Natalie V. Kolos

Associate

Toronto

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t. +1 416-601-7807

Bar Admission

Ontario 2018

Law School

University of Western Ontario

Practices

Litigation and Dispute Resolution
Corporate Commercial Litigation
White Collar Defence and Investigations
Securities Litigation
Appellate Litigation
Professional Liability

Natalie V. Kolos is an associate in McCarthy Tétrault LLP's Toronto Litigation Group and a member of the firm's White Collar and Investigations and Securities Litigation groups. She maintains a general trial and appellate litigation practice, with a focus on white collar defence and investigations, securities litigation, criminal and constitutional law, professional liability, and commercial disputes. Her experience includes:

- Acting as lead counsel at the trial and appellate level defending criminal charges, both summary conviction and indictable.
- Representing individuals and major institutions in securities regulatory investigations, including with respect to cryptocurrency.
- Advising private and public companies on criminal matters, including responding to enforcement processes.
- Acting as co-counsel in a pre-charge *certiorari* application to quash a search warrant, which halted a long-standing criminal investigation into alleged billing fraud by a medical professional.
- Obtaining a stay of proceedings in complex historical criminal prosecution for violation of the s. 11(b) *Charter* right to a speedy trial.
- Defending physicians in professional liability cases before judges and juries, in motions, and on appeal.
- Acting as counsel for public and private companies in a variety of commercial matters, including on applications, injunctions and appeals.

Natalie has appeared before all levels of Court in Ontario, including the Court of Appeal for Ontario, and the Supreme Court of Canada. She served as co-counsel to the Chamber of Commerce in *Christine DeJong Medicine Corporation v. DBDC Spadina Inc.*, 2019 SCC 30, a leading case on corporate liability for wrongdoing of their officers and directors. In that case, the Supreme Court of Canada expressly adopted the Chamber of Commerce's proposed clarification to the *Canadian Dredge & Dock Co. v. The Queen*,

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[1985] 1 S.C.R. 662 criteria for attributing criminal and civil liability to corporations.

Natalie is devoted to teaching and pro-bono. Natalie teaches Evidence at the LLM program at Osgoode Hall Law School, supervises law students for Pro Bono Students Canada on public interest matters, and serves as an executive member of McCarthy Tétrault's pro bono criminal defence program in partnership with the University of Toronto's Downtown Legal Services. She regularly acts as pro bono counsel in a variety of matters, including as pro bono counsel to civil liberties groups in matters of public importance before the Supreme Court of Canada.

Natalie received her JD from Western Law, where she graduated on the Dean's Honor List and received the J.S.D. Tory Writing Prize for excellence in writing and legal research. While in law school, Natalie was a research and editing assistant to two leading tort-law scholars and served as Deputy Editor-in-Chief of the Western Journal of Legal Studies. Natalie was also extensively involved in mooting, earning awards for her oral and written arguments on criminal and constitutional law, ethics, and public international law. Natalie was awarded the Martin Domke Award for Best Individual Oralist and the Eric Bergsten Award for Winner of the Moot at the international rounds in Vienna, Austria at the Willem C. Vis International Commercial Arbitration Moot. Before law school, Natalie obtained a BA (with High Distinction) in Political Science and an Honours BA in Law from Carleton University.

Natalie was called to the bar in 2018. She is a member of the Law Society of Ontario, the Ontario Bar Association, the Canadian Bar Association, the Criminal Lawyers' Association, the Women's White Collar Defense Association, and the Advocates' Society. Natalie is currently serving as Member-at-Large for the Criminal Law Practice Group at the Advocates' Society for the 2022-2023 term.

SELECTED CASES:

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- *R. v. Haevischer, 2023 SCC 11* – counsel for the intervener; legal standard for summary dismissal applications in criminal proceedings

- *R. v. Hagras*, 2021 ONSC 6993; (unreported decision on stay – 2023) – lead counsel for the successful accused; conviction quashed on summary conviction appeal for ineffective assistance of counsel at trial; stay of proceedings ordered

- *Joshi v. Chada*, 2022 ONSC 4910 – counsel for the successful defendant physicians in obtaining dismissal of cause of action for wrongful life

- *Gupta v. Dr. Venka*, 2022 ONSC 754, aff'g, *Gupta v. Chacko*, 2020 ONSC 1457 – counsel for the successful defendant physicians in resisting extension of time to serve the statement of claim at motion level and on appeal

- *R. v. MacMillan*, 2021 ONSC 5014; *R. v. MacMillan*, 2021 ONSC 7498 – lead counsel for the successful accused; exclusion of statements at the border under the Charter for violation of right to counsel; acquittal on importing charge

- *College of Physicians and Surgeons of Ontario v. Fagbemigun*, 2021 ONCPSD 23 – counsel for the physician; exclusion of personal data obtained during medical office search under the Charter for unreasonable search and seizure

- *John Doe 734 et. al. v. Jane Doe 989* (unreported) – counsel for the successful company and individuals; permanent injunction enjoining disclosure and publication of personal electronic communications

- *Christine DeJong Medicine Corporation v. DBDC Spadina Inc.*, 2019 SCC 30 – counsel for the intervener; adoption of clarification by intervener limiting the scope of when corporations are liable for civil wrongdoing of directors and officers

SELECTED PUBLICATIONS:

- Alan D. Gold and Natalie V. Kolos, "The Reverse Onus in Regulatory Offences: An Unconstitutional Historical Anomaly", CanLII Authors Program, 2022 CanLIIDocs 37

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- Natalie V. Kolos, Courts of Justice Act Chapters, 17. Procedural Matters, Sections 108 - 123, 2022 CanLIIDocs 1081
- Paul Morrison, Claire Seaborn, & Natalie V. Kolos, "*Consolidated Contractors Group v. Ambatovy Minerals*: Ontario Court of Appeal Reinforces Deference to Arbitration" (2018) Commercial Litigation and Arbitration Review
- James Plotkin & Natalie V. Kolos, Canada, ch., Nikolaus Pitkowitz, eds., *Handbook on Third-Party Funding in International Arbitration* (New York: Juris, 2018)
- Natalie V. Kolos, "Discretionary Coherence: Excluding the Private Law Liability of Public Authorities in *Paradis Honey v. Canada*" (2017) Cambridge Law Review
- Natalie V. Kolos, "Deterring Compensation: Class Action Litigation and Damage Awards Against Corporate Defendants" (2017) Canadian Class Action Review

Awards & Rankings

Best Lawyers in Canada

Ones to Watch: Corporate and Commercial Litigation

Recent Experience

- **SCC dismisses appeal in R. v. Haevischer**
  April 28, 2023

Recent Insights

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- **McCarthy Tetrault's TechLex reports on R. v. Bykovets**
  March 6, 2024
- **Supreme Court of Canada Rules IP Addresses Attract a Reasonable Expectation of Privacy**
  March 6, 2024
- **The Right to Silence Carries the Right to Keep Passwords Secret**
  July 20, 2023
- **In criminal cases, only "manifestly frivolous" applications may be summarily dismissed: Supreme Court of Canada**
  May 19, 2023