



# Christopher Hubbard

## Partner

Toronto

[chubbard@mccarthy.ca](mailto:chubbard@mccarthy.ca)

t. +1 416-601-8273

## Bar Admission

Ontario 2002

## Law School

University of Western Ontario

## Practices

Litigation and Dispute Resolution  
Class Actions  
Corporate Commercial Litigation  
Insurance Litigation  
Product Liability and Mass Torts  
Professional Liability

## Industries

Retail & Consumer Markets (RCM)  
Consumer Products  
Retail  
Food, Beverage & Agribusiness  
Global Metals & Mining  
Insurance & Reinsurance

**Chris is a skilled advocate and litigation strategist who helps clients solve complex and high-stakes disputes.**

Chris is a partner in our Litigation Group. He maintains a general litigation practice with a focus on complex commercial disputes and professional negligence. As a skilled advocate and litigation strategist, he is sought out by clients from diverse industries to solve complex and high stakes disputes. He has appeared as lead counsel for successful clients before the Supreme Court of Canada, the Federal Court of Appeal, and multiple provincial Superior Courts and Courts of Appeal.

**Chris, we have used consistently for litigation matters over a number of years, for a number of complex, high-profile cases and we've had consistently exceptional service from him. He's very smart, very capable, very cost-effective, understands our business, understands our pain points, if you will, and just generally an exceptional individual to work with.**

— CLIENT NOMINATION

Chris is the Consumer Products Sector Lead of our National Retail and Consumer Markets Group. He works closely with consumer products companies and retailers to provide practical and actionable advice, bringing a strategic approach to product liability matters, product recalls, and commercial contract disputes.

He is also a member of our National Class Actions Group, a past Vice-Chair of the Class and Derivative Actions sub-committee of the American Bar Association, and a past Co-Chair of our National Mining Litigation Group. He is the co-author of the Product Liability and Regulatory Compliance Chapters of our Retail and Consumer Products guides to doing business in Canada; a contributing author of Defending Class Actions: A Guide for Defendants; and a past contributing author of the Class Actions Chapter of

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the ABA's Business and Corporate Litigation Committee's Annual Review.

Chris' commercial litigation practice includes assisting clients with a variety of litigation and regulatory issues, including product liability claims, class proceedings, product recalls, and commercial contract disputes. His clients include food and consumer products companies, national and international retailers, automakers, mining companies, construction companies, and consulting firms.

Chris also has extensive experience assisting clients with professional liability claims. Chris acts for physicians on behalf of the Canadian Medical Protective Association. He also acts for multiple leading professional accounting and consulting firms. Chris defends professionals at civil trials and appeals, and administrative proceedings.

## Representative Cases - Commercial

- *Kathleen Carroll-Byrne et al. v. Airbus S.A.S. et al.* – Counsel for **Airbus** in class action for damages allegedly arising from the crash of Air Canada Flight 624 at the Halifax International Airport, including as lead counsel successfully responding to appeals before the Nova Scotia Court of Appeal and Supreme Court of Canada involving the production of a cockpit voice recorder.
- *Vale Canada v. Royal & Sun Alliance et al.* – Counsel for **Vale** in respect of a multi-million dollar international coverage dispute, including with respect to eight related appeals before the Ontario Court of Appeal involving principles of jurisdiction *simpliciter* and *forum non conveniens* in the context of contract claims and a competing proceeding in New York. The Appeal Panel unanimously found in favour of Vale, dismissing seven appeals brought by Vale's insurers and allowing Vale's appeal.
- *CSX Transportation v. ABB* – Counsel for **CSX** in an appeal to the Federal Court of Appeal successfully overturning a trial decision against CSX based on violations of procedural fairness.
- *Lilleyman v. Bumblebee Foods LLC et al.* Counsel for **Del Monte Corporation n/k/a Big Heart Pet Brands Inc.** in successful opposition of a motion to certify a putative national competition law class action alleging price fixing and seeking damages in the amount of \$275 million.

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- *Insurance Claims for COVID-19 Business Interruption Loss*– Counsel for numerous companies and professionals pursuing insurance claims for COVID-19 related business interruption and other losses, including with respect to the successful opposition of motions to stay COVID-19 related claims and force them into a joint adjudication process with class proceedings.
- *Carillion v. City of Toronto et al.*– Counsel for **Carillion** in complex dispute involving 44 legal actions related to a \$170 million claim against the City of Toronto and its consultant arising from the Union Station revitalization project, and related insurance claim.
- *In the Matter of the Bankruptcy of Guo Li Chun*– Counsel for **Barclays Bank, Credit Suisse, Morgan Stanley** and **Goldman Sachs** in successful application to enforce USD\$324 million debt. Leading Court of Appeal decision regarding partial lift of automatic stay pending appeal.
- *Alzu et al. v. Smucker Foods of Canada Corp. et al.* – Counsel for **Smucker Foods** in successful defence of a putative national product liability class action seeking \$25 million for alleged E. coli contamination of flour.
- *Yvonne Morris v. Unilever Canada Inc. et al.* – Counsel for **Unilever** in successful defence of two putative national product liability class actions seeking damages for personal injury allegedly arising as a result of exposure to DMDM hydantoin.
- *Johnson et al. v. BMW of North America, BMW Canada Inc. et al.* – Counsel for **BMW** in successful defence of putative national product liability class action seeking \$120 million for alleged product defect, Competition Act and conspiracy claims regarding the use of “defeat devices” in high performance automobiles.
- *McCann v. CP Ships*– Counsel for **CP Ships** in cross-border securities class action. Successful opposition to plaintiff’s motion to assert jurisdiction over non-resident/non-U.S. claims of Canadian class members.
- *Smith v. National Money Mart Company*– Counsel for **Money Mart** in class actions commenced in multiple provinces for damages allegedly arising from fees charged in connection with “pay-day loans”. Trial counsel during one of Canada’s first common law common issues trials. Successful settlement of claims and implementation and administration of settlements in Ontario, British Columbia, Newfoundland and Labrador, Nova Scotia and New

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Brunswick.

- *Banerjee Shire v. Biochem Inc. et al.* – Counsel for **Draxis Health** in product liability class action against manufacturer and distributor of Parkinson's drug Permax.
- *Central Sun Mining Inc. v. Vector Engineering Inc.* – Trial counsel to **Central Sun Mining** in successful action against various engineering firms for damages arising from the cessation of operations following a landslide at a gold mine in Costa Rica. Successful opposition to defence motions to stay or dismiss action on jurisdictional grounds, and to bifurcate and direct early adjudication of successor liability issue. Successful motion requiring the defendant's corporate representative to re-attend for continued examination, and awarding substantial indemnity costs as a result of the defendant's "reprehensible misconduct" in the litigation.
- *CGI Information Systems and Management Consultants Inc. v. eHealth Ontario* – Counsel for **CGI** in multi-million dollar, high profile contract dispute.
- *Inforica Inc. v. CGI Information Systems and Management Consultants Inc.* – Counsel to **CGI** in \$14.4 million arbitration claim for breach of contract. Successful motion for security for costs in the amount of \$750,000. Successful appeal to Court of Appeal confirming arbitrator's order for security for costs. Leading Court of Appeal decision regarding the primacy of arbitration and jurisdiction of the Court to review arbitral awards.
- *Incorporated Broadcasters Limited et al. v. CanWest Global Communications Corp. et al.* – Counsel to **CanWest Global** in successful summary judgment motion dismissing plaintiffs' claim for breach of fiduciary duty, and plaintiffs' oppression claim against a director and officer of the corporate defendants.
- *Celanese Canada Inc. v. Canadian National Railway Co.* – Trial and appellate counsel for **Celanese Canada** in successful claim for property damage and business interruption loss arising from negligence in relation to the siding of rail cars.
- *Canadian Maritime Engineering v. Intact Insurance* – Counsel for **Canadian Maritime Engineering** in successful application for a declaration permitting insured to appoint and instruct its own legal counsel to defend third party claim, and requiring insurer to pay all related defence costs.

## Representative Cases – Professional Negligence

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- Counsel for multiple leading professional services and consulting firms in relation to various civil claims and regulatory matters.
- *Salter v. Hirst* – Trial and appellate counsel for defendant physician in multi-million dollar claim for damages related to medical complications arising from aortic dissection. Successful defence of all allegations following long jury trial. Successful defence of trial decision at Court of Appeal. Leading decision regarding jurisdiction of trial judge to overturn jury verdict.
- *Jezerinac v. Chakraverty* – Counsel for defendant physician in jury trial resulting in successful verdict and judgment completely dismissing all allegations of professional negligence.
- *Hirschberg v. Doherty et al.* – Counsel for defendant physicians in medical malpractice claim for damages allegedly arising from the use of Dexamethasone. Successful motion for summary judgment dismissing all allegations, and defence of dismissal at Court of Appeal.
- *Salisbury v. Kraft* – Counsel for defendant physician in medical malpractice claim for damages allegedly arising from strabismus repair surgery. Successful motion for summary judgment dismissing all allegations.
- *Achneepineskum v. Laine* – Trial and appellate counsel for defendant physician in multi-million dollar claim for damages related to medical complications arising from in utero hypoxic-ischemic event. Successful defence of all allegations following long trial. Successful defence of trial decision at Court of Appeal.
- *Whiteman v. Lamkhong et al.* – Counsel for defendant physician in multi-million dollar claim for damages related to HIV infection. Successful defence of all allegations following three day summary judgment motion. Leading decision regarding duty of care owed by physician to third parties. Successful defence of summary judgment decision at Court of Appeal.
- *Surujdeo v. Melady et al.* – Counsel for defendants at trial and in Court of Appeal decision confirming the appropriate form of causation question to be put to a jury in a negligence action, and the jurisdiction of a trial judge to poll a jury in a civil action.
- *Rose v. Pettie et al.* – Counsel to defendant physician/medical director in class action alleging negligent supervision in relation to outbreak of mycobacterium abscessus. Successful defence and settlement of action without payment on behalf of client.

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- *Castle et al. Dawson* – Trial counsel for defendant physician in claim for damages related to HIV infection. Successful defence of all allegations at trial.
- *Ryabikhina et al. v. Leong et al.* – Successful defence at Court of Appeal of summary judgment motions dismissing negligence claims against defendant physicians. Successful application declaring plaintiffs vexatious litigants and prohibiting plaintiffs from commencing or continuing further litigation without leave of the Court.
- *Ramnanan v. Drake*– Counsel for defendant physicians in multi-million dollar claim for damages related to medical complications arising from pediatric neuro-surgery. Successful motion for summary judgment dismissing all allegations.

## Awards & Rankings

### Chambers Canada

Band 5: Litigation - General Commercial (Ontario)

### Benchmark Litigation Canada

Future Star

### The Canadian Legal Lexpert Directory

Leading Lawyer: Litigation - Product Liability; Medical Negligence - Represents Defendants; Professional Liability

### Lexpert Special Edition: Agribusiness

Leading lawyer

### Lexpert Special Edition: Litigation

Leading Lawyer

### Best Lawyers in Canada

Leading lawyer: Medical Negligence

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## Acritas Stars

"Stand-out lawyer"

## Recent Experience

- **Corby Spirit and Wine Limited's engaged in Class Action alleging negligence due to manufacturing facility in Windsor**

December 21, 2023

## Recent Insights

- **Canadian Securities Litigation: Trends to Watch 2024**

April 25, 2024

- **Doing Business in Canada: Updated edition now available**

November 9, 2023

- **The 'Big Nickel' Stays in Ontario: Court of Appeal Upholds Jurisdiction Challenge**

December 15, 2022

- **Cross-Border: A Retailer's Guide to Doing Business in Canada 2021 Edition**

October 26, 2021