

LIANNE J. ARMSTRONG

Dispute Resolution and Advocacy

PARTNER

"I love the challenge of commercial litigation. Each case has a unique set of facts and legal issues that require creative thinking and analysis to determine the most cost-effective path to reach a client's goal. It is important to be able to effectively strategize and think outside the box to determine the best solution for the client."

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PROFESSIONAL HISTORY

- ◆ Partner, Lerners LLP (2011 - present)
- ◆ Associate lawyer, Cohen Highley LLP (2004-2010)
- ◆ Associate lawyer, Dyer Brown LLP (2001-2004)
- ◆ Associate lawyer, Lerners LLP (2000-2001)
- ◆ Associate lawyer, Garfinkle, Biderman (1998-1999)
- ◆ Articling Student, Teplitsky, Colson (1996-1997)

AREAS OF FOCUS

- ◆ Construction Law
- ◆ Construction Lien Disputes
- ◆ Construction Deficiencies & Breach of Contract Disputes
- ◆ Real Estate Litigation including disputes over purchase and sale, warranties, latent defects
- ◆ Bankruptcy and Insolvency
- ◆ Creditor Remedies
- ◆ Business and Contractual Disputes
- ◆ Shareholder Disputes

NOTEWORTHY CASES

- ◆ *Padelt v. 638506 Ontario Inc.*, (2008) CarswellOnt. 9384, 90 R.P.R. (4th) 177 (Ont. S.C.J.) – The Trial Judge found that the mortgagees' sale of the mortgaged property was not improvident. Further, the Judge found there was no breach of the mortgagee's duty with respect with management of the said property.
- ◆ *Padelt v. 638506 Ontario Inc.*, (2010) CarswellOnt. 347, 2010 ONCA 69, 90 R.P.R. (4th) 199 (Ont. C.A.) – The Appellant Court upheld the Trial Judge's decision that the mortgagee was not negligent in managing the mortgaged property and did not allow the property to fall into disrepair, thereby decreasing its value, prior to the sale of the property under the mortgage. Leave to Appeal to the Supreme Court of Canada was dismissed (*Padelt v. 638506 Ontario Inc.*, 2010 CarswellOnt. 3783 (S.C.C.)).
- ◆ *2021977 Ontario Inc. v. Shadamy Holdings Co.*, (2006) CarswellOnt. 5548 (Ont. C.A.) – The Appellant Court upheld the lower Court's decision that a mortgagee does not have an interest in proceeds from fire insurance after the mortgage debt has been full satisfied.
- ◆ *Little Estate v. Knol*, (2006) CarswellOnt. 176, 21 E.T.R. (3d) 309 (Ont. S.C.J.) – The Trial Judge determined that the deceased did not have testamentary capacity at the time he changed the beneficiary for his life insurance policy. Further, the Judge found that there was a wrongful

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appropriation of certain assets belonging to the estate by the deceased's attorney for property.

- ♦ *Hernandez, Re*, (2009) CarswellOnt. 2072 (Ont. S.C.J.) – A Bankruptcy Judge on a motion modified a conditional order of discharge to substantially reduce the amount to be paid by the bankrupt prior to obtaining an absolute discharge from bankruptcy.
- ♦ *Berry v. Pulley*, (2009) CarswellOnt. 485 (Ontario Master) – Co-Counsel on a motion in a class action in which the Master determined that the opposing party's actions amounted to a waiver of privilege with respect to particular documents produced in the action.
- ♦ *Appleby, Re*, (1999) CarswellOnt. 1555, 10 C.B.R. (4th) 194 (Ont. Gen. Div.) – Successfully opposed Bankrupts' discharge from bankruptcy, resulting in a conditional discharge order requiring substantial payment prior to discharge.

ACHIEVEMENTS

- ♦ President, Middlesex Law Association (2014-present)
- ♦ Dean's Honour List Ranking, Windsor University (1990-1993)
- ♦ Social Science Scholarship, Windsor University (1992-1993)

SELECTED PRESENTATIONS/PUBLICATIONS

- ♦ Chair of the Ontario Bar Association's Excelling at Articles Seminar for Southwest Ontario (2006-2010)
- ♦ Instructor for Construction Law Course - London & District Construction Association (2007)

MEMBERSHIPS

- ♦ Southwest Region Ontario Bar Association Council
- ♦ Trustee, Middlesex Law Association
- ♦ The Advocates' Society
- ♦ Canadian Bar Association
- ♦ Southwest Regional Women's Law Association
- ♦ Director of London Cross Cultural Learner Centre
- ♦ Director of Regional HIV/AIDS Connection
- ♦ Director of Kids-Link International Adoption Agency o/a Imagine Adoption
- ♦ Executive Member of the London Chapter of the Canadian Federation of Business and Professional Women's Clubs

EDUCATION

- ♦ Admitted to Ontario Bar (1998)
- ♦ Bachelor of Laws, Queen's University (1996)
- ♦ Bachelor of Arts (Hons.), University of Windsor (1998)

PERSONAL INFORMATION

Lianne enjoys running, golfing, and travelling

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