

PETER W. KRYWORUK

Health Law

PARTNER

"Health professionals practice is an incredibly demanding and highly regulated environment. Protecting the reputation and integrity of health professionals is our responsibility."

Direct Phone: 519.640.6317

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PROFESSIONAL HISTORY

- ◆ Partner, Lernalers LLP (1989 to present)
- ◆ Practice Group Leader, Lernalers Health Law Group (2003 to present)
- ◆ Associate lawyer, Lernalers LLP (1984-1988)

PRACTICE AREAS

- ◆ Health Law
- ◆ Class Actions (Plaintiff and Defence)
- ◆ Commercial Litigation
- ◆ Appeals
- ◆ Personal Injury and Insurance Law

AWARDS & RECOGNITION

- ◆ Fellow, Litigation Counsel of America (2019)
- ◆ Fellow, American College of Trial Lawyers (2008)
- ◆ Certified as a Specialist in Civil Litigation by the Law Society of Ontario
- ◆ *Chambers Canada: The Leading Lawyers and Law Firms in Canada:* Leading lawyer in Healthcare – Contentious
- ◆ *Canadian Legal Lexpert Directory:* leading lawyer in the areas of Medical Negligence, Personal Injury, Product Liability, Professional Liability, Corporate Commercial Litigation, Class Actions, and Commercial Insurance
- ◆ *Best Lawyers in Canada:* Appellate Practice; Class Action Litigation; Corporate and Commercial Litigation; Health Care Law; Legal Malpractice Law; Medical Negligence; Personal Injury Litigation; Product Liability Law
- ◆ Lawyer of the Year Health Care Law London/Windsor (2021; 2019; 2016)
- ◆ Lawyer of the Year Class Action Litigation London/Windsor (2018)
- ◆ Lawyer of the Year Product Liability Law London/Windsor (2017)
- ◆ Lawyer of the Year Legal Malpractice Law London/Windsor (2014)
- ◆ Lawyer of the Year Personal Injury Litigation London/Windsor (2013; 2009)
- ◆ Recognized in the Lexpert/Report on Business Special Edition: Canada's Leading Litigation Lawyers (2018-2022)
- ◆ AV Preeminent Rated Attorney by Martindale-Hubbell representing the highest peer review rating in Legal Ability and Ethical Standards
- ◆ Recognized as a Legal Leader in Canada by American Lawyer Media and Martindale-Hubbell (2013-2014; 2016-2017)
- ◆ Selected as a Leading US/Canada Cross-Border Litigation Lawyer by Lexpert in the areas of product liability and corporate commercial litigation since 2012

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- ◆ Senior trial co-counsel in *Andersen v. St. Jude Medical*, Canada's first medical product liability class action trial
- ◆ Counsel to the Honourable Mr. Justice Roland Haines, *Review of Meat Regulation and Inspection in Ontario* (2004)
- ◆ Gold medals for academic standing and contribution to the Faculty of Law, University of Windsor

NOTEWORTHY CASES

- ◆ *Farej v. Fellowes*, 2022 ONCA 254
- ◆ *Farej v. Fellowes*, 2022 ONSC 3722
- ◆ *Gordon Dunk Farms Limited v. HFH Inc.*, 2021 ONCA 68
- ◆ *1688782 Ontario Inc. v. Maple Leaf Foods Inc.*, 2020 SCC 35
- ◆ *Tuffnails v. Meakes*, 2020 ONCA 240
- ◆ *Krieser v. Garber*, 2020 ONCA 699
- ◆ *Drake v. Goodwin*, 2019 ONSC 2865, (Divisional Court)
- ◆ *Peralta v. Peralta*, 2019 ONSC 2852
- ◆ *1688782 Ontario Inc. v. Maple Leaf Foods Inc.*, 2018 ONCA 407
- ◆ *Nordik Windows v. Aviva*, 2021 ONSC 4477
- ◆ *Kapoor v. Kuzmanovski*, 2018 ONSC 4770
- ◆ *ALS Society of Essex v. Windsor and Tecumseh* 2016 ONSC 1929 (Div. Ct.)
- ◆ *ALS Society of Essex v. Windsor*, 2016 ONSC 676
- ◆ *Campbell v. Bruce (County)*, 2016 ONCA 371
- ◆ *Hollowcore Incorporated v. Visocchi*, 2016 ONCA 600
- ◆ *Hollowcore v. Visocchi*, 2016 ONCA 761
- ◆ *ALS Society of Essex v. Windsor*, 2015 ONCA 572
- ◆ *ALS Society of Essex v. Windsor*, 2013 ONCA
- ◆ *Tuffnails v. Meakes*, 2020 ONCA 240
- ◆ *Norman v. Thunder Bay Regional Health Centre*, 2015 ONSC 3252
- ◆ *Goodwin v. Olupona*, 2013 ONCA 259
- ◆ *Lauzon v. AXA Insurance (Canada)*, 2013 ONCA 664
- ◆ *Anderson v. St. Jude Medical Inc.*, 2012 ONSC 3660 - Canada's first medical product liability class action trial (Co-Lead Counsel)
- ◆ *Abu Hammam v. Usher*, 2012 ONCA 818
- ◆ *Wolfe v. Pickar*, 2011 ONCA 347
- ◆ *Wolfe et al. v. Wyeth et al.*, 2010 ONSC 2368
- ◆ *v. EllisDon Corporation Ltd.*, 2008 ONCA 789
- ◆ *Ontario (Ministry of Labour) v. Modern Niagara Toronto Inc.*, 2008 ONCA 590
- ◆ *Tanner v. Clarke and Wilf Morrison Trucking*, (28 February 2003), Toronto C38886 (Ont CA)

PRESENTATIONS AND PUBLICATIONS

- ◆ Author, lecturer and presenter on various legal topics including: civil procedure, trial advocacy, law of damages, health law, tort law, personal injury and insurance law, construction law and occupational health and safety
- ◆ Panelist: "Scenarios: Conducting Realistic Damage Assessments", *Tricks of the Trade*, The Advocates' Society, January 2023
- ◆ Presenter: "Batch/Serial Claims and Mass Torts", Medical Professional Liability (MPL) Association International Conference, October 2022
- ◆ Co-presenter: "Appeal Proofing Your Trial", Sixteenth Annual Straight From the Bench Conference, Middlesex Law Association, November, 2021
- ◆ Co-Author "Revisiting Class Counsel Fee Approvals: Towards Presumptive Validity of Contingency Fee Agreements", *The Canadian Class Action Review, Volume 17, Issue 1* (Irwin Law), August 2021
- ◆ Co-Author: "The Intersection of Class Proceedings and Mass Tort Litigation: *Arsalani v Islamic Republic of Iran*", *BCF Class Action Netletter™*, (LexisNexis Canada Inc.), April 2021
- ◆ Co-Presenter: "Appeal Proofing Your Trial", Ontario Trial Lawyers Association Fall Conference, October 2020

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- ◆ Co-Author: "Limitation Periods in No Fault Insurance Claims", *The Middlesex Law Association Snail*, February 2020
- ◆ Co-presenter: "[Effective Use of Experts](#)", Litigating the Medical Malpractice Claim, Ontario Bar Association Program, April 2013
- ◆ Co-Presenter: "[Waiver of Tort on Trial: Anderson v. St. Jude Medical](#)", Civil Litigation Summit, ", Law Society of Upper Canada, May 2012
- ◆ Co-Presenter: "[Retaining Experts](#)", Medical Malpractice: A How to Guide, Ontario Bar Association Continuing Legal Education, March 2012
- ◆ Co-Presenter: "[Use of Medical Literature in Medical Negligence Actions](#)", Medical Malpractice: A How to Guide, Ontario Bar Association Continuing Legal Education, March 2012
- ◆ Co-Presenter: "[Discovery: Obtaining Full and Effective Disclosure](#)", Medical Malpractice: A How to Guide, Ontario Bar Association Continuing Legal Education, March 2012
- ◆ Co-Author: [Revisiting Wrongful Life Claims in Canada – Can There Be A Cause of Action Bovingdon v. Hergott](#)", *The Advocates' Quarterly*, Volume 34, Number 2, April 2008
- ◆ Co-Author: "[The Illusory Shield: The Collateral Use of Information in Civil and Regulatory Proceedings](#)", *The Litigator*, May 2007
- ◆ Co-Author: "[With Patient Rights Come Patient Responsibilities: Contributory Negligence in Medical Negligence Actions](#)", *The Advocates' Quarterly*, Volume 33, 2007
- ◆ Co-Author: "[Mandatory Physician Reporting of Drivers with Medical Conditions and Legal Considerations](#)", *Can J Cardiol*, Vol 20, No 13, p 1324, 2004
- ◆ Contributing Editor, "Remedies in Tort" (Carswell), 2000
- ◆ Co-Author: "[Potential Legal Liability in the Allocation of Scarce Health Care Resources](#)", *Annals RCPSC*, Vol 28, No 3, p 153, 1995
- ◆ Past Adjunct Professor at the Faculty of Law, University of Western Ontario in civil procedure
- ◆ Lecturer in medical negligence and class actions at Western University Faculty of Law
- ◆ Past Contributing Editor, Professional Liability and Discipline Litigation Journal, Federated Press

PRESENTATIONS/PUBLICATIONS

- ◆ Co-author, Limitation Periods in No Fault Insurance Claims, The Middlesex Law Association Snail, February 2020
- ◆ "Effective Use of Experts", prepared for Ontario Bar Association Litigating the Medical Malpractice Claim program, Peter Kryworuk and Tyler Kaczmarczyk, April 29, 2013
- ◆ "Waiver of Tort on Trial: Anderson v. St. Jude Medical", prepared for the Law Society of Upper Canada's Civil Litigation Summit, Peter Kryworuk and Yola Ventresca, May 2012
- ◆ "Retaining Experts", Medical Malpractice: A How to Guide, Ontario Bar Association Continuing Legal Education, March 2012
- ◆ "Use of Medical Literature in Medical Negligence Actions", Medical Malpractice: A How to Guide, Ontario Bar Association Continuing Legal Education, Peter Kryworuk and Tyler Kaczmarczyk, March 2012
- ◆ "Discovery: Obtaining Full and Effective Disclosure", Medical Malpractice: A How to Guide, Ontario Bar Association Continuing Legal Education, March 2012
- ◆ Retaining Experts; Medical Research: Tips and Techniques; Use of Medical Literature in Medical Negligence Actions, Discovery: Obtaining Full and Effective Disclosure; Medical Malpractice: A How to Guide, OBA Continuing Legal Education, March 29, 2012
- ◆ "Revisiting Wrongful Life Claims in Canada – Can There Be A Cause of Action?" Bovingdon v. Hergott, Peter W. Kryworuk and Yola S. Hamzo Ventresca, 34 Adv Q, p 216, 2008
- ◆ "With Patient Rights Come Patient Responsibilities: Contributory Negligence in Medical Negligence Actions", Peter Kryworuk, Yola S. Hamzo Ventresca and Scott D. Chambers, 33 Adv Q, p 207, 2007
- ◆ "Mandatory Physician Reporting of Drivers with Medical Conditions and Legal Considerations", Peter W. Kryworuk and Susan E. Nickle, *Can J Cardiol*, Vol 20, No 13, p 1324, 2004
- ◆ "Potential Legal Liability in the Allocation of Scarce Health Care Resources", Peter W. Kryworuk, Brian T. Butler and Allyson L. Otten, *Annals RCPSC*, Vol 28, No 3, p 153, 1995
- ◆ Contributing editor of Remedies in Tort, Carswell
- ◆ Lecturer in medical negligence and class actions at Western University Faculty of Law
- ◆ Past Adjunct Professor at the Faculty of Law, University of Western Ontario in civil procedure
- ◆ Author, lecturer and presenter on various legal topics including civil procedure, personal injury and insurance law, trial advocacy, law of damages, health law, tort law, construction law and occupational health and safety

LERNX POSTS

- ◆ [The Importance of Mentorship in Young Appellate Advocacy](#)
- ◆ [Appellate Advocacy: The Next Generation](#)
- ◆ [That's Final: ONCA confirms that Opting-Out of a Class Action is a Substantive Right and should be treated as a Final Order](#)

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- ◆ [Azar v Strada Crush Limited: The Importance of a Suitable Indemnity Agreement for Adverse Costs for the Representative Plaintiff in a Class Action](#)
- ◆ [Summary of Recent Changes to the Class Actions Practice Directions, Best Practices Guide, and Model Orders](#)
- ◆ [The Intersection of Class Proceedings and Mass Tort Litigation: *Arsalani v Islamic Republic of Iran*](#)
- ◆ [Court of Appeal Gives Helpful Guidance on Appellate Courts' Fact-Finding Powers](#)
- ◆ [The Rule in Foss v. Harbottle is Alive and Well in Ontario](#)
- ◆ [SCC Addresses Third Party Litigation Funding Part 2](#)
- ◆ [Goliath is not entitled to costs: Defendant denied costs despite success at trial](#)
- ◆ [SCC Addresses Third Party Litigation Funding](#)
- ◆ [How to Avoid and Successfully Manage Business Disputes](#)
- ◆ [Supreme Court of Canada Clarifies Test for Rectification](#)
- ◆ [First-Ever Class Action Clinic Launched in Windsor](#)
- ◆ [Overlapping coverage: Insurers are more likely to equally share the burden](#)
- ◆ [Insurance for Small Businesses: Prudent Management of Risk](#)
- ◆ [Sufficient Evidence of Commonality in Multi-product Medical Devices Class Actions - Cautionary Tales](#)
- ◆ [Waiver of Tort - So long, It's Been Nice to Know You?](#)
- ◆ [Good Faith in Performance of Contracts](#)
- ◆ [Court of Appeal Clarifies Enforceability of Entire Agreement Clauses](#)
- ◆ [Court of Appeal Clarifies Procedural Requirements for Admission of Expert Evidence in Ontario](#)
- ◆ [To Costs or Not To Costs – Is That the Question?](#)
- ◆ [Are You Awake?](#)
- ◆ [Successful Defendants Ordered to Bear Own Costs of Common Issues Trial](#)
- ◆ [Can Contractual Language in an Insurance Policy Override a Statutory Limitation Period?](#)
- ◆ [Supreme Court of Canada Clarifies Pierringer Agreements](#)
- ◆ [The Perils of Poor Pleadings](#)
- ◆ [Are lawsuits bad for business?](#)
- ◆ [Waiver of Tort on Trial](#)

COMMUNITY SERVICE

- ◆ Member of the Executive Committee and Board of Directors, The Advocates' Society
- ◆ Past President, The Advocates' Society
- ◆ Past Vice-President, Member of the Executive Committee and Board of Directors, The Advocates' Society
- ◆ Past Treasurer, Member of the Executive Committee and Board of Directors, The Advocates' Society
- ◆ Past Secretary, Member of the Executive Committee and Board of Directors, The Advocates' Society
- ◆ Past Chair, Standing Committee on Collegiality, Mentoring & Membership (CMM), The Advocates' Society
- ◆ Past Member, Board of Directors, Fanshawe College Foundation
- ◆ Past Member, Board of Directors, The Canadian Medical Hall of Fame
- ◆ Past Chair, Board of Directors, London Health Sciences Foundation
- ◆ Past Member, Board of Directors, London Health Sciences Foundation
- ◆ Past Member, Board of Directors, London Health Sciences Centre
- ◆ Past Member, Board of Directors, London Community Foundation
- ◆ Past Member, Investment Committee, London Community Foundation
- ◆ Past Chair, Vital Signs Steering Committee, London Community Foundation
- ◆ Member of Ambassadors Club, London Health Sciences Foundation
- ◆ Past President and Board Member, London Ukrainian Centre
- ◆ Past Chair, Victoria Hospital Country Classic Auction

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- ◆ Past Chair and Founding Member, Tastings, an event in support of the London Health Sciences Centre
- ◆ Past Vice Chair, Fanshawe College Capital Campaign
- ◆ Past Member, Fanshawe College Investment Committee

MEMBERSHIPS

- ◆ Barrister, Order of Juris, Litigation Counsel of America
- ◆ Trial Law Institute, Litigation Counsel of America
- ◆ Diversity Law Institute, Litigation Counsel of America
- ◆ The Advocates' Society
- ◆ American College of Trial Lawyers
- ◆ Litigation Counsel of America
- ◆ Canadian Bar Association
- ◆ Ontario Bar Association
- ◆ Middlesex Law Association
- ◆ Ukrainian Canadian Bar Association
- ◆ Member, The Holland Access to Justice in Medical Malpractice Group (The Holland Group)
- ◆ Past Member, Advisory Committee, Federal Judicial Appointments for Ontario (Law Society of Ontario representative)

EDUCATION

- ◆ Admitted to Ontario Bar (1984)
- ◆ Bachelor of Laws, University of Windsor (1982)

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