

# CAROLYN BRANDOW

## Appeals

PARTNER

*"Appeals are tough. A lot is at stake. As a lawyer, you need to be on top of the facts, the law and your advocacy skills to withstand and excel under the scrutiny of not just one, but three (or more) judges. I love the challenge of appellate work."*

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### PROFESSIONAL EXPERIENCE

- ◆ Adjunct Professor, UWO Law School "Civil Procedure" (2016)
- ◆ Adjunct Professor, UWO Law School "Comparative US/Canadian E-Discovery Law" (2010)
- ◆ Partner, Lernalers LLP (2008 to present)
- ◆ Associate lawyer, Lernalers LLP (2006-2008)
- ◆ Associate lawyer, Ledroit Beckett (1999-2006)
- ◆ Articling Student, Harrison Elwood (1998-1999)

### NOTEWORTHY CASES

- ◆ *Dale v. Frank*, 2017 ONCA 32 (CanLII)
- ◆ *Skinner v. Thames Centre (Municipality)*, 2014 ONCA 164 (CanLII)
- ◆ *Milo-Food Infrastructure & Service Inc. v. 2255300 Ontario Limited*, 2014 ONCA 333 (CanLII)
- ◆ *Baxter v. Ontario (Real Estate and Business Brokers Act Registrar)*, 2012 ONCA 632 (CanLII)
- ◆ *Macksoud v. Carroll*, 2011 ONCA 108 (CanLII): An appeal of a dismissal of a request to add new defendants to a case started before new Limitations Act.
- ◆ *Baxter v. Registrar (REBBA)*, 2011 ONSC 2497 (CanLII): The successful defence of an appeal from a decision of the Licence Appeal Tribunal applying conditions to the registration of a real estate agent rather than revoking his registration as had been requested by the Registrar.
- ◆ *1565703 Ontario Limited v. St. Clair Tavern (Sarnia) Limited*, 2011 ONCA 523 (CanLII): A successful appeal of a default judgment against a landlord who had locked a tenant out of a property and the tenant's assets in the building were never retrieved by the tenant.
- ◆ *Vergara v. London (City)*, 2010 ONCA 138 (CanLII)
- ◆ *Cranston v. Cranston*, 2010 ONSC 6429 (CanLII) (Ont.Div.Ct.): An appeal of a summary judgment motion under 2011 amendments to Rule 20.
- ◆ *Deemar v. JDEB Vet Management Inc. and JDEB Vet Management Inc.*, 2007 CanLII 17374 (ON S.C.), 2007 CanLII 24670 (ON S.C.) and 2007 ONCA 893 (CanLII) (Ont. C.A.): An appellate decision after two Superior Court application decisions denying a commercial tenant's request to arbitrate the rent and term of a future period of tenancy where the lease had expired and allowing a writ of possession to be issued to evict the tenant.
- ◆ *Sempecos v. State Farm Fire and Casualty Co.*, 2003 CanLII 48316 (ON CA)
- ◆ *Sempecos v. State Farm* [2003] O.J. No. 2886, (2003), 38 C.P.C. (5th) 64 (Ont.C.A.); [2002] O.J. No. 4498, (2002), 29 C.P.C. (5th) 99 (Ont. Div.Ct): Appellate decisions flowing from a motion in which the insurer asked to have a separate trial of punitive damage claims in a fire loss claim.
- ◆ *A&E Radiator v. Dominion* (2003), 68 O.R. (3d) 30, [2003] O.J. No. 4471, (2003) 11 C.C.L.I. (4th) (Ont. Div. Ct): An appellate decision regarding an insured person's request for an appraisal in a fire loss insurance claim.

### SELECTED PRESENTATIONS/PUBLICATIONS

## LERNERS

Carolyn Brandow /  
Appeals

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Box 2335 London, ON N6A 4G4

- ◆ "Quick & Dirty Personal Injury Update: Plaintiff & Defence Perspectives", Guest Speaker on Advocacy Practice Management Update: Proven tools to shorten trials, The Middlesex Law Association, June 14, 2019
- ◆ "Your First Civil Appeal", Guest Speaker on Whether, When and How to Appeal, Ontario Bar Association Conference, October 20, 2011
- ◆ "Summary Judgment Motions: Persuasive Advocacy - Winning Tactics", Guest Speaker on Expert Evidence on Summary Judgment Motions, Ontario Bar Association Conference, May, 2011
- ◆ "Privacy Law", Guest Speaker, Real Estate Institute of Canada and Appraisal Institute of Canada (London Chapters) Meeting, March, 2011
- ◆ "Simplifying Simplified Procedure", Guest Speaker on Summary Judgment, Ontario Bar Association Conference, May, 2010
- ◆ "Judicial Review of Tribunal Decisions", published in The Litigator, December 2009 ([Read online](#))
- ◆ "Ordering compliance with orders to comply", Municipal World, July 2008 Issue, page 29
- ◆ "Notice for Frustrated Cross-Examiners" published in Litigation Tips & Traps: "Southren" Style, The Advocates' Society Brief, vol. 19, No. 2 (Winter 2008 edition) ([Read online](#))
- ◆ Co-Author of "A Property Value Witness Without Property in the Witness", Ontario Expropriation Newsletter, Fall 2007 ([Read online](#))

## ACHIEVEMENTS

- ◆ Best Lawyers in Canada, Lawyer of the Year, Medical Negligence & Professional Malpractice Law - London/Windsor
- ◆ Best Lawyers in Canada for Administrative and Public Law, Health Care Law, Medical Negligence, Professional Malpractice Law
- ◆ Recognized as a leading practitioner by Lexpert in the area of medical negligence [represents defendants] (2018-2022)
- ◆ Recipient, 2018 Lexpert Zenith Award recognizing mid-career excellence in the legal profession
- ◆ Junior Counsel to the Honourable Mr. Justice R.J. Haines, Review of the Meat Inspection and Regulatory Regimes in Ontario (2004)

## MEMBERSHIPS

- ◆ Ontario Bar Association
- ◆ Canadian Bar Association
- ◆ The Advocates' Society
- ◆ Middlesex Law Association
- ◆ Southwest Region Women in the Law Association
- ◆ Past Newsletter Editor, London Claims Association
- ◆ Past District Commissioner, Past Leader, Girl Guides of Canada
- ◆ Past Member, Board of Directors, Multiple Sclerosis Society of Canada

## EDUCATION

- ◆ Admitted to Ontario Bar (2000)
- ◆ Bachelor of Laws, The University of Western Ontario (1998) (Dean's List 1996-1997);
- ◆ Bachelor of Arts, Sociology, The University of Western Ontario (1995) (Dean's List 1992-1995)

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