



## Kirk F. Stevens

### Partner

Appellate Advocacy, Commercial Litigation, Class Proceedings Practice Groups

### Contact Information

**Direct Phone:** 416.601.2358

**Direct Fax:** 416.867.2421

**E-mail:** [kstevens@lerner.ca](mailto:kstevens@lerner.ca)

**Website:** [www.lerner.ca](http://www.lerner.ca)

**Address:** 130 Adelaide St. West, Suite 2400, Toronto, ON M5H 3P5

### Areas of Practice

Appellate Advocacy  
Litigation Research & Opinions  
Class Proceedings

### Noteworthy Cases

*Marcoccia v. Ford Credit Canada Limited*, [2009] O.J. No. 1548 (C.A.)

*Sandhu (Litigation Guardian of) v. Wellington Place Apartments*, [2008] O.J. No. 1148 (C.A.)

*Canadian National Railway Co. v. Royal and Sun Alliance*, [2008] 3 S.C.R. 53

*Stoiantsis v. Spirou*, 2008 ONCA 553

*Cowles v. Balac*, 2006 CanLII 34916 (ON C.A.)

*R.E. v. Wawanese Mutual Insurance Company*, 2005 CanLII 51116 (ON S.C.)

*Childs v. Desormeaux*, [2006] 1 S.C.R. 643, 2006 S.C.C. 18

*Pereira v. Hamilton Township Farmers' Mutual Insurance Company*, 2006 CanLII 12284 (ON C.A.)

*Armstrong v. Centenary Health Centre*, 2005 Can LII 20712 (ONCA)

*T.W. v. SEO*, 2005 Can LII 21356 (ONCA)

*Hassen v. Anvari*, [2003] O.J. No. 3543 (C.A.)

Waterloo RIM Park Inquiry (2003)

*Maple Valley Acres Limited v. Canadian Imperial Bank of Commerce*, November 21, 2003 (Ont. C.A.), Docket No.: 37092

*Ferme Gérald Laplante Ltée v. Grenville Patron Mutual Fire Insurance Co.* (2002), 61 O.R. (3d) 481 (C.A.)

*Whiten v. Pilot Insurance Co.*, [2002] 1 S.C.R. 595

*Oldfield v. Transamerica Life Insurance Co. of Canada*, [2002] 1 S.C.R. 742

*Bank of America Canada v. Mutual Trust Co.*, [2002] 2 S.C.R. 601

*Derksen v. 539938 Ontario Ltd.* [2001] 3 S.C.R. 398

*DeJong Estate v. Owen Sound General and Marine Hospital*, [1999] O.J. No. 4369 (C.A.);  
*DeJong Estate v. Owen Sound General and Marine Hospital* (1996), 31 O.R. (3d) 78 (C.A.)

*Thomas v. Bell Helmets Inc.* [1999] O.J. No. 4293 (C.A.)

*Vescio v. Peterman* (1999), 45 O.R. (3d) 613 (C.A.)

*Hock v. Hospital For Sick Children* (1998), 110 O.A.C. 268 (C.A.)

*Ellis-Don v. Ontario Labour Relations Board* (1998), 39 O.R. (3d) 737 (C.A.), presently under reserve by S.C.C.

*Chrappa v. Ohm* (1998), 38 O.R. (3d) 651 (C.A.)

*O'Brien v. Shantz* (1998), 167 D.L.R. (4th) 132 (Ont.C.A.)

*Findlay v. Holmes* (1998), 111 O.A.C. 319 (C.A.)

*Bowser v. Bowser et al* (1998), 110 O.A.C. 194 (C.A.)

*Perez v. Salvation Army* (1998), 42 O.R. (3d) 229 (C.A.)

*The Canadian Red Cross Society et al v. The Hon. Horace Krever*, [1997] 3 S.C.R. 440

*Gore Mutual Ins. Co. v. The Co-operators Gen. Ins. Co.* (1997), 32 O.R. (3d) 88 (C.A.)

*Warwick v. Gore Mutual Ins. Co.* (1997), 32 O.R. (3d) 76 (C.A.)

*St. Thomas Subdividers Ltd. v. 639373 Ontario Ltd.* (1996), 2 R.P.R. (3d) 133 (Ont.C.A.)

*Stein v. Sandwich West* (1995), 77 O.A.C. 40 (C.A.)

*Apollo Dust Suppression Services Inc. v. Diachem Industries Ltd.* (1995), 63 C.P.R. (3d) 511 (Ont.C.A.)

*Meyer v. Bright* (1994), 15 O.R. (3d) 129 (C.A.)

*Mortimer v. Cameron* (1994), 17 O.R. (3d) 1 (C.A.)  
*Hodgkinson v. Simms* (1994), 117 D.L.R. (4th) 161 (S.C.C.)  
*Stein v. Sandwich West* (1994), 17 O.R. (3d) 321 (C.A.-Chambers)  
*Ramsden v. Peterborough (City)*, [1993] 2 S.C.R. 1084  
*Waldick v. Malcolm* (1991), 83 D.L.R. (4th) 114 (S.C.C.)  
*R. v. Wholesale Travel Group* (1991), 84 D.L.R. (4th) 161 (S.C.C.)  
*Levesque v. Lipskie* (1991), 3 O.R. (3d) 98 (C.A.)  
*R. v. Ellis Don Ltd.* (1990), 1 O.R. (3d) 193 (C.A.)  
*Wonsch Construction Ltd. v. Danzig Enterprises Ltd.* (1990), 1 O.R. (3d) 382 (C.A.)  
*Graham v. Rourke* (1990), 75 O.R. (2d) 622 (C.A.)

## **Professional Experience**

Managing Partner, Toronto Office, Lerner LLP (2004-2007)  
Member, Executive Committee, Lerner LLP (2002-2007)  
Partner, Lerner LLP (1992 to present)  
Associate lawyer, Lerner LLP (1987-1992)

## **Achievements**

Extensive experience in appellate advocacy in the courts of Ontario and Supreme Court of Canada

Wide and diversified experience in research, legal analysis, litigation strategy

Silver medallist, Osgoode Hall Law School, York University (1985)

## **A Selection of Presentations/Publications**

“Wild Justice on the Compensation –Punishment Frontier: An Attempt to Make Some Sense of Aggravation and Punitive Damages after *Whiten*”, Law Society of Upper Canada, Special Lectures, The Modern Law of Damages, 2005

*Two Steps Forward or One Step Back: Anns at the Crossroads in Canada* (with Earl Cherniak, Q.C.) – 20 C.B.L. 164

*Whitening Issues: Sanitizing the Insurance Claim Process*, January 2002, The Advocates’ Society, “Tricks of the Trade”, Practical Strategies for Personal Injury Lawyers.

“Recent Tort Cases Cause Confusion Over Causation”, Lawyers’ Weekly, December 19, 2003

## **Memberships**

The Advocates' Society  
Canadian Bar Association-Ontario

## **Education**

Masters Degree in Law, (Constitutional Law), Osgoode Hall Law School, York University (2003)  
Admitted to Ontario Bar (1987)  
Bachelor of Laws (Silver Medallist), Osgoode Hall Law School (1985)  
Diploma in Education, McGill University (1975)  
Bachelor of Arts, McGill University (1973)

