

# JACOB R. W. DAMSTRA

## *Defence Class Actions*

**PARTNER**

*"Every class proceeding provides a unique opportunity to find solutions to difficult and demanding problems. With diligence and creativity, class actions can provide both access to justice and the efficient and final resolution of countless legal claims."*

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### PROFESSIONAL HISTORY

- ◆ Partner (2022 to Present)
- ◆ Associate Lawyer, Lerners LLP (2016 to 2021)
- ◆ Member, Civil Rules Review Working Group (Ontario) (2024 to 2026)
- ◆ (Professional) – Lecturer/Faculty Advisor, Western Law, Appellate Advocacy – Wilson Moot Team (*Charter* Issues) & Winkler Moot Team (Class Actions)
- ◆ Judicial Law Clerk, Court of Appeal for Ontario (2015 to 2016)
- ◆ Summer Student, Lenczner Slaght Royce Smith Griffin LLP (2014)
- ◆ Legal Officer, Office of the Judge Advocate General (Central Region), Canadian Armed Forces (2023 to Present)
- ◆ Armoured Reconnaissance Officer, 1<sup>st</sup> Hussars (London), Canadian Armed Forces (2011 to 2023)
- ◆ Member, Ontario Justice Education Network, Southwest Regional Committee (2018 to Present)
- ◆ Director, Board of Directors, Changing Ways (2017 to 2021)
- ◆ Director, Board of Directors, Urban Roots London (2017 to 2023)

### NOTABLE CASES

- ◆ Appearances at all levels of court in Ontario and the Supreme Court of Canada
- ◆ 1688782 Ontario Inc. v. Maple Leaf Foods Inc., 2020 SCC 35, aff'g 2018 ONCA 407
- ◆ Krieser v. Garber, 2020 ONCA 699
- ◆ Alkin Corporation v. 3D Imaging Partners Inc., 2020 ONCA 441
- ◆ Tuffnail v. Meekes, 2020 ONCA 340
- ◆ Farej et al v. Fellows, 2020 ONSC 3732
- ◆ King v. King, 2019 ONCA 950
- ◆ Peralta v. Peralta, 2019 ONSC 2852 (appeal from arbitration decision)
- ◆ Northern Bruce Peninsula (Municipality) v. Dolson, 2018 ONCA 895
- ◆ Fanshawe College v. Hitachi, Ltd. et al, S.C.J. File No.: 59044CP (London) (Acted as amicus to the Superior Court of Justice on a class counsel fee approval motion)
- ◆ Kapoor v. Kuzmanovski, 2018 ONSC 4770
- ◆ Isaac et al v. Matuszynska, 2018 ONCA 177, leave to appeal to S.C.C. dismissed 2018 CanLII 105395
- ◆ Kueber v. Royal Victoria Regional Health Centre, 2018 ONCA 125, leave to appeal to S.C.C. dismissed 2019 CanLII 3754
- ◆ Dale v. Frank, 2017 ONCA 32, leave to appeal to S.C.C. dismissed 2017 CanLII 66745

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- ◆ Elguindy v. St. Joseph's Health Care London, 2017 ONSC 4247, 2017 ONSC 5360 (Div. Ct.)
- ◆ Hollowcore Incorporated v. Visocchi, 2016 ONCA 600, leave to appeal to S.C.C. dismissed 2017 CanLII 4183

## PUBLICATIONS

- ◆ Co-Author, "A Call for Causation Coherence: Back to Basics in the "But For" Test" *The Advocates' Quarterly* (June 2024)
- ◆ Co-Author, "Mentorship: The Advocate's Duty" *The Advocates' Journal* (Summer 2023)
- ◆ Author, "Reconsidering Written Replies in Appellate Advocacy", Law360 Canada, June 2023
- ◆ Co-Author, "Revisiting Class Counsel Fee Approvals - Towards Presumptive Validity of Contingency Fee Agreements" *Canadian Class Action Review* 17, 1 (2021)
- ◆ Co-Author, "Appeal-Proofing Your Trial: Protecting Against (or Positioning for) the Appeal" *The Advocates' Quarterly* 51, 502 (2021)
- ◆ Author, "Case Comment: Becker v Toronto: Coulda, Woulda, Shoulda" *The Middlesex Law Association Snail* (November 2020)
- ◆ Author, "Fatiguing Facta: A Cautionary Tale" *The Middlesex Law Association Snail* (Oct 2020)
- ◆ Author, "Advocating in the (post-)COVID Courtroom" *Western Law Alumni Magazine* (Summer 2020)"
- ◆ Author, "Advice on winning your first virtual appeal" *The Lawyers Daily*, April 20, 2020
- ◆ Author, "Welcoming the Age of E-advocacy" *The Lawyers' Daily*, April 17, 2020
- ◆ Author, "How Municipalities Ought Not to Trample Citizens' Freedom of Expression" *Public Sector Digest* (November 2017)
- ◆ Co-author, Limitation Periods in No Fault Insurance Claims, *The Middlesex Law Association Snail*, February 2020
- ◆ Author, "[Becoming an Effective Advocate: Reflections from RSJ Thomas](#)", *The Middlesex Law Association Snail*, and *The Advocates' Society Keeping Tabs*, June 2018
- ◆ Co-author, "Update on Personal Injury Law", *The Advocates' Society Fall Convention*, 2017
- ◆ Author "[Reinforcing the Primacy of Privilege: Lizotte v. Aviva Insurance Company of Canada and Alberta \(Information and Privacy Commissioner\) v. University of Calgary](#)", Paper delivered at the 12th Annual Straight from the Bench Civil Litigation Conference, Middlesex Law Association, London, ON, 8 June 2017
- ◆ Author, "Heroic or Hypocritical: Corporate Social Responsibility, Aboriginal Consultation, and Canada's Extractive Industries Strategy" *Journal of Transnational Law and Contemporary Problems* 25 1 (2016)
- ◆ Author, "20 Years Lost – Time for Change in Ontario's Environmental Bill of Rights" *Journal of Environmental Law and Practice* 27, 1 (2015)
- ◆ Author, "Foreign Classes Bringing Canadian Actions: Lessons Learned from the Case against Anvil Mining Limited", *Canadian Class Action Review* 9, 2 (2014)

## PRESENTATIONS AND SPEAKING ENGAGEMENTS

- ◆ Panelist, "Not Your Mentor's Court of Appeal" Toronto Lawyers Association Webinar (May 2024)
- ◆ Participant, Environmental Lawyers Forum, 2<sup>nd</sup> Generation, Cambridge Forums, (October 2023)
- ◆ Panelist, "Plenary Discussion - Medical Malpractice Law: Significant Legal Developments", 11<sup>th</sup> Provincial Counsel Conference, Canadian Medical Protective Association
- ◆ Panelist, "Ethical Issues in Commercial Litigation – Panel Discussion", Law Society of Ontario, December 9, 2022
- ◆ Presenter, "Urban Agriculture: Revitalizing Underused Land and Municipal Planning Law and Policy", 6th Annual Canadian Association for Food Law and Policy Conference, November 3-5, 2022
- ◆ Presenter, "The Environment and the Constitution", London Law Institute, Ontario Justice Education Network, November 4, 2022
- ◆ Panelist, "Lessons in Leadership and Resilience – Panel Discussion" Lerner LLP, June 28, 2022
- ◆ Guest, "The Legalities of a Naturalized Lawn", CBC London Morning, June 2022
- ◆ Panelist, "Appellate Advocacy Panel with Justice Benjamin Zarnett" 16th Annual Straight from the Bench Conference, Middlesex Law Association, November 1-2, 2021
- ◆ Presenter, "Appeal Proofing your Trial: Protecting Against and Positioning for an Appeal" 12 Minute Civil Litigator, Law Society of Ontario, September 28, 2021
- ◆ Co-Presenter, "Writing Winning Arguments" Canadian Bar Association Skilled Lawyer Series, May 18, 2021
- ◆ Moderator, "Virtual Advocacy Panel – View from the Bench" Canadian Lawyer April 29, 2021
- ◆ Co-Presenter, "Appeal Proofing your Trial: Protecting Against and Positioning for an Appeal" Ontario Trial Lawyers Association Annual Conference, October 24, 2020
- ◆ Moderator, "Virtual Advocacy Panel – Best Practices for Navigating the Courts in the Post COVID Era" Canadian Lawyer, May 21, 2020

## LEARNERS

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- ◆ Presenter, "Reinforcing the Primacy of Privilege" 12th Annual Straight from the Bench Conference, Middlesex Law Association, June 8, 2017
- ◆ Presenter, "Mission Analysis for Legal Research", Ontario Bar Association Program *Expert Advice on Launching Your Legal Career: I Have My Law Degree, Now What?*, London, ON, 7 September 2017
- ◆ Speaker, "Contemplations on Entering the Profession of Law", 2016 Fall Opening of the Courts Ceremony, London, ON, Speaker on behalf of 2016 Calls to the Bar on the Rule of Law and the Legal Profession

## ACHIEVEMENTS

- ◆ Canadian Forces Decoration ("CD") for 12 years of Honourable Military Service, Canadian Armed Forces (2024)
- ◆ Best Lawyers in Canada, Ones to Watch, Corporate and Commercial Litigation/Health Care Law/Insurance Law
- ◆ Business London Top Twenty in their 20s Award (2018)
- ◆ Recipient, Canada 150 Medal, Parliament of Canada (2017)
- ◆ Trandafir Writing Competition Prize in Transnational Law (2015)
- ◆ 1st Place Written Arguments & Top Oralist Prize, Jessup International Law Moot (2014)
- ◆ Harvey T. Strosberg Essay Prize in Canadian Class Actions (2013)
- ◆ Winner, Lenczner Slaght Legal Ethics Advocacy Competition (2013)
- ◆ Social Sciences and Humanities Research Council, Joseph-Armand Bombardier Canada Graduate Scholarship (2012)
- ◆ UWO Gold Medal, Honours Specialization in International Relations (2012)

## MEMBERSHIPS

- ◆ The Advocates' Society
- ◆ Middlesex Law Association
- ◆ Canadian Bar Association
- ◆ Ontario Bar Association

## EDUCATION

- ◆ Admitted to the Ontario Bar (2016)
- ◆ Juris Doctor, Western University Faculty of Law (2015) - Graduate with Distinction
- ◆ Master of Arts (History), Western University, Department of History (2015)
- ◆ Bachelor of Arts (Honours), Western University, Faculty of Social Science (2012) – Gold Medalist
- ◆ The Advocates' Society Alternative Dispute Resolution Skills Certificate (2022)
- ◆ The Advocates' Society Civil Litigation Skills Certificate (2018)
- ◆ Intensive Negotiation Training Certificate, Dispute Resolution Centre, Western University (2015)
- ◆ Global and Intercultural Engagement Certificate, Western University (2015)
- ◆ Group Leadership Certificate, Leadership and Mentorship Program, Western University (2012)

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