

EMILY Y. FAN

Dispute Resolution and Advocacy

PARTNER

"We think like business owners."

Direct Phone: 416.601.2390
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EXECUTIVE SUMMARY

Emily Fan applies her business acumen to every challenge. She leads with sharp judgment, and tackles nuanced problems with creative, practical solutions.

Emily maintains a diverse litigation practice, with a focus on matters involving complex shareholders' and business disputes, class actions defence, and creditors' remedies. Emily represents clients in a broad array of industries, which include emerging technologies, SaaS, automotive, health, telecommunications, professional services, and banking. Emily has appeared before all levels of court in Ontario, Federal Court, and regulatory bodies.

PROFESSIONAL HISTORY

- ◆ Deputy Practice Group Leader, Dispute Resolution and Advocacy 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
- ◆ 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

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- ◆ 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

- ◆ Lexpert's "Rising Stars: Leading Lawyers Under 40" (2022)
- ◆ Selected by her peers to be included in Best Lawyers in Canada for Corporate and Commercial Litigation
- ◆ Recognized and ranked in *Canadian Legal Lexpert Directory* and *Lexpert Consistently Recommended* – Corporate Commercial Litigation (2020-2022)

SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ Chair, "Settlements – A Guide for Litigators," Law Society of Ontario, November 17, 2023
- ◆ Speaker, "How to Mentor - Oh! The Places You Can Mentor: Connecting in a Hybrid World", Advocates' Society Mid-Career Advocates' Standing Committee (MASC) Workshop Panel, November 14, 2023
- ◆ Speaker, "Examination for Discovery – Preparing your Witness for Discovery," Advocates' Society, October 11, 2023
- ◆ Speaker, "Commercial List Advocacy," The Advocates' Society, May 18, 2022
- ◆ Co-chair and Speaker, "Shareholder Disputes and the Closely-Held Company," Osgoode Professional Development, April 28, 2022
- ◆ Speaker, "Civil Litigator's Survival Guide to Evidence," Osgoode Professional Development, February 25, 2022
- ◆ Speaker, "Second Chair, Not Second Fiddle," The Advocates' Society, October 6, 2021
- ◆ Speaker, "Simplifying the Complex Motion," Law Society of Ontario, October 5, 2021
- ◆ Speaker, "E-Discovery, Information Governance and Privacy," Osgoode Professional Development Certificate Program, September 20, 2021
- ◆ Speaker, "Commercial Priorities for Real Estate and Business Lawyers," Law Society of Ontario, March 3, 2021
- ◆ 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

MEMBERSHIPS

- ◆ Board of Directors, Making Way Project
- ◆ Commercial List Users' Committee
- ◆ Formerly on the Board of Directors, Heart and Stroke Foundation of Ontario
- ◆ The Advocates' Society
- ◆ Canadian Bar Association
- ◆ Ontario Bar Association
- ◆ American Bar Association
- ◆ New York State Bar Association

EDUCATION

- ◆ Admitted to New York Bar (2012)

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- ◆ 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
- ◆ Languages: proficient in spoken Mandarin and conversant in Cantonese

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