

PINO J. CIANFARANI

Insurance Defence

PARTNER

"While much of my practice involves defending the interests of my clients in the insurance industry, I also consider defending professionals, municipalities and public entities a great responsibility. I'm very passionate about defending my clients and achieving successful outcomes on their behalf."

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PROFESSIONAL HISTORY

- ◆ Partner, Lerners LLP (2007)
- ◆ Associate lawyer, Lerners LLP (2000 to 2007)
- ◆ Completed articles clerking for the Office of the Chief Justice, Superior Court of Justice (1998-1999)
- ◆ Pino has appeared before the Superior Court of Justice, the Ontario Divisional Court, the Ontario Court of Appeal, the Health Professions Appeal and Review Board, the Ontario Financial Services Commission and the Office of the Chief Coroner of Ontario.

REPRESENTATIVE WORK

- ◆ Municipal liability / Public entity defence
- ◆ Professional negligence claims
- ◆ Property damage claims
- ◆ Insurance fraud
- ◆ General & Commercial liability
- ◆ E&O Claims
- ◆ Policy interpretation
- ◆ Motor vehicle claims
- ◆ Statutory accident benefits

NOTEWORTHY CASES

- ◆ *Intact Insurance v. Gore Mutual Insurance Co.*, 2019 ONSC 4508 - Pino was counsel for the successful appellant, Gore Mutual Insurance Company, in an appeal of an Arbitration decision with respect to a priority dispute arising from an inter-jurisdictional benefits claim.
- ◆ *G&P Procleaners v. Gore Mutual Insurance Co.*, 2017 ONCA 298 - Pino was counsel at the Court of Appeal on a case that considered the interpretation of an exclusion clause under a Commercial General Liability Policy.
- ◆ *Huang v. Aviva Insurance Company of Canada*, 2014 ONSC 4361 (CanLII) - Pino acted for the successful defendant in obtaining summary judgment dismissing the plaintiff's claim against her former solicitor.
- ◆ *Deol v. Gore Mutual Insurance Company*, [2013] O.F.S.C.D. No. 113 - Pino acted for the respondent Gore Mutual on an Applicant's claim alleging that he was entitled to certain benefits as a result of his catastrophic impairment.
- ◆ *Wilsdon v. Durham Regional Police*, 2011 ONSC 3419 - Pino was the trial lawyer for Durham Regional Police Service in successfully defending a claim of alleged excessive use of force.
- ◆ *Pietrangelo v. Gore Mutual Insurance Company*, 2010 ONSC 568 CanLII, aff'd 2011 ONCA 162, leave to appeal to the Supreme Court

of Canada dismissed, [2011] C.S.C.R. No. 185 - Pino was trial counsel, counsel at the Court of Appeal and counsel on the plaintiffs' application for leave to the Supreme Court of Canada. Pino was counsel for Gore Mutual on a case that considered, for the first time, the applicability of an exclusion clause under the insurance policy. The matter involved the insurer's successful denial of a claim following a fire loss.

- ◆ *Noon v. Greater Sudbury (City)*, [2010] O.J. No. 24 (S.C.J.) - Pino acted for the City of Sudbury on a motion to have the issues of liability and damages bifurcated and tried separately at trial.
- ◆ *Freedman v. Toronto (City)*, 2009 CanLII 82620 (ON S.C.) - Pino acted with Earl Cherniak for a title insurance company in respect of the applicability and interpretation of an Indemnity Agreement.
- ◆ *Poplawski v. McGrimmon*, 2009 CanLII 14796 (ON S.C.) - Pino acted for a title insurer on a subrogated claim against various parties to recover sums paid under a title insurance policy.
- ◆ *Vale (Re)*, 2008 CanLII 89747 (ON O.C.C.O.) - Pino was counsel for an employer regarding a mandatory Coroner's Inquest where a worker died as a result of an accident at a construction site.
- ◆ *Lauzon (Re)*, 2007 CanLII 82676 (ON O.C.C.O.) - Pino acted for the Barrie Police Service at a Coroner's Public Inquest wherein the Coroner's Jury considered a case of an individual's death while in police custody.
- ◆ *Senechal v. Muskoka (Municipality)*, [2005] O.J. No. 1406 (S.C.J.) - Pino acted for the District Municipality of Muskoka on a roadway non-repair case in which the plaintiff sought to have a representative of Muskoka re-attend discovery and answer further questions on discovery.
- ◆ *Canadian Imperial Bank of Commerce v. Weaver Simmons, Barristers and Solicitors*, 2005 CanLII 56196 (ONSC) - Pino acted for the defendant law firm in successfully resisting a motion by the plaintiff, Canadian Imperial Bank of Commerce seeking an order to strike the jury notice.
- ◆ *Cadeau v. Brantford (City)*, 2004 CanLII 34793 (ON S.C.) - Pino was trial counsel for the City in successfully defending a claim of negligent misrepresentation.
- ◆ *Krabi v. Thorn*, [2003] O.J. No. 1437 (S.C.J.) - Pino acted for the Durham Regional Police in having the plaintiff's claim for damages for legal costs dismissed.
- ◆ *McKnight v. Emerson*, 2002 CanLII 45330 (ONSC) - Pino successfully acted for the Durham Regional Police Service and several officers on an appeal of a Master's order regarding the issue of a defendant's right to examine a plaintiff under s. 10 of the Public Authorities Protection Act.
- ◆ *Zivkovic v. Clark*, [2002] O.J. No. 591 (S.C.J.) - Pino successfully acted for the defendant in a related action in resisting the co-defendant's motion to have the defendant attend to be examined and to have the two actions consolidated.
- ◆ *Romagnuolo v. Durham Police*, [2001] O.J. No. 3537 - Pino was successful in having an action dismissed against the Chief of Police.
- ◆ *Y.M.C.A. v. Juppelec*, [2001] O.J. No. 4152 - Pino was co-counsel with Kirk Boggs both at trial and at the Court of Appeal in a successful action by the insurer of the Young Men's Christian Association of Hamilton-Burlington to recover damages for property and business losses arising from a fire.
- ◆ *James Dick Construction Ltd. v. Durham Board of Education et al.*, (2000), 50 O.R. (3d) 308 (Div. Ct.) - Pino was co-counsel for the successful respondent on an appeal of a trial decision under the Construction Lien Act.

ACHIEVEMENTS

- ◆ Certified as a Specialist in Civil Litigation by the Law Society of Ontario
- ◆ Selected by his peers for inclusion in The Best Lawyers in Canada (2019-2022)
- ◆ Recognized and recommended by Lexpert as a leading lawyer in the area of Medical Negligence (2014-2017, 2021)
- ◆ Pino has gained a unique experience by completing his articles of clerkship with the Office of the Chief Justice, Superior Court of Justice

SELECTED PRESENTATIONS/PUBLICATIONS

Pino co-authored the following:

- ◆ "Police Liability: Where Are We Now?", The Canadian Institute 18th Annual Provincial-Municipal Government Liability Conference, 2012
- ◆ "Should the Tort of Negligent Investigation be Recognized: Hill (U.K.) versus Hill (Ontario)" (Municipal Liability Risk Management Newsletter, 2006)
- ◆ "Spreading Salt, Sand and Risk - Liability of the Road Authority", Insight Conference, 2005
- ◆ "Liability Arising From Response to Fires", Without Prejudice, December 2002
- ◆ "Liability Problems Arising From Emergency Services Response", The Canadian Institute Provincial/Municipal Government Liability, 2003
- ◆ "Police Liability: Greater Risks, Growing Lawsuits", The Canadian Institute- Provincial/Municipal Government Liability, 2004

Pino has authored the following:

- ◆ "Turning the Tables on Police - Hill v. Hamilton-Wentworth", Canadian Underwriter Magazine, December 2007

- ◆ "The Latest Trends in Relief From Forfeiture: when Non-Disclosure Becomes Misrepresentation, The Canadian Institute - Insurance Coverage Disputes, 2004. (Pino was also a guest speaker at this conference)

Speaking engagements:

- ◆ Speaker, "The New Era of Crown Liability: *Crown Liability and Proceedings Act* Replaces *Proceedings Against the Crown Act*", Law Society of Ontario 3rd Motor Vehicle Litigation Summit, August 20, 2020
- ◆ Speaker, "Public Liability: Risks Facing our Towns and Cities", Insurance Bureau of Canada Commercial Insurance Symposium, November 2019 (Read [Canadian Underwriter article](#) on Pino's presentation)
- ◆ Speaker, "Putting the Spotlight on Roads: What you need to know about a Municipality's Obligations", Ontario Good Roads Association Conference, February 2019

MEMBERSHIPS

- ◆ International Municipal Lawyers
- ◆ Canadian Defence Lawyers
- ◆ The Defence Research Institute
- ◆ Medico-Legal Society of Toronto
- ◆ The Advocates' Society
- ◆ Ontario Bar Association

EDUCATION

- ◆ Admitted to Ontario Bar (2000)
- ◆ Bachelor of Laws, Osgoode Hall Law School (1998)