

# C. KIRK BOGGS

## Appeals

PARTNER

*"As a trial lawyer, I know all too well the importance of winning at the Court of Appeal...sometimes a victory or loss at trial is just the first step."*

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### PROFESSIONAL EXPERIENCE

- ◆ Partner, Lerners LLP (1994 to present)

### ACHIEVEMENTS

- ◆ Certified as a Specialist in Civil Litigation by the Law Society of Ontario
- ◆ Nominated by peers and appeared as a leading practitioner in the Insurance and Reinsurance Expert Guide, published by Legal Media Group (2021)
- ◆ Ontario Bar Association Award for Excellence in Insurance Law (2018)
- ◆ Recognized in the Lexpert/Report on Business Special Edition: Canada's Leading Litigation Lawyers (2018-2019)
- ◆ Senior Fellow, Litigation Counsel of America (2017); Fellow (2009)
- ◆ Recognized as a leading practitioner by Lexpert in the areas of litigation - commercial insurance, medical negligence and professional liability (2002-2022)
- ◆ Recognized and selected as one of "The Best Lawyers in Canada" in the areas of health care law, insurance law, appellate practice, medical negligence and personal injury litigation

### NOTEWORTHY CASES

- ◆ *Pugliese v. Chartwell*, 2024 ONSC 1135: Successfully defended the Regional Municipality of Durham in a class action certification motion arising from COVID-19 deaths and infections at long-term care homes during the pandemic.
- ◆ 495793 Ontario Ltd. (Central Auto Parts) v. Barclay – Represented the appellant, the Thunder Bay Police Services Board at the Ontario Court of Appeal in an action brought by a civilian alleging negligent investigation. Successfully had \$1.6 million judgment set aside.
- ◆ R.E. v. Wawanesa Mutual Insurance Company (2007), 84 O.R. (3d) 668 (C.A.)
- ◆ Heasman v. Durham, 204 O.A.C. 283, [2005] CarswellOnt 6879, [2005] O.J. No. 5096 (C.A.), affirming [2004] O.J. 1744, [2004] CarswellOnt 1675 Ont. (S.C.)
- ◆ Goreman v. Falardeau, [2005] O.J. No. 2213 (C.A.)
- ◆ Maple Valley Acres Ltd. v. CIBC, [2003] O.J. No. 4387 (C.A.), affirming (2001), 46 R.P.R. (3d) 32
- ◆ YMCA of Hamilton-Burlington v. 331783 Ontario Ltd., [2003] O.J. No. 2201 (C.A.), affirming 2001 Carswell Ont. 3745
- ◆ Gore Mutual v. Co-operators; Warwick v. Gore Mutual (1997), 32 O.R. (3d) 76 (C.A.)
- ◆ Mero v. Regional Municipality of Waterloo (1992), 70 O.R. (3d) 102 (C.A.), affirming (1990) 69 O.R. (2d) 375
- ◆ Brazzoni v. City of Timmins (1992), O.J. No. 254 (C.A.)
- ◆ Von Cramm v. Riverside Hospital of Ottawa (1986), 56 O.R. (2d) 700 (C.A.)

### SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ Speaker, "GPS and Its Admissibility in Court", Association of Municipalities Ontario/Frank Cowan Company Municipal Risk Management Symposium,

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September 12, 2019

- ◆ Co-chair and speaker, "Jane Doe Revisited - Consequences for Municipal and Provincial Policing", 25th Annual Provincial/Municipal Government Liability Conference, The Canadian Institute, April 2-3, 2019
- ◆ Quoted in Public Sector Digest article, "Reducing Cost & Avoiding Liability: The Importance Of Detailed Records And Documentation For Municipalities", November 2018
- ◆ Co-author with Stuart Zacharias, "*Hill v. Hamilton-Wentworth Regional Police Services Board*: A Review of the Tort of Negligent Police Investigation 10 Years Later", Municipal Liability Risk Management, May 2017 ([Read article](#))
- ◆ Update on Minimum Standards in Road Authority Claims, The Oatley McLeish Guide to Motor Vehicle Litigation Program, Law Society of Upper Canada, March 26, 2014
- ◆ Panel member, Expert Evidence in Personal Injury Cases, Winning Strategies and Techniques, Osgoode Professional Development Program, April 20, 2013
- ◆ Back to Basics: Attempting to Make Sure a Trial Judge Applies the Proper Analysis to Cases Alleging Non-Repair of a Roadway, Canadian Institute's 19th Annual Conference on Provincial and Municipal Government Liability, 2013
- ◆ Liability Issues Associated with Recreational Trails, with S. Zacharias, Provincial and Municipal Liability Course, Federated Press, 2011
- ◆ Road Liability: Getting Up to Speed on Case Law Developments, Canadian Institute Conference on Provincial/Municipal Liability, 2011
- ◆ Avoiding "virtual contests": The proper role of demonstrative evidence in the fact-finding exercise, with S. Zacharias, Canadian Institute Conference on Personal Injury Law, 2010
- ◆ Student Bullying – OTLA Conference on Tort Issues, 2008
- ◆ Minimum Maintenance Standards and the Municipal Act, 2001: Lessons Learned from Recent Decision in Thornhill (Litigation Guardian of) v. Shadid, with Meredith Jones, LSUC Special Lectures on Personal Injury Law, 2008
- ◆ Responding to a Claim for Future Care, Practical Strategies for Winning Auto Cases, Tricks of the Trade 2007, Advocates Society
- ◆ Defending a Claim for Future Economic Loss, Canadian Institute Conference on Litigating Personal Injury Damages, 2007
- ◆ The Minimum Maintenance Standards Defence – Beyond Thornhill (Litigation Guardian of) v. Shadid, Canadian Institute Conference on Provincial/Municipal Liability 2007
- ◆ Road Liability: Getting Up to Speed on Case Law Developments, Canadian Institute Conference on Provincial/Municipal Liability, 2006
- ◆ Police Liability: Greater Risks, Growing Lawsuits, The Canadian Institute Provincial/Municipal Government Liability Conference, February 2004
- ◆ Liability Problems Arising From Emergency Services Response, The Canadian Institute Provincial/Municipal Government Liability Conference, February 2003
- ◆ Liability Arising From Response to Fires, September 14, 2002, published Without Prejudice Magazine (2003)
- ◆ Where Have All the Playgrounds Gone? An Update on Occupiers' Liability, The Canadian Institute Provincial/Municipal Government Liability Conference, February 2001
- ◆ Determining Proximate Cause: Does it Depend On What the Judge Had For Breakfast? The Canadian Institute Insurance Coverage Dispute Conference, May 2000
- ◆ Policing in Ontario: Strategies for the New Millennium, The Canadian Institute Provincial/Municipal Government Liability Conference, February 2000

## MEMBERSHIPS

- ◆ Canadian Bar Association
- ◆ Canadian Defence Lawyers
- ◆ The Defence Research Institute
- ◆ The Toronto Lawyers' Club
- ◆ Toronto Lawyers' Association

## EDUCATION

- ◆ Admitted to Ontario Bar (1984)
- ◆ Bachelor of Laws, Osgoode Hall (1982)

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