

William G. Horton

BARRISTER ARBITRATOR MEDIATOR

Practice Highlights

Representative Counsel Work

- Strategized and ran Cayman Island proceedings in Government of Ontario litigation relating to Crown Trust and other trust companies involved in impugned mortgage transactions
- Represented one of the two major creditors in extensive litigation relating to and arising out of the insolvency and restructuring of Olympia & York
- Represented the Michigan Commissioner of Insurance in extensive litigation relating to the winding up of Confederation Life Insurance Company
- Represented the government of Trinidad and Tobago in successful proceedings to recover corrupt payments made under a former regime
- Represented land owners in a successful lawsuit against the Government of Ontario establishing the historic boundary between their land and a navigable body of water
- Represented the Federation of Law Societies of Canada in successful proceedings to challenge the constitutional validity of money laundering legislation related to the legal profession
- Represented key outside directors of Canadian Commercial Bank in proceedings arising from the insolvency of that Bank and co-operatively strategized global resolution of the litigation
- Represented both the Chairman and CEO of Leigh Instruments in litigation arising from the insolvency of that company resulting in the claim being withdrawn prior to a lengthy trial
- Represented a major concession company in recovering substantial damages from the Toronto Blue Jays Baseball Club and Sky Dome Corporation for wrongful termination of stadium concession contract
- Represented reinsurance captives of two major corporations in legal disputes arising from the insolvency of Cardinal Insurance
- Represented Chiefs of Ontario (the coordinating body for First Nations in Ontario) at the Public Inquiry into the shooting death of Dudley George
- Represented and advised the CFO of a major public corporation with respect to an Ontario Securities Commission investigation, resulting in the investigation and proceedings related thereto being dropped
- Represented an Italian telecom company in successfully enforcing an international arbitration award resulting in a leading court decision on the subject
- Represented defendant in the first class action trial in Ontario

- Successfully resisted certification of class action relating to marketing of mortgages by a major bank
- Represented a major accounting firm in obtaining the dismissal of a professional negligence action
- Successfully represented a major forest products company in a significant cost sharing dispute relating to environmental measures
- Advised various corporations with respect to the Foreign Extraterritorial Measures Act
- Defending class actions re credit card cash advances and pension rights on sale of a business
- Defending indemnity claim re sale of a national life insurance business
- Representing co-generation facility host against the operator of the facility regarding issues of *force majeure* and economic dispatch
- Representing and advising senior officers of public companies re claims and potential claims

Representative Arbitration Appointments (as Chair of tribunal, sole arbitrator or party nominee)

- sale of a business (travel industry, forest products industry, food industry)
- dispute re agreement relating to licensing of wireless technology
- termination of a telecom interconnect agreement
- investor/state dispute regarding a telecom investment
- executive termination
- auditors liability
- termination of government contract
- commercial lease dispute
- shareholder dispute
- patent dispute (agricultural product)
- disputes relating to termination of international distribution and licensing agreements (clothing industry, auto parts, health foods)
- professional partnerships (medical and accounting)
- insurance coverage disputes (D & O insurance, telecommunications outage)
- dispute re privatization of a government business
- dispute re lease of a nuclear facility
- software license disputes

Representative Mediation Appointments

- Supply agreement (securities industry)
- Investment dispute (micro energy project)
- Insurance coverage dispute (D & O insurance)
- Commercial debt
- Family business (construction products)
- Construction project (nuclear facility)

- Dispute re investment advice
- Dispute re commercial lease
- Product liability class action
- Shareholder Dispute

Med/Arb Appointments

- Sale of a business under Court order

Matters Resulting in a Decision by a Court

1. Markson v MBNA Canada Bank (2007), 85 O.R. (3d) 321, Ontario Court of Appeal.
2. Markson v. MBNA Canada Bank (2005), 78 O.R. (3rd) 39 (Ontario Superior Court of Justice, Divisional Court); appeared for MBNA Canada Bank: Defence of a Class Action (interest rate on cash advances)
3. HSBC Securities (Canada) Inc. v. Davies, Ward & Beck, [2005] O.J. No. 277 (Court of Appeal): appeared for KPMG LLP and Craig Malcolm: Professional Liability Defence (limitation issue)
4. Belzberg Technologies Inc. v. ITG Canada Corp. [2005] O.J. No. 4245: Non-Competition Agreement (key employees)
5. SimEx Inc. v. Imax Corporation [2005] O.J. No. 1529 and [2005] O.J. No. 817: Arbitration (assignment of agreement containing arbitration clause)
6. Markson v. MBNA Canada Bank, [2004] O.J. No. 3226: appeared for MBNA Canada Bank: Defence of a Class Action (interest rate on cash advances)
7. Baker v. Law Society of Upper Canada, [2004] O.J. No. 131 (S.C.J.): appeared for The Law Society of Upper Canada: Professional Discipline (Law Society Procedures)
8. Air Canada (Re), (2003), 66 O.R. (3d) 257 (C.A.) and [2003] O.J. No. 3943: appeared for CIBC: Restructuring (classification of debt)
9. Burleton v. Royal Trust Corp. of Canada, [2003] O.J. No. 2168 (S.C.J.): appeared for Royal Trust Corporation of Canada and The Royal Bank of Canada: Settlement of a Class Action (pensions)
10. Chiefs of Ontario v. Ontario, [2003] O.J. No. 585 (S.C.J.): appeared for Chiefs of Ontario: First Nations' Dispute with Government (casino project)
11. Dion v. Capital Environmental Resource Inc., [2003] O.J. No. 3285 (S.C.J.): appeared for Capital Environmental Resource Inc.: Sale of a Business (post closing dispute)
12. HSBC Securities (Canada) Inc. v. Davies, Ward & Beck, (2003) 68 O.R. (3d) 289 (S.C.J.): appeared for KPMG and Craig Malcolm: Professional Liability Defence (limitation issue)
13. Parry Sound (District) Social Services Administration Board v. O.P.S.E.U., Local 324 [2003] 2 S.C.R. 157: appeared for District of Parry Sound Social Services Administration Board: Administrative Law (jurisdiction of grievance arbitrator)
14. Waxman v. Waxman, [2002] O.J. No. 3805 (Court of Appeal): appeared for American Home Assurance Company: Professional Liability (insurance coverage)

15. *Federation of Law Societies of Canada v. Canada (Attorney General)* (2002), 57 O.R. (3d) 383, 160 C.C.C. (3d) 381, 207 D.L.R. (4th) 740, [2002] O.T.C. 4, 16 C.P.C. (5th) 48 (S.C.J.): appeared for The Federation of Law Societies of Canada: Constitutional Law (money laundering legislation)
16. *Direnfeld v. National Trust Co.* [2002], O.J. No. 203 Ontario Court of Appeal: appeared for National Trust: Defence of Class Action (financial product marketing)
17. *Nortel Networks Corp. v. Jervis*, [2002], O.J. No. 12 (S.C.J.): appeared for Nortel Networks Corp.: Executive Compensation (stock option claw back)
18. *McColl-Frontenac Inc. v. Aerospace Realties (1986) Ltd.*, [2001], O.J. No. 1865 (Court of Appeal): appeared for McColl-Frontenac Inc.: Contract Dispute (supply agreement)
19. *Direnfeld v. National Trust* (2001), 9 C.P.C. (5th) 277 (Ont. S.C.J.): appeared for National Trust: Defence of Class Action (financial product marketing)
20. *Peppiatt v. Nicol*, [2001] O.J. No. 2584 (Court of Appeal): appeared for Royal Bank: Defence of a Class Action (draw down of letters of credit)
21. *Parry Sound (District) Social Services Administration Board v. O.P.S.E.U., Local 324* (2001), 54 O.R. (3d) 321, 147 O.A.C. 183, 10 C.C.E.L. (3d) 290 (Court of Appeal): appeared for Parry Sound (District) Social Services Administration Board: Administrative Law (jurisdiction of grievance arbitrator)
22. *Corporacion Transnacional de Inversiones, S.A. de C.V. et al. v. STET International, S.p.A.* (2000), 45 O.R. (3d) 183 (Court of Appeal): appeared for STET International: International Arbitration (enforcement of award)
23. *Lan Associates XVIII L.P. v. Bank of Nova Scotia* (2000) 138 O.A.C. 114 (Court of Appeal): appeared for Bank of Nova Scotia: International Banking (convenient forum)
24. *Lan Associates XVIII L.P. v. Bank of Nova Scotia* [2000] O.T.C. 41 (S.C.J.): appeared for Bank of Nova Scotia: International Banking (convenient forum)
25. *Rodaro v. Royal Bank of Canada*, [2000] O.T.C. 85 (S.C.J.): appeared for Barbican Properties Inc.: Banking (lender liability)
26. *Coopers & Lybrand Ltd. v. Canadian Imperial Bank of Commerce and Royal Bank of Canada* [1999] O.J. No. 4274 (S.C.J.): appeared for Royal Bank of Canada: Restructuring (effect of releases on third parties)
27. *Re Corporacion Transnacional de Inversiones, S.A. de C.V. et al. and STET International, S.p.A. et al.* (1999), 45 O.R. (3d) 183 (S.C.J.): appeared for STET International: International Arbitration (enforcement of award)
28. *Peppiatt v. Nicol*, [1998] O.J. No. 3370 (Ont. Ct. (Gen. Div.)): appeared for Royal Bank: Defence of a Class Action (draw down of letters of credit)
29. *Citibank Canada v. Confederation Life Insurance Co.*, C.A. (1998), 37 O.R. (3d) 226 appeared for the respondent: Derivatives (right of set off)
30. *Mancha Consultants Ltd. v. Canada Square Development Corp.* 110 O.A.C. 52 appeared for the appellants, Mancha Consultants Ltd., Alan Chapple and Michael Manley: Joint Venture (wrongful termination)

31. Cover-All Computer Holdings Inc. v. Sleight [1998] O.J. No. 425: appeared for Cover-All Computer Holdings Inc.: Contract Dispute (sale of a shares)
32. Peppiatt v. Royal Bank of Canada [1997] O.J. No. 5337: appeared for Royal Bank of Canada: Defence of a Class Action (draw down of letters of credit)
33. Confederation Treasury Services Ltd. [1997] O.J. No. 3598: appeared for US Rehabilitator of Confederation Life: Insolvency (life insurance company)
34. Versa Services Ltd. v. Toronto Blue Jays Baseball Club [1997] O.J. No. 3171 (Ontario Court of Appeal): appeared for Versa Services Ltd.: Contract (termination of concession agreement)
35. Confederation Treasury Services Ltd. (Re) (Ont. C.A.) IN THE MATTER OF The Bankruptcy of Confederation Treasury Services Limited, a corporation incorporated under the laws of the Province of Ontario having its head office in the City of Toronto, in the municipality of Metropolitan Toronto, Province of Ontario, and AND IN THE MATTER OF the Winding-Up Act, AND IN THE MATTER OF the Liquidation of Confederation Life Insurance Company 43 C.B.R. (3d) 4: appeared for Rehabilitator of Confederation Life Insurance Company in the United States: Insolvency (life insurance company)
36. Citibank Canada v. Confederation Life Insurance Co. 42. C.B.R. (3d) 288 appeared for the respondent, Confederation Life Insurance Company (U.S.) in Rehabilitation: Derivatives (right of set off)
37. Peppiatt v. Royal Bank of Canada 27 O.R. (3d) 462, 44 CPC(3d) 272: appeared for Royal Bank of Canada: Defence of a Class Action (draw down of letters of credit)
38. Confederation Treasury Services Ltd. (Re) 37 CBR(3d) 237: appeared for U.S. Rehabilitator of Confederation Life Insurance Company: Insolvency (life insurance company)
39. Olympia & York Developments Ltd. (Re) (Ont. Ct. (Gen. Div.)) IN THE MATTER OF The Companies Creditors Arrangement Act, R.S.C. 1985, c. C-36 AND IN THE MATTER OF a plan of arrangement of Olympia & York Developments Limited and all other corporations set out in Schedule "A" attached hereto, with head offices in the City of Toronto, Province of Ontario Olympia & York Developments, et al., Applicants 38 CBR(3d) 54 appeared for Royal Bank of Canada: Restructuring (international real estate)
40. Mancha Consultants Ltd. v. Canada Square Development Corp (1994) 14 B.L.R. (2d) 194: appeared for Mancha Consultants: Joint Venture (wrongful termination)
41. Versa Services Ltd. v. Toronto Blue Jays Baseball Club [1994] O.J. No. 139: appeared for Versa Services Ltd.: Contract (termination of concession agreement)
42. Canada v. Curragh [1994] O.J. No. 1452: appeared for M.G. Sass, GPU Inc.: Restructuring (value of claim)
43. Hooft v. Heineken NV 33 CPC (3d) 233: appeared for Henk Hooft: International Litigation (finders fee)
44. Olympia & York Developments Ltd. (Re) (Ont. Ct. (Gen. Div.)) IN THE MATTER OF The Companies Creditors Arrangement Act, R.S.C. 1985, c. C-36 AND IN THE MATTER OF a plan of arrangement of Olympia & York Developments Limited and all other corporations set out in Schedule "A" attached hereto, with head offices in the City of Toronto, Province of Ontario Olympia & York Developments, et al., Applicants [1994]

- O.J. No. 1335: appeared for Royal Bank of Canada: Restructuring (international real estate)
45. *Olympia & York Developments Ltd. v. Royal Trust Co.* (1993) 19 C.B.R.(3d) 1, 14 O.R.(3d) 1, 103 D.L.R. (4th) 129, 64 O.A.C. 324, 9 B.L.R.(2d) 221 (C.A.), reversing 17 C.B.R.(3d) 75, 8 B.L.R.(2d) 69 (Ont. Gen. Div.): appeared for Royal Bank of Canada: Restructuring (international real estate)
46. *Re: Olympia & York Developments Ltd. and 23 other Companies set out in Schedule "A"* (1993) 12 O.R. (3d) 500: appeared for Royal Bank of Canada: Restructuring (international real estate)
47. *Central Guaranty Trustco Ltd. (Re) IN THE MATTER OF The Companies' Creditors Arrangement Act, R.S.C. 1985, c. C-36 AND IN THE MATTER OF The Bulk Sales Act, R.S.O. 1990, c. B14 AND IN THE MATTER OF The Courts of Justice Act, R.S.O. 1990, c. C.43 AND IN THE MATTER OF The Business Corporations Act, R.S.O. 1990, c. B.16 AND IN THE MATTER OF Central Guaranty Trustco Limited [1993] O.J. No. 1479:* appeared for Credit Suisse Canada: Restructuring (trust company)
48. *Gentra Inc. (Re) IN THE MATTER OF Gentra Inc. (formerly Royal Trustco Limited) [1993] O.J. No. 2078:* appeared for Royal Bank of Canada: Restructuring (trust company)
49. *Re: Plan of Arrangement of Olympia York Developments Ltd. et al. and Royal Trust Co. [Indexed as: Olympia & York Developments Ltd. v. Royal Trust Co.]* (1993) 14 O.R. (3d) 1: appeared for Royal Bank of Canada: Restructuring (international real estate)
50. *AGF Canadian Equity Fund et al. v. Transamerica Commercial Finance Corp. Canada et al.* (1993), 14 O.R. (3d) 161: appeared for Transamerica Commercial Finance Corp. Canada: Securities (representations and disclosure)
51. *Kernwood Ltd. v. Renegade Capital Corp.* (1992), 9 B.L.R. (2d) 1 (Ont. Ct. Gen. Div.), [1997] O.J. No. 179 (Ontario Court of Appeal): appeared for Kernwood Ltd.: Securities (private sale of shares in a public company)
52. *AMCU Credit Union Inc. v. Olympia & York Developments Ltd.* (1992), 7 B.L.R. (2d) 103: appeared for Royal Bank of Canada: Oppression Remedy (commercial paper)
53. *AGF Canadian Equity Funds v. Transamerica Commercial Finance Corp. Canada [1991], O.J. No. 1136:* appeared for Transamerica Commercial Finance Corporation Canada and Transamerica Rental Finance Corporation: Securities (representations and disclosure)
54. *Royal Bank of Canada v. Soundair Corp., Canadian Pension Capital Ltd. and Canadian Insurers Capital Corp. (C.A.)* (1991), 4 O.R. (3d) 1: appeared for Ontario Express Ltd.: Receivership (sale of a business)
55. *Royal Bank of Canada v. Soundair Corp.* [1991] O.J. No. 650: appeared for Ontario Express Ltd. and Frontier Air Ltd.: Receivership (sale of a business)
56. *Trinidad and Tobago (Republic) v. O'Halloran Estate [1991] O.J. No. 976:* appeared for Trinidad and Tobago: Bribery and Corruption (government contracts)
57. *Hongkong Bank of Canada v. National Bank of Canada (H.J.C.)* (1990), 73 O.R. (2d) 28: appeared for Hongkong Bank of Canada: Banking (bills of exchange)

58. *Turner v. Toronto Sun Publishing Corp.* (1990), 5 C.C.L.T. (2d) 184: appeared for The Honourable John N. Turner: Libel (newspaper)
59. *424618 Ontario Ltd. v. Go Vacations GP Ltd.* [1987] O.J. No. 639: appeared for Go Vacations: Franchise (termination)
60. *Crown Trust Co. et al. v. The Queen in Right of Ontario et al.* (1986) D.L.R. (4th) 41, 53 O.R. (2d) 79: appeared for Ainsley St. Clair Shuve and Woods Gordon: Trust Companies (non-arms length transactions)
61. *Crown Trust Co. et al. v. Rosenberg et al.* (1986), 22 C.P.C. (2d) 131: appeared for Crown Trust Co. et al.: Trust Companies (non-arms length transactions)
62. *Crown Trust Co. v. Rosenberg (No.2)* (1986), 22 C.P.C. (2d) 122: appeared for Crown Trust Co. et al.: Trust Companies (non-arms length transactions)
63. *Crown Trust Co. v. Rosenberg (No.1)* (1986), 22 C.P.C. (2d) 115: appeared for Crown Trust Co. et al.: Trust Companies (non-arms length transactions)
64. *General Dynamics Corp. v. Veliotis* [1986] O.J. No. 2306
65. *Kincorp Holdings Inc. (Re)* [1985] O.J. No. 1853 and [1984] O.J. No. 1369: Bankruptcy (notice of dispute)
66. *Seaway Trust Co. v. PSA Insurance Brokers Ltd.* [1984] O.J. No. 1259: Promissory Note (summary judgment)
67. *York Condominiums Corp. No. 46 v. Medhurst, Hogg & Associates Ltd., et al.* (1983), 41 O.R. (2d) 800, (1983), 147 D.L.R. (3d) 768: appeared for Respondent: Condominiums (deficiencies)
68. *Uniflavor Ltd. v. Imperial Flavours Inc.* [1982] O.J. No. 2156: appeared for Respondent
69. *Canadian-Dominion Leasing Corp. Ltd. v. George Welch & Co.; O'Connor Office Machines Ltd., Third Party* 33 O.R. (2d) 826, 125 D.L.R. (3d) 723: appeared for Appellant: Lease Financing (exclusions of liability)
70. *Moehring v. Ivankovic* [1981] O.J. No. 2204: Real Estate (certificate of pending litigation)
71. *Ontario (Attorney General) v. Shanks* [1981] O.J. No. 79: Boundaries (navigable water)
72. *Costain Estates Ltd. v. Connelly et al.* [1980] 27 O.R. (2d) 624: Professional Liability (engineering – design of sub division storm system)
73. *W.R. Grace & Co. of Canada Ltd. v. Sare et al.*, (1980) 28 O.R. (2d) 612 111 D.L.R. (3d) 204: Non-Competition (key employee)
74. *Glassford v. Evers* [1979] O.J. No. 1376: appeared for Appellant: Contract (agricultural)
75. *Morenish Land Developments Ltd. and Metropolitan Trust Co., et al.* 23 O.R. (2d) 1, 95 D.L.R. (3d) 698: appeared for Respondent: Interest (effective rate)
76. *Federal Trust Co. v. Avion Motel Ltd.* [1979] O.J. No. 942: appeared for Appellant on Application to Quash an Appeal: Receivership (hospitality industry)
77. *Durbin, et al. and Monserat Investments Ltd.; Monserat Investments Ltd. and Broderick* 20 O.R. (2d) 181: appeared for Respondent: Mortgages (priority)

78. Elman v. Conto, et al. 82 D.L.R. (3d) 742, 18 O.R. (2d) 449: appeared for Respondent: Mortgages (interest after default)
79. Boushy v. Sarnia Gazette Publishing Co. [1979] O.J. No. 643: Libel (newspaper articles)
80. Michael v. Michael Estate [1979] O.J. No. 430: Real Estate (constructive trust and adverse possession)
81. Abrams v. Grant [1978] O.J. No. 2283: Privilege (without prejudice communications)
82. St. Laurent Commercial Fuel (Ottawa) Ltd. v. Richard [1978] O.J. No. 419 and [1977] O.J. No. 1066: Injunction (confidential information)
83. Steele v. Steele [1977] O.J. 867: Receivership (assignment of debts)
84. John Ewing & Co. Ltd. v. Pullmax (Canada) Ltd. et al. [1977] 13 O.R. (2d) 587: Sale of Goods (mechanical fitness of manufacturing equipment)
85. Marylou Drywall Ltd. (c.o.b. Marylou Drywall Systems) v. Grand Banks Holdings (Ontario) Ltd. [1977] O.J. No. 642: Construction (liens)
86. McAllister Brothers Inc. v. Garrett Manufacturing Ltd. [1977] O.J. No. 251: Sale of Goods (fitness of mechanical equipment)
87. Gallo v. Silverberg [1976] O.J. No. 1251: Real Estate (joint venture)

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