

# CAROLYN BRANDOW

## Commercial Litigation

PARTNER

*"Commercial litigation encompasses a wide variety of cases. I enjoy the challenges of finding and obtaining the best results for our clients which takes into account everything at stake - financial, business, reputation and other interests."*

**Direct Phone:** 519.640.6356  
**Direct Fax:** 519.932.3356  
**Email:** [cbrandow@lernalers.ca](mailto:cbrandow@lernalers.ca)  
**Website:** [www.lernalers.ca](http://www.lernalers.ca)



### PROFESSIONAL HISTORY

- ◆ Adjunct Professor, UWO Law School "Civil Procedure" (2016)
- ◆ Leader of Commercial Litigation Practice Group (2015 to present)
- ◆ Co-Leader of Commercial Litigation Practice Group (2011-2015)
- ◆ 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)

### AREAS OF FOCUS

- ◆ Business and Contract Disputes
- ◆ Shareholder Disputes
- ◆ Real Estate Litigation
- ◆ Construction Project Litigation
- ◆ Appeals
- ◆ Administrative tribunals (Human Rights, Privacy Law)
- ◆ Defence of professionals in Self-Regulation Discipline and Complaint Proceedings

**LERNERS**  
LAWYERS

**Direct Phone:** 519.640.6356  
**Direct Fax:** 519.932.3356

**Email:** [cbrandow@lernalers.ca](mailto:cbrandow@lernalers.ca)  
**Website:** [www.lernalers.ca](http://www.lernalers.ca)

**Carolyn Brandow /**  
*Commercial Litigation*

Box 2335 London, ON N6A 4G4

## NOTEWORTHY CASES

- ◆ *Milo-Food Infrastructure & Service Inc. v. 2255300 Ontario Limited*, 2014 ONCA 333 (CanLII)
- ◆ *Skinner v. Thames Centre (Municipality)*, 2014 ONCA 164 (CanLII)
- ◆ *Baxter v. Ontario (Real Estate and Business Brokers Act Registrar)*, 2012 ONCA 632 (CanLII) – The Court of Appeal dismissed an appeal from a decision that the registration of a broker should be restricted rather than revoked for his involvement in purchases of several properties which were then relisted within a short period at significantly inflated prices.
- ◆ *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.
- ◆ *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.
- ◆ *Vergara v. London (City)*, 2010 ONCA 138 (CanLII)
- ◆ *Sunsational Products Inc. v. Martin*, 2008 CanLII 8253 (ON SC)
- ◆ *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.
- ◆ *Sayles v. Acton*, 2005 CanLII 18856 (ON SC)
- ◆ *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.
- ◆ *Sayles v. Acton* [2005] O.J. No. 2188 and 3669, 2005 CarswellOnt 4012, 2005 CarswellOnt 2189 (Ont.S.C.J.) - A trial regarding alleged farm business losses due to a delayed closing of an Agreement of Purchase and Sale for a farm property.

## ACHIEVEMENTS

- ◆ Recognized as a leading practitioner by Lexpert in the area of medical negligence [represents defendants] (2018-2019)
- ◆ Recipient, 2018 Lexpert Zenith Award recognizing mid-career excellence in the legal profession
- ◆ Selected by her peers to be included in Best Lawyers in Canada (2014-2020)
- ◆ Junior Counsel to the Honourable Mr. Justice R.J. Haines, Review of the Meat Inspection and Regulatory Regimes in Ontario (2004)

## SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ "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
- ◆ "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)

**LERNERS**  
LAWYERS

**Direct Phone:** 519.640.6356

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

**Direct Fax:** 519.932.3356

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

**Carolyn Brandow /**  
*Commercial Litigation*

Box 2335 London, ON N6A 4G4

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 article](#))
- ◆ “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 article](#))
- ◆ Co-Author of “A Property Value Witness Without Property in the Witness”, Ontario Expropriation Newsletter, Fall 2007 ([Read article](#))

## MEMBERSHIP

- ◆ 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)