



## Ian F. Leach

### Partner

Commercial Litigation, Class Proceedings, Insurance Defence,  
Appellate Advocacy Practice Groups

### Contact Information

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### Areas of Practice

**Insurance Litigation:** Ian has represented both insureds seeking to resolve disputes with their insurers, and insurance companies disputing claims made against them. In the latter capacity, he is frequently called upon to assist in the resolution of complex defence, coverage and priority disputes before lower and appellate courts.

**Contractual and other Commercial Disputes:** Ian regularly assists parties who encounter disputes relating to the interpretation or enforcement of contracts executed in relation to sales, loans, trust arrangements, joint endeavours, business arrangements and other contexts.

**Class Action Proceedings:** In the class proceeding context, Ian has acted for plaintiffs, (e.g., concerning product liability, and the propriety of late payment charges), and for defendants, (e.g., concerning claims advanced against insurers relating to the charging of deductibles, the adequacy of automotive repairs, business interruption claims).

**Defamation Disputes:** Ian regularly advises both plaintiffs who feel their reputations have been damaged, (through defamatory comments spoken or written by others), as well as defendants who are facing claims for having exercised what they feel to be their rights of free speech.

**Appellate Advocacy:** Ian regularly is asked to bring or respond to appeals from lower court decisions, often involving resolution of complex liability, insurance coverage and other priority issues. See, for example:

- *Gignac v. Neufeld* (1999), 43 O.R. (3d) 741 (C.A.): upheld insurer's ability to deduct CPP benefits from coverage payable to an insured;
- *Pozios v. 776575 Ontario Ltd.*, [2001] O.J. No. 1942 (C.A.): modification of trial judgment against construction company to eliminate interest award on equitable damages award;

- *Oxford Mutual Insurance Co. v. Co-operators General Insurance Co.*, [2006] O.J. No. 4518 (C.A.): overturned lower court decision and restored decision of arbitrator, thereby confirming that responsibility for statutory accident benefits payable to a quadriplegic lay with a different insurer; and
- *Askar v. Morton*, [2009] O.J. No. 854 (C.A.): upheld summary dismissal of claims that unborn foetus catastrophically injured by motor vehicle accident prior to birth.

## Professional Experience

Practice Group Leader, London Commercial Litigation Group (2009 to present)  
 Partner, Lerner LLP (1999 to present)  
 Associate lawyer, Lerner LLP (1991-1999)  
 Marshall, Central Criminal Court (Old Bailey), London, England (1992)  
 Pupillage, The Honourable Society of the Middle Temple, London, England (1991-1992)  
 Articling student, Lerner LLP (1990-1991)

## A Selection of Presentations\Publications

"Strategies to Avoid or Mitigate Class Action Litigation" *The Canadian Class Action Review*, Vol 6, No. 1, April 2010 ([read article](#))

"Summary Judgment Redux – The First Three Months Under the New Rules" (Guest Speaker, Middlesex Law Association Conference, London, April 21 & 22, 2010) ([read presentation](#))

"Strategizing to minimize risk" – Law Times, April 2010 ([read article](#))

"Defendant Class Proceedings – The Class Action Joshua Tree", *Class Action Defence Quarterly*, Volume 3, Number 3, March 2009 ([read article](#))

"Preliminary Motions in Class Proceedings – Certification and Other Contenders", *The Canadian Class Action Review*, Vol 2, No. 1, July 2005 ([read article](#))

## Achievements

Queen's Reuben Wells Leonard Fellowship  
 Mackenzie King Travelling Fellowship  
 McCauley Fellowship, St John's College, Cambridge  
 Harold G. Fox Scholar (1991-1992)

## Memberships

Law Society of Upper Canada  
 Middlesex Law Association  
 The Advocates' Society  
 Past Board Member, Alzheimer Society of London & Middlesex  
 Faculty of Law, The University of Western Ontario (periodic Adjunct Professor)  
 Past Board Member, The Grand Theatre (London)  
 Past Board Member, Orchestra London  
 Past Board Member, Fanshawe Pioneer Village  
 Past Board Member, Weldon Park Academy  
 Past Board Member, Stratford Masonic Hall Corporation  
 Past Member, Salvation Army Annual Giving Committee  
 Tecumseh Lodge No. 144, Stratford, Ontario

Ryerson Public School Council  
Parish Council of St. Paul's Cathedral, London, Ontario  
Youth Leader, 12<sup>th</sup> London Beavers (Boy Scouts of Canada)  
Officer, South Huron District Masons

## **Education**

Pupillage, The Honourable Society of the Middle Temple, London, England (1991-1992)  
Call to the Bar of Ontario - 1991  
Bachelor of Civil Law, Oxford University (1989)  
Master of Laws, Cambridge University (1987)  
Bachelor of Laws, Queen's University (1986)  
Bachelor of Arts, University of Toronto (1984)

## **Personal Information**

Family, travel, history, cinema and theatre

