



**Andrew Lewis** B.A., LL.B.  
**Partner**

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Andrew has one spouse, two poodles, three children, and a broad ranging advocacy practice.

While the justice system is rarely (if ever) poetic, Andrew's legal prose, written and oral, tends to be a cut above that of most litigators. Andrew's skill with the word, combined with a painstaking attention to detail and creative approach to the law, gets results for his clients.

Andrew does not take a one-speed fits all approach to litigation. Some cases require an aggressive and unwavering trajectory to and through litigation from the outset. Others need a conciliatory touch. Most require an approach somewhere in between, or employing one or the other at the appropriate time. That is how Andrew practices.

Within the firm, Andrew is the head of the firm's Associates' Committee and is an active participant in the firm's "doin' good (charitable donation) program.

### **Representative Work**

Andrew practices as a litigator in a wide variety of employment, civil, commercial and administrative matters. He has appeared in all levels of court, including the Ontario Superior Court of Justice, Divisional Court, the Court of Appeal for Ontario, and the Supreme Court of Canada, as well as in mediations, arbitrations and before a number of tribunals.

#### **Education:**

University of Toronto, Faculty of Law, LL.B., 1995

Queen's University, B.A. (Hons.), 1991

#### **Bar Admissions:**

Ontario, 1997

#### **Professional Affiliations:**

The Advocates' Society

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In employment matters, Andrew acts for both employees and employers in relation to contract negotiations and drafting, employment obligations and termination from employment, particularly but by no means exclusively at the executive level.

## Representative Work

He is often consulted on constructive dismissal matters and in relation to departing employees, as well as on employment issues arising on the sale of a business.

In commercial matters, Andrew acts in all varieties of contract and shareholder disputes, including oppression cases. He also has significant experience in matters where urgent injunctive relief is sought.

Employment matters also often involve shareholder issues. Andrew is fully conversant in the issues and the interplay between the commercial and employment aspects of such cases.

Andrew is frequently consulted on matters involving law firm conflicts of interest, privilege issues, and the intersection between them.

Some interesting and representative cases Andrew has been involved with are:

- Cannon v. Funds for Canada Foundation, 2014 ONSC 2259; principles to be applied in determining when individuals who have opted out of a class action can opt back in.
- Richards v. Media Experts M.H.S. Inc., 2012 ONCA 769; affirming 2012 ONSC 3518 Statement of claim asserting tort claims against individual officer of the defendant employer struck out in wrongful dismissal claim, based on exclusionary clause in the employment contract.
- Labatt Brewing Company Ltd. v. NHL Enterprises Canada, L.P. (2011), 106 O.R. (3d) 677 (C.A.); setting aside 2011 ONSC 3219 Procedural fairness arising from injunction granted by Superior Court.
- Cytrynbaum v. Look Communications Inc. 2013 ONCA 455; right of corporate officers and directors to advancement of legal fees from corporation in lawsuit brought by that corporation against them.
- Saunders v. Chateau des Charmes (2002), C.C.E.L. (3d) 220 (S.C.J.); constructive dismissal arising from abusive conduct.
- Leader Media Productions Ltd. v. Sentinel Hill Alliance Atlantis Equicap Limited Partnership (2008), 90 O.R. (3d) 561 (C.A.); affirming 2006 CarswellOnt 6516; judicial somnolence and adequacy of trial reasons.
- R. v. Malmo-Levine, 2003 SCC 74; constitutional challenge to marijuana possession laws.
- Lyons v. Toronto (Computer Leasing Inquiry – Bellamy Commission) (2004), 70 O.R. (3d) 39 (Div.Ct.); solicitor-client privilege and public inquiries.
- Eisses v. CPL Systems Canada Inc. (2009), 77 C.P.C. (6th) 355 (Ont. Master); solicitor-client

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privilege, waiver of privilege, and removal of law firm.

- *New Carbon Co. v. Tastee Fare Canada Inc.*, 2009 CarswellOnt 8569 (S.C.J.); injunctive relief and return of property.
- *First Gulf Development Corp. v. Alfa Laval Inc.* (2006), 18 B.L.R. 72; striking statement of claim based on exclusionary clauses.
- *Jamal v. O.P.S.E.U.*, 2008 CarswellOnt 2285 (S.C.J.); affirmed 2009 ONCA 550; leave to appeal to S.C.C. denied Striking statement of claim for court's lack of jurisdiction.

## Community Involvement

- Andrew is an active participant in Paliare Roland's "Doin' Good" (charitable endeavours) program.
- He also sponsors and coaches the awesome Paliare Roland Penguins in the Withrow Park Ball Hockey League.

## Publications/Presentations

- Administrative Tribunal Workshop, The Advocates' Society, April 2012
- "A Word on Professionalism", Law Society of Upper Canada, June 2011
- "Practical Considerations Arising out of Disqualification Motions", Law Society of Upper Canada, April and June 2011
- "Strategy Behind the Cases", University of Toronto, Faculty of Law, February 2011
- "Do's and Don'ts of Report Writing", Association of Certified Forensic Investigators of Canada Annual Fraud Conference & Workshop, May 2010
- "Now or Never – The Practical Mechanics of Urgent Motions", Osgoode Hall Law School, April 2010
- Administrative Tribunal Workshop, The Advocates' Society, March 2009