

# ANGUS T. MCKINNON

## Commercial Litigation

PARTNER

"Litigation is not a game."

**Direct Phone:** 416.360.2632

**Direct Fax:** 416.867.2398

**Email:** [amckinnon@lerners.ca](mailto:amckinnon@lerners.ca)

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



### PROFESSIONAL HISTORY

- ◆ Partner, Lerners LLP (2014 to present)
- ◆ Partner, Heenan Blaikie (2000-2014)
- ◆ Associate/Partner, Genest Murray (1987-2000)
- ◆ Associate, Cassels Brock and Blackwell (1987)

### AREAS OF FOCUS

- ◆ Angus maintains a broad advocacy practice with an emphasis on class action defence work, complex commercial disputes and insolvency and restructuring litigation. He also has extensive experience in employment law matters, directors' and officers' liability, real estate litigation and professional negligence claims.
- ◆ Mr. McKinnon has also represented clients in numerous private arbitrations, mediations and before domestic and regulatory tribunals. In addition to appearing as counsel before tribunals such as the Canada Industrial Relations Tribunal, the Ontario Securities Commission and the Human Rights Commission, he has also acted as counsel to regulatory tribunals such as the Ontario Pension Commission.

### ACHIEVEMENTS

- ◆ Selected by peers for inclusion in Best Lawyers in Canada for Class Action Litigation (2020-2021)
- ◆ Recognized as a leading litigator in the Lexpert Special Edition - Canada's Leading Litigation Lawyers (2018)
- ◆ Selected by peers for inclusion in Canadian Legal Lexpert Directory for Corporate Commercial Litigation (2016 - 2018, 2020); Class Actions (2019)
- ◆ Selected for inclusion in Lexpert Guide to the Leading US/Canada Cross-border Litigation Lawyers in Canada (2016)
- ◆ Benchmark Canada, Litigation Star (2013-2020) - Recognized in the following areas: Competition Law and Class Actions (2013-2020); Commercial (2020); Product Liability (2013-2019)

**LERNERS**  
LAWYERS

**Direct Phone:** 416.360.2632

**Email:** [amckinnon@lerners.ca](mailto:amckinnon@lerners.ca)

**Direct Fax:** 416.867.2398

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

**Angus T. McKinnon /**  
*Commercial Litigation*

130 Adelaide Street West, Suite 2400 Toronto, ON M5H 3P5

## NOTEWORTHY CASES

- ◆ Lixo Investments Ltd. v. Gowling, Lafleur Henderson, 2014 CanLII 114 (ONCA) - forum non conveniens
- ◆ Deloitte & Touche Inc. v. Felderhof, 2012 CanLii 7278 (ONSC) - discontinuance of derivative action
- ◆ Andersen v. St. Jude Medical Inc., 2012 CanLII 3660 (ONSC) - common issues medical product trial
- ◆ Re Canada 3000 Inc. Bankruptcy [2004-2008] (ONSC – Commercial List) – acted for Officers and Directors of bankrupt airline facing multiple claims by unsecured creditors and involving insurance coverage disputes
- ◆ Northfield Capital Corporation v. Aurelian Resources Inc., 2007 CanLII 6917 (ONSC) - class action oppression remedy
- ◆ 2000768 Ontario Inc. v. 514052 Ontario Ltd., 2006 CanLII 37124 (ONSC); affirmed. 2011 CanLII 71 (ONCA) - claim for specific performance of real estate agreement in circumstances of a failed tender by vendor
- ◆ Bell Canada v. Young, 2005 CanLII 27523 (ONSC) - anti-picketing injunction
- ◆ Franklin v. University of Toronto, 2001 CanLII 28310 (ONSC) - class action – salary discrimination – certification denied
- ◆ DeGasperi Muzzo Corp. v. 951685 Ontario Inc., 2001 CanLII 8565 (ONCA) - priorities as between leasehold interest owners and secured creditors in the context of the Skydome insolvency
- ◆ Kulchyski v. Trent University, 2001 CanLII 9686 (ONCA) - challenge to governance authority of University Board
- ◆ Canada (AG) v. Canada (Commissioner of the Inquiry on the Blood System), [1996] 3 FC 259 (Fed.Ct.), [1997] 2 FC 36 (Fed.Ct.C.A.), [1997] 3 SCR 440 - judicial review of federally appointed commissioner of inquiry power to make findings of misconduct
- ◆ ABN Amro Bank v. Krupp Mak, 1994 CanLII 7302 (ONSC) - attempt to remove solicitor of record for creditor
- ◆ Big Creek Construction v. York Mills Development Group (1993), 107 DLR (4th) 331; affirmed (1993) 8 C.L.R. (2d) 138 - validity of a lien filed by developer through its wholly owned subsidiary general contractor
- ◆ Peel v. Great Atlantic & Pacific Co. et al, 1990 CanLII 6850 (ONSC) - constitutional attack on Sunday shopping legislation

## MEMBERSHIPS

- ◆ The Advocates' Society
- ◆ Ontario Bar Association
- ◆ Canadian Bar Association
- ◆ The Law Society of Upper Canada (Ontario)

## EDUCATION

- ◆ Admitted to the Ontario Bar (1987)
- ◆ Bachelor of Laws, McGill University (1985)
- ◆ Bachelor of Arts (Honours), Queen's University (1982)

**LERNERS**  
LAWYERS

**Direct Phone:** 416.360.2632

**Email:** [amckinnon@lerners.ca](mailto:amckinnon@lerners.ca)

**Direct Fax:** 416.867.2398

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

**Angus T. McKinnon /**  
*Commercial Litigation*

130 Adelaide Street West, Suite 2400 Toronto, ON M5H 3P5