



Lisa C. Munro

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Areas of Practice

Banking Litigation
Securities Litigation
Class Actions
Shareholder Disputes
Contractual and Business Disputes
Real Estate Litigation
Commercial and Corporate Litigation

Noteworthy Cases

Commission of Inquiry on the Blood System in Canada (1993-1997). Part of a counsel team which represented the Canadian Red Cross Society at the Commission of Inquiry.

Canadian AIDS Society v. Ontario (1995), 25 O.R. (3d) 388 (Gen. Div.). Represented the Canadian Red Cross Society in a case dealing with the constitutionality of testing of blood samples for the HIV virus without donor consent.

Daishowa Inc. v. Friends of the Lubicon (1998), 39 O.R. (3d) 620 (Gen. Div.). Trial co-counsel to a subsidiary of a major pulp and paper company seeking an injunction restraining secondary picketing and interference with economic relations as part of a consumer boycott.

Toronto-Dominion Bank v. Leigh Instruments Limited (Trustee of) (1998), 40 B.L.R. (2d) 1 (Ont. Gen. Div.); affirmed (1999), 45 O.R. (3d) 417 (C.A.). Part of a team of trial counsel representing a corporate defendant being sued by a bank upon a letter of comfort. Interlocutory motions during the trial are reported at 35 O.R. (3d) 273 [issue estoppel], 32 O.R. (3d) 575 [lawyer's work product privilege and waiver], 33 O.R. (3d) 696 [income tax treatment of losses], and 35 O.R. (3d) 369 [calling an adverse party as a witness at trial].

Royal Trust Corp. v. Fisherman (2000), 49 O.R. (3d) 187 (S.C.J.); leave refused, [2000] O.J. No. 4245 (Div. Ct.). Represented plaintiffs in responding to a motion brought by defendant for a stay of the action on grounds that his rights to a fair criminal trial in the United States under the Fifth Amendment of the United States Constitution would be prejudiced by Ontario civil proceedings.

Royal Trust Corp. v. Fisherman (2001), 55 O.R. (3d) 794 (C.A.). Co-counsel for the plaintiffs in a class action for misrepresentation pursuant to s. 130 of the Ontario *Securities Act* brought by shareholders of YBM Magnex International, Inc., who purchased their shares pursuant to a prospectus and suffered a loss. Motion to determine whether report prepared by YBM's receiver analyzing causes of action was protected from disclosure to others by common interest privilege. Decision and order granting certification and approving terms of settlement in first major securities class action settlement in Canada at [2002] O.J. No. 1855 (S.C.J.).

Hollinger International Inc. v. Hollinger Inc., [2004] O.J. No. 3464 (S.C.J.). Decision denying anti-suit injunction brought against plaintiff granting stay of counterclaim.

Royal Bank of Canada v. Société Générale (Canada) et al, [2005] O.J. No. 4950 (S.C.J.); leave to appeal granted, [2006] O.J. No. 749 (Div. Ct.); appeal granted 2006 CarswellOnt 8091 (C.A.). Co-counsel for plaintiff in responding to summary judgment motions brought by defendants in action for losses in excess of \$90 million as a result of one of the largest and most protracted frauds in Canadian banking history perpetrated against defendant financial institutions.

Re Ravelston Corp., 2007 CarswellOnt 755 and 661 (S.C.J.). Co-counsel for a party with an interest in these bankruptcy proceedings, who opposed the corporation's guilty plea to U.S. fraud charges.

Sun-Times Media Group, Inc. v Conrad Black, 2007 CarswellOnt 3912 (S.C.J.). Co-counsel for defendant opposing *Mareva* injunction to freeze his assets.

ATB Financial v Metcalfe & Mansfield Alternative Investments II Corp. [2008] O.J. No. 2265; aff'd 2008 CarswellOnt 4811 (C.A.). Counsel for investors in asset-backed commercial paper.

Conrad Black v Richard C. Breeden et al. [2009] O.J. No. 1292 (S.C.J.). Co-counsel for plaintiff in a defamation action, responding to a motion challenging the jurisdiction of the Ontario courts.

Steven Drover et al v. Argus Corporation et al, Court file No. 04-CV-028645 (unreported, July, 2009). Counsel for defendant in class action brought against former directors and officers of Hollinger related companies.

Professional Experience

Executive Committee Member, Lerner LLP (2007 to present)
Practice Group Leader, Toronto Commercial Litigation Practice Group (2004-2006)
Partner, Lerner LLP (2001 to present)
Chair, Student Committee, Lerner LLP (2001-2004)
Associate lawyer, Lerner LLP (1994-2000)
Articling student, Lerner LLP (1992-1993)

Achievements

Recipient, Scouts Canada Medal for Good Service (2006)
Honourary Legal Counsel, Scouts Canada, Greater Toronto Council (2002 to present)
Instructor, Law Society of Upper Canada Bar Admission Course, Civil Litigation Section (2001-2005)
Drafter, Bar Admission Course Licensing Examination, Civil Litigation Section (2005)

A Selection of Presentations/Publications

Proving the Defendant Liable for Pure Economic Loss: Muddied Waters and *C.N.R. v. Norsk Pacific Steamship Co.* (Prepared for the Canadian Bar Association – Ontario Conference, *Recovering Damages in Commercial Tort Litigation*, Toronto, November 24, 1992, co-authored by now Honourable Madama Justice Mary Anne Sanderson)

Recent Developments and Trends in Securities Class Actions (Prepared for Insight Conference, *Securities Litigation*, March 2003, cancelled, co-authored with Earl A. Cherniak, Q.C.)

How to Effectively Handle a Class Action Certification Motion (Prepared for Pre-Conference Workshop at Canadian Institute Conference, *Litigating Class Actions*, Toronto, September 29, 2003)

YBM Case Study: Anatomy of a Securities Class Action Settlement (Presented at Canadian Institute Conference, *Litigating Class Actions*, Toronto, October 1, 2003)

Who Can Be a Representative Plaintiff Under Ontario's *Class Proceedings Act, 1992?* (Presented at Canadian Institute Conference, *Litigating Class Actions*, Toronto, September 30, 2004)

Multi-Party Litigation and Technology: Tips and Traps (Presented at Commonwealth Legal *Litigation Technology Showcase and Open House*, Toronto, October 26, 2004)

Using Technology in Multi-Party Litigation: Tips and Traps (Presented at Insight Information Conference, *Annual Summer Law Clerk Forum, Advanced Skills Commercial Litigation and Intellectual Property*, Toronto, July 13, 2006)

Maximizing Results in Examinations for Discovery (Panel Member at Insight Conference held June 13, 2007)

Jeopardy to the Privilege Against Self-Incrimination in Cross-Border Proceedings (Presenter at Federated Press Conference, *5th Directors' & Officers' Liability Conference*, March 2 and 3, 2010)

Jeopardy to the Privilege Against Self-Incrimination in Cross-Border Proceedings (Paper presented at the Osgoode Hall Law School Professional Development Conference, *Litigating Commercial Disputes*, June 15 and 16, 2010)

Cross-border witnesses risk loss of Charter protection, *The Lawyers Weekly*, August 27, 2010 (click to read article)

Memberships

Toronto Lawyers Association

The Advocates' Society
Ontario Bar Association

Education

Intensive Trial Advocacy Workshop, Osgoode Hall Law School (1997)

Admitted to Ontario Bar (1994)

Bachelor of Laws, The University of Western Ontario (1992)

Three years towards B.A (Criminology, Psychology), The University of Toronto, Victoria
College (1986-1989)

Personal Information

Vinyasa yoga practitioner

Avid reader of literature

Loves going to her cabin in the woods

