

# JENNIFER L. HUNTER

*Specialty Risk and Insurance*

**PARTNER**

*"Insurance defence is about working with people. I enjoy a practice that regularly gets me out of the office and meeting with clients, insureds, opposing counsel and experts. I especially love working with a client to develop a strategy that will deliver the best result."*

**Direct Phone:** 416.601.2659  
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## PROFESSIONAL HISTORY

- ◆ Practice Group Leader, Insurance Defence Group - Toronto (2021 to present)
- ◆ Partner, Lernalers LLP (2013 to present)
- ◆ Associate lawyer, Lernalers LLP (2010-2012)
- ◆ Associate lawyer, Miller Thomson LLP (2006-2009)
- ◆ Articling student, Miller Thomson LLP (2005-2006)

## REPRESENTATIVE WORK

- ◆ Subrogated claims with a particular focus on cyber recovery
- ◆ Municipal Liability/Public Entity defence
- ◆ Professional negligence claims
- ◆ Property damages claims
- ◆ General & commercial liability
- ◆ Motor vehicle claims

## NOTEWORTHY CASES

- ◆ *Deering v. Scugog (Township)*, 2010 ONSC 5502 (CanLII) - Represented the defendant municipalities at trial against allegations of non-repair of a roadway in an action brought by multiple plaintiffs in a single vehicle motor vehicle accident.
- ◆ *Michael White v. Her Majesty the Queen et al*, 2011 ONSC 5816 (CanLII) - Represented the defendant police service in an action involving allegations of malicious prosecution. Successfully had the action dismissed before the close of pleadings on a rule 21 motion by arguing that the action could not succeed on the basis of the facts as pleaded. The action was dismissed with no leave to amend. Successfully argued for costs on a substantial indemnity basis.
- ◆ *Romanic v. Michael Johnson*, 2012 ONSC 3449 (CanLII), 2012 ONSC 4781 (CanLII), 2013 ONCA 23 (CanLII) - Represented the defendant police service against allegations of malicious prosecution and negligent investigation. Succeeded in having the action dismissed shortly after the examinations for discovery on a summary judgment motion on the basis that the plaintiff could not prove that the underlying criminal charges had not been terminated in his favour. The plaintiff's appeal of the motion decision was dismissed.
- ◆ *Ferguson v. The Corporation of the County of Brant*, 2013 ONSC 435 (CanLII) - Represented the defendant municipality at trial against allegations of non-repair of a roadway related to winter maintenance and signage. Plaintiff suffered a brain injury following a single vehicle motor vehicle accident, for which he was the driver.

Other work includes:

Counsel on appeal to recover damages in a multi-million dollar subrogated property damage claim.

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Counsel for professionals responding to cyber and privacy breaches.

Successfully found insurance coverage for a not-for-profit corporation defendant facing a historical claim involving allegations of sexual abuse.

Represented private schools responding to personal injury claims made by students injured during school trips or on school property.

Counsel for municipalities regarding allegations arising out of building inspections.

Counsel for daycares responding to personal injury claims from employees and parents.

Counsel for tavern or bar in claim of commercial host liability.

## ACHIEVEMENTS

- ◆ Recognized and recommended by Lexpert as a leading lawyer in the area of Medical Negligence (2022)
- ◆ Recognized in the 2021 edition of the *Canadian Legal Lexpert Directory* as "One to Watch" in Litigation - Commercial Insurance
- ◆ Recipient, Lexpert Rising Stars: Leading Lawyers Under 40 Award (2020)
- ◆ Selected by peers for inclusion in Best Lawyers in Canada for Health Care Law, Insurance Law, Medical Negligence, Professional Malpractice Law, and Appellate Practice

## SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ Co-Author, [Evidentiary Requirements for Data Breach Privacy Class Actions](#), Lexis Nexis Class Action Defence Quarterly (June 2022)
- ◆ Presenter, "Cyber Risk and Public Entities", Society of Public Insurance Administrators of Ontario (SPIAO) Annual General Meeting/Christmas Workshop, December 6, 2019
- ◆ Speaker, "Public Liability: Risks Facing our Towns and Cities", Insurance Bureau of Canada Commercial Insurance Symposium, November 28, 2019
- ◆ Presenter, "The Legal Liability Risks Arising from the use of Digital Technology in Municipal Infrastructure and Operations", Durham Municipal Insurance Pool (DMIP) Risk Management Seminar on Cyber, November 7, 2019
- ◆ Speaker, "The Role of Experts in Discovery Process", Law Society of Ontario program, Discoveries: An Update for Litigators, October 7, 2019
- ◆ Speaker, "Civil Actions Arising from By-Law Enforcement by Municipalities", International Municipal Lawyers Association Annual Conference, September 20, 2019
- ◆ Panelist, "Experts: Managing the Courts' Expectations for Reports", Canadian Defence Lawyers AGM & Conference 2019 (June 2019)
- ◆ Panelist, Law Society of Ontario program, Tips from the Bench for Litigators (May 2019)
- ◆ Moderator, "Public Services Cyber Security and Resilience - Protecting and Insuring Against Cyber Attacks", 25th Annual Provincial/Municipal Government Liability Conference, The Canadian Institute, April 2, 2019
- ◆ "Drawing the line between consultation and collaboration with expert witnesses", The Lawyer's Daily, March 21, 2018
- ◆ "The courts weigh in on 'ghost-written' expert reports", The Lawyer's Daily, March 2, 2018
- ◆ "Expert evidence update: Decisions affecting production of working file", The Lawyer's Daily, February 14, 2018
- ◆ Panelist, Law Society of Upper Canada program, Civil Appeals – The Year in Review (December 2015)
- ◆ "*Westerhof latest example of decisions clarifying expert evidence*", AdvocateDaily.com, April 23, 2015
- ◆ *Negotiated agreements and malicious prosecutions*, The Lawyers Weekly, August 30, 2013
- ◆ Presenter, Society of Public Insurance Administrators of Ontario Conference, September 2012, *Seeking an Early Dismissal: The availability of summary judgment in municipal liability claims post Combined Air*
- ◆ Co-author, *Police Liability: Where are we now?*, presented at The Canadian Institute's 18th Annual Provincial/Municipal Government Liability, February 2012

## MEMBERSHIPS

- ◆ Ontario Bar Association
- ◆ The Advocates' Society
- ◆ Medico-Legal Society

## EDUCATION

- ◆ Admitted to the Ontario Bar (2006)
- ◆ Juris Doctorate, University of Toronto (2005)

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- ◆ Bachelor of Arts (Hons.) University of Winnipeg (2002)

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