

NADA NICOLA-HOWORTH

Insurance Defence

PARTNER

"Finding creative and cost-effective strategies for managing the defence of claims is a welcome challenge. Thinking "outside-the-box" can often lead to efficient file-handling and the favourable resolution of claims."

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PROFESSIONAL HISTORY

- ◆ Partner, Lernalers LLP (2009-present)
- ◆ Associate lawyer, Lernalers LLP (1999-2008)
- ◆ Articling student, Lernalers LLP (1997-1998)

REPRESENTATIVE WORK

- ◆ Motor vehicle claims
- ◆ Municipal liabilityPublic entity defence
- ◆ Professional negligence claims
- ◆ Property damage claims
- ◆ Statutory accident benefits
- ◆ Insurance fraud
- ◆ General & Commercial liability
- ◆ Nada has a varied insurance defence practice, with experience in a number of different areas. She has defended municipalities in class actions, cases involving the Occupiers' Liability Act, road non-repair, building and other infrastructure issues. Nada has also been involved in the defence of property owners, professional liability claims and claims stemming from motor vehicle accidents.

NOTEWORTHY CASES

- ◆ *Upchurch v. City of Oshawa* 2013 ONSC 3375; 2014 ONCA 425 - Nada acted for the City of Oshawa in the Superior Court and on appeal to the Ontario Court of Appeal in this successful defence of this action involving by-law and building code issues.
- ◆ *Lancaster (Litigation guardian of) v. Santos* [2011] O.J. No. 3706 (ON SC) - Nada, along with Anne Spafford and Adam Patenaude, successfully defended the County of Dufferin in this multi-million dollar Third Party Action, involving issues of road design and signage.
- ◆ *Nadolny v. The Region of Peel* - Nada acted for the Region of Peel in the defence of a potential class action commenced on behalf of a group of retired and non-unionized employees of the Region of Peel. Among other things, the plaintiffs alleged breach of contract, breach of fiduciary duty and negligent misrepresentation arising from the Region's implementation of a cost sharing plan with respect to health benefit premiums. Nada successfully defended the plaintiffs' attempt to have the action certified.

SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ Program Co-Director and Presenter, "Conducting a Mediation: Best Practices", The Osgoode Certificate in Insurance Defence Law & Practice, October 23-November 28, 2013
- ◆ "Owners liable when injuries happen at the cottage", AdvocateDaily.com, May 23, 2013 ([Read online](#))

- ◆ "Court rejects 'certify now, worry later' approach", The Lawyers Weekly, October 30, 2009

ACHIEVEMENTS

- ◆ Selected by peers for inclusion in Canadian Legal Lexpert Directory for Medical Negligence (2021)
- ◆ Selected by peers for inclusion in Best Lawyers in Canada (2020-2022)
- ◆ While in law school, Nada received the Centennial Scholarship (1995-1996) and the Patrick A.A. Ryan Prize for Outstanding Achievement in Trial Advocacy (1996-1997). She was on the Dean's Honour List. Nada represented the University of New Brunswick at the Laskin Moot Court Competition (1995-1996).

MEMBERSHIPS

- ◆ Canadian Bar Association
- ◆ Ontario Bar Association

EDUCATION

- ◆ Admitted to Ontario Bar (1999)
- ◆ Bachelor of Laws, University of New Brunswick (1997)
- ◆ Bachelor of Commerce (Management and Marketing), Saint Mary's University (1994)