



## Sam Rogers

### Partner

Toronto

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

t. +1 416-601-7726

### Bar Admission

Ontario 2012

### Law School

University of British Columbia

### Practices

Disputes and Litigation  
Environmental, Regulatory &  
Aboriginal (ERA)  
Corporate Commercial Litigation  
Construction

### Industries

Power  
Infrastructure

## A strong litigator, clients turn to Sam for his abilities to develop key strategies to protect their integrity and reputation

Sam Rogers is a litigation partner in Toronto. He maintains a broad litigation practice, with an emphasis on corporate/commercial, energy, construction, project, real property, and environmental litigation. He also has experience defending and prosecuting professional negligence claims.

Mr. Rogers has appeared before all levels of court in Ontario and numerous administrative tribunals. He has represented clients at trials, urgent injunctions, administrative hearings, appeals, and private arbitrations. He has advised clients during times of crisis with their reputation at stake.

Mr. Rogers has an active *pro bono* practice including volunteering as Duty Counsel for Pro Bono Law Ontario and leading the firm's support of Rise Asset Development, an organization that provides low interest small business loans, training, and mentorship to entrepreneurs with a history of mental health or addiction challenges.

## RECENT TRIALS AND HEARINGS

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- *Sommerville v. Fine* – represented an emergency room physician at trial concerning alleged missed patella tendon rupture, decision under reserve
- *Infinity Construction v. Skyline Executive Acquisitions* – represented owner of a vacation resort at trial concerning construction of a condominium development, decision under reserve
- *Barker v. Barker*, 2020 ONSC 3746 and 2021 ONSC 158 – represented two psychiatrists at trial concerning treatment programs developed at maximum security mental health centre in 1960s and 1970s
- *Infinity Construction v. Skyline Executive Acquisitions*, 2020 ONSC 77 – represented owner of a vacation resort at trial concerning construction of vacation homes
- *Kane v. Smith*, 2020 ONSC 329 – represented family physician at trial concerning alleged delayed diagnosis of Charcot foot
- *Capital Solar Power Corporation v. Ontario Power Authority*, 2019 ONSC 1137 – represented a solar power company at trial against the Independent Electricity System Operator for misfeasance in public office
- *DeMarco et al. v. Martin*, 2019 ONSC 2788 – represented family physician at a trial arising from a sudden cardiac death of a patient
- EB-2017-0049, March 7, 2019 – represented Hydro One in a hearing concerning its 2018-2022 distribution rate application

## OTHER NOTABLE WORK

- *Belwood Poultry Ltd. vs. the Turkey Farmers of Canada* (2018) – represented turkey producer at hearing before the Farm Products Council of Canada
- *Carbone v. DeGroot*, 2018 ONSC 109 – successful move for dismissal of an action claiming \$108 million
- *Canadian National Railway Company v Ontario (Environment and Climate Change)*, 2017 CanLII 66327 (ON ERT) – represented railway company in hearing before the Environmental Review Tribunal concerning cost recovery orders
- *Native Women's Resource Centre of Toronto v Morning Sky Consulting Inc.* 2017 CanLII 67330 (ON SCSM) – represented charity, pro bono, in trial against former auditor
- *Twelve Gates Capital v Eminence Living Inc.*, 2017 ONSC 3506 and 2017 ONSC 5671 – successfully set aside three certificates of pending litigation
- represented a life insurance company in a disputes with former life

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insurance agents – including obtaining multiple emergency injunctions

- obtained emergency Mareva injunction in a case of significant financial fraud
- represented an owner in an arbitration with a general contractor concerning the construction of a hydro-electric dam (2015)
- *Bain v. Ontario (Ministry of the Environment)*, [2014] O.E.R.T.D. No. 13 - represented a wind farm developer in an environmental challenge to a renewable energy approval before the Environmental Review Tribunal
- obtained emergency injunctions to remove trespassers from an energy client's assets
- *Alliance to Protect Prince Edward County v. Ontario (Ministry of the Environment)*, [2013] O.E.R.T.D. No. 40; 2014 ONSC 974 (Div Ct); (2015) 119 O.R. (3d) 704 (CA); 2015 ONCA 269; and 2016 CanLII 35406 (ON ERT) – represented a wind farm developer in an environmental challenge to a renewable energy approval before the Environmental Review Tribunal, two appeals, a stay motion and a remedy hearing
- *Carbone et al. v. Michael DeGroot et al.*, 2014 ONSC 6146 - obtained an order for security for costs of \$295,000

Mr. Rogers received his J.D. from the University of British Columbia in 2011. During law school, he was awarded prizes for academic achievement, participated in the Wilson Moot, and volunteered with the Law Students Legal Advice program. In 2008, he completed a co-op degree in Honours Computer Science at the University of Waterloo.

Mr. Rogers is a member of the Law Society of Upper Canada, the Advocates Society, the Toronto Lawyers Association, the Canadian Bar Association, and the Ontario Bar Association.

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## Recent Insights

- **Ontario Announces Shut Down of Non-Essential Construction**  
April 19, 2021
- **Energy Litigation**  
March 25, 2021
- **Canadian Power – Key Developments in 2019, Trends to Watch for in 2020: Energy Litigation**  
February 27, 2020
- **Industry Insights: McCarthy Tétrault's fifth edition of Canadian Power**  
January 30, 2020