

EMILY Y. FAN

Commercial Litigation

PARTNER

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PROFESSIONAL HISTORY

- ◆ Deputy Practice Group Leader, Commercial Litigation Practice Group (2021 to present)
- ◆ Partner, Lerners LLP (2019 - present)
- ◆ Associate Lawyer, Lerners LLP (2015 - 2019)
- ◆ Associate Lawyer, Thornton Grout Finnigan LLP (2011-2015)
- ◆ Articling and Summer Student, Thornton Grout Finnigan LLP (2009-2011)
- ◆ Legal Intern, International Bridges to Justice (Xi'an, China Office) (2008)

AREAS OF FOCUS

- ◆ Shareholder Disputes
- ◆ Business and Contractual Disputes
- ◆ Directors' and Officers' Liability
- ◆ Bankruptcy, Receiverships, and Other Creditor Remedies
- ◆ Competition Litigation
- ◆ Securities
- ◆ Administrative and Public Law
- ◆ Wills and Estates Litigation

NOTEWORTHY CASES

- ◆ Volkswagen TDI Class Actions – defence counsel on national class proceedings
- ◆ Counsel to shareholders in complex oppression actions involving commercial property
- ◆ General Motors – defence counsel in breach of contract claim brought by a former supplier; and defence counsel on national class proceedings re Ignition Switch, Antifreeze, Takata Airbag

LERNERS
LAWYERS

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- ◆ Counsel to the receiver in various court-ordered receivership matters
- ◆ Hollinger Inc. and certain subsidiaries – counsel for the Litigation Trustee of Hollinger on claims brought by the trustee against directors of Hollinger and its advisors
- ◆ Counsel to a financial institution in an investigation by the Ontario Securities Commission
- ◆ Counsel to majority shareholders in an oppression action relating to hotel businesses
- ◆ Counsel to a thermal boiler manufacturer defending breach of contract and economic torts claims
- ◆ Defence counsel to one of the world's largest steel producers in the first prosecution under the Investment Canada Act, a competition statute with a 40-year history
- ◆ Counsel to a group of health service providers in a judicial review application seeking to suspend regulations absent a constitutional challenge

RECENT RANKINGS AND RECOGNITIONS

- ◆ Recognized and ranked in *Canadian Legal Expert Directory* and *Expert Consistently Recommended* – Corporate Commercial Litigation (2020)

SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ Speaker, "Mastering Examinations for Discovery", Ontario Bar Association, August 12, 2020
- ◆ Chair and Speaker, "Key Principles in Commercial Litigation," Law Society of Ontario, April 24, 2020
- ◆ Speaker, "Civility and Cultural Sensitivity in the Courtroom," Law Society of Ontario Program, Trial Strategies: Promoting Efficiency in the Process, November 18, 2019
- ◆ Faculty, "The 23rd Annual Course on Written Advocacy," Osgoode Professional Development and The Advocates' Society, October 18-19, 2019
- ◆ Speaker, "Professionalism Issues When Advising the Privately Held Company," Law Society of Ontario, September 18, 2019
- ◆ Speaker, "E-Discovery, Information Governance and Privacy," Osgoode Professional Development Certificate Program, September 16-20, 2019
- ◆ Speaker, "Discoveries: Building a Great Case," Ontario Bar Association, March 1, 2019
- ◆ Speaker, "Evidence for Litigators," Law Society of Ontario, January 18, 2019
- ◆ Speaker, "Class Actions Update," Law Society of Ontario, November 8, 2018
- ◆ Co-Chair, "Fall Forum – The Litigator of the Future," Young Advocates' Standing Committee, October 19-20, 2018
- ◆ Speaker, "Mediation Bootcamp: The Essential Guide to Excelling at Mediation," Ontario Bar Association, September 24, 2018
- ◆ Speaker, "The Resilient Litigator," The Advocates' Society, July 19, 2018
- ◆ Speaker, "Professionalism Issues When Advising the Privately Held Company," Law Society of Upper Canada Practice Gems: Essentials of the Privately Held Company, September 25, 2017
- ◆ Speaker, "Women in Law," Toronto Lawyers Association Nutshell Program, October 25, 2016

MEMBERSHIPS

- ◆ Board of Directors, Heart and Stroke Foundation of Ontario

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- ◆ Board of Directors, Making Way Project
- ◆ Commercial List Users' Committee
- ◆ The Advocates' Society
- ◆ Canadian Bar Association
- ◆ Ontario Bar Association
- ◆ American Bar Association
- ◆ New York State Bar Association

EDUCATION

- ◆ Admitted to New York Bar (2012)
- ◆ Admitted to Ontario Bar (2011)
- ◆ Juris Doctor, University of Toronto Faculty of Law (2010)
- ◆ Bachelor of Science (Honours), University of Toronto Faculty of Arts and Science (2005)

PERSONAL INFORMATION

- ◆ Volunteer Duty Counsel, Court of Appeal for Ontario, Pro Bono Law Ontario Amicus Project
- ◆ Volunteer Duty Counsel, Law Help Ontario Walk-In Centre, Pro Bono Law Ontario
- ◆ Languages: proficient in spoken Mandarin and conversant in Cantonese