”

Brian Duxbury, Duxbury Law

“I have retained Dave now for several mediations involving complex commercial matters and would not hesitate to do so again. He has a keen eye for spotting and analyzing the issues. His experience ensures that the parties take him seriously, and his personal skills have on more than one occasion helped diffuse heated conflicts. Most importantly, he focuses on finding a resolution both parties can live with, often creative ones. Strongly recommended.”

Andrew Pelletier, Inch Hammond Professional Corporation

“Dave Thompson is a pragmatic and insightful mediator who makes effective use of his extensive litigation experience to build rapport with the parties leading to consensus. I highly recommend”.

Alan Butcher, Butcher Litigation Professional Corporation

“At the request and urging of opposing counsel, we retained David Thompson to act as a mediator in the hope of resolving a complicated breach of contract / estate matter. The issues were varied and complicated with an overriding tax consideration.

It was a pleasure meeting David for the first time. He had thoroughly read the Mediation Memo(s) and was familiar with and cognizant of the relevant law. Most importantly, he was charming yet simultaneously aggressive and persistent. He was an excellent communicator and interacted with my client very well; he ensured that she could understand and appreciate the position of the other side. He was also tenacious and did not allow the parties to get side-tracked on collateral issues. He called up an accountant, who I understand was also a friend, during the mediation in order to help us surmount and get passed a rather “thorny” issue.

We settled the matter, and it was not insignificant. The ultimate settlement was well over seven figures.

Most importantly, I loved David's style and panache. It was not only a successful mediation, but David made it fun for all parties. I would use him again in a heartbeat."

Philip B. Morrissey, Lawyer

ESTATE ADMINISTRATION - ETDL

"I have known David professionally for over 30 years. I have also been involved with him on a very difficult and highly litigious estate matter with multiple parties. He was appointed the Estate Trustee and managed to navigate all parties to a reasonable resolution. He is the consummate professional and works hard to get matters completed fairly and efficiently."

Ben Fortino, Bartolini, Berlingieri, Barrafato, Fortino LLP

"I have had a number of matters in which David has been appointed as either Estate Trustee or Estate Trustee During Litigation. I have found him to be knowledgeable, attentive, pro-active and helpful to the litigants if they desire assistance to attempt to resolve their dispute. His rates are very reasonable. I have no hesitation in recommending his services and in fact have recommended his services many times already".

Brad Wiseman, Ross & McBride LLP

"Mr. Thompson has been appointed ET or ETDL on two matters in which I act for parties to estate litigation. Both matters are highly contested as between the respective parties. Mr. Thompson has proven to be exactly what one would hope for in these situations: calm, completely neutral as between the parties, quick and helpful with answers and information, and cost effective".

Sean Graham, Graham Estate Law

FROM THE BENCH

Directright Cartage Ltd. v. London Life Insurance Company (Justice Cumming, October 18, 2001):

"The Class Counsel in the case at hand is experienced in class proceedings. It is apparent from the evidence and submissions at the fairness hearing that the class members have been well represented."

Thompson McCutcheon v. The Cash Store Inc. and Rentcash (Justice Cullity, May 10, 2006):

"He has retained experienced counsel and - notwithstanding the need to prove and rely upon the laws of other Canadian jurisdictions to a limited extent - I see no reason to doubt that his interests and those of the class will be adequately represented."

Bellaire et al v. Daya et al (Justice Hoy, December 7, 2007):

"Class Counsel funded the disbursements and inventoried their time. The Distribution Plan crafted reflects counsel's very considerable experience and provides a cost-efficient manner of distributing proceed of settlement to Class members".

Robinson v. Rochester Financial Limited, 2010 ONSC 5116 (Justice Strathy):

[Scarfone Hawkins] *"are experienced litigation counsel and specialists in the class action area... the work undertaken was necessary, reasonable and performed with a high level of skill and diligence"*.

Robinson v. Rochester Financial Limited, 2012 ONSC 911 (Justice Strathy):

[David Thompson and Matthew Moloci] are *"highly-qualified and reputable counsel"*. *The action would not have been commenced let alone resolved had it not been for their "initiative, tenacity and persistence...in the face of widespread apathy on the part of all Class Members"*.

"Class Counsel have demonstrated commendable diligence, perseverance and skill in pursuing a challenging piece of litigation and bringing it to a successful conclusion".

Resolute Development Inc. v. Juravinski, 2017 ONSC 2109 (Justice L.C. Leitch):

"As I indicated at the conclusion of the trial, the parties were well represented by their counsel [David Thompson and Brent Marshall] who put their clients' positions forward very ably and fairly. The documentary record was detailed, accurate and well-organized. The trial proceeded as efficiently as possible and at all times counsel conducted themselves with utmost civility".

The Estate of Norman Stoneburgh

"I congratulate counsel and the ETDL [David Thompson] on their practical and innovative approach to resolving this matter. Given my familiarity with the matter, I will assist counsel through to its conclusion which includes receiving an approved judgment for review and signing as well as dealing with the approval motions in writing that relate to both JS and ES".
Justice Cory Gilmore - January 23, 2024.