



# Deborah Templer

## Associée

Toronto

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

t. +1 416-601-8421

## Admission au barreau

Ontario 2006

## Faculté de droit

University of Ottawa

## Domaines de pratique

Litige et résolution des différends

Actions collectives

Litige en droit commercial et en droit  
des sociétés

Responsabilité du fabricant

Litige en valeurs mobilières

*Disponible en anglais seulement*

**As one of Canada's leading young commercial and product liability litigators, Deborah provides our clients with advice and strategies to meet their challenges and capitalize on their opportunities.**

Deborah Templer is a partner in McCarthy Tétrault's Litigation Group. Known for her discerning judgement and dexterity as a litigator, she acts in both commercial and patent disputes and practices nationally in the product liability and class action fields. She has acted in a full range of litigation matters before Provincial and Federal courts, tribunals, arbitration panels, and at all levels of appeal including the Supreme Court of Canada.

## Experience as a litigator across practice areas and industries

Deborah is recognized as a Leading Lawyer, Litigation Star and is named among the Best Lawyers in Canada for commercial litigation and product liability in independent publications such as *The Canadian Legal Expert Directory*, *Best Lawyers in Canada*, and *Benchmark Litigation – Canada*.

Deborah's commercial practice focuses on contractual claims, economic torts, shareholder remedies and on disputes frequently involving the oppression remedy. She has handled, and is currently handling, significant commercial litigation mandates for clients in the financial services, manufacturing, technology and telecommunications sectors.

Deborah maintains one of the preeminent product liability practices in Canada, having spent years defending Canadian manufacturers and their international parent companies against product liability claims, including multi-jurisdictional class actions and statutory health care cost recovery actions. These cases span across industries, including the tobacco, vape, pharmaceutical, and consumer products sectors. Deborah has become a trusted advisor to a number of the world's largest manufacturing and pharmaceutical companies, working alongside in-house counsel and external international coordinating counsel to provide practical strategic advice about global litigation strategy.

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In addition, Deborah has brought to bear her skill as a courtroom litigator and knowledge of the pharmaceutical and consumer products sectors in representing her clients in patent disputes before the Federal Court of Canada, including in Patented Medicines (Notice of Compliance) proceedings.

**Deborah Templer is a tremendous litigator. She is engaging, likeable, highly intelligent and able to see things from a different perspective. Deborah is not only aware of all of the key issues, she also has a tremendous delivery and the willingness to make an impact.**

— CHAMBERS AND PARTNERS

Set out below are some of the cases in which Deborah has acted.

### Product liability cases:

- Rothmans, Benson & Hedges in complex, multi-jurisdictional product liability litigation, including defending RBH in the healthcare cost recovery litigation brought by provincial governments (claims for hundreds of billions of dollars)
- Rothmans, Benson & Hedges in ongoing proceedings under the *Companies' Creditors Arrangement Act* (CCAA) – on March 22, 2019 RBH filed in the Ontario Superior Court of Justice for insolvency protection under the CCAA as a result of the product liability litigation risks faced by the Company. Since that time Deborah has worked with RBH, its Court-appointed Monitor and the McCarthy's insolvency team in helping RBH to navigate one of the largest CCAA proceedings in Canadian history
- Endo Pharmaceuticals Inc., Endo International plc and its Canadian subsidiary Paladin Labs in defending multiple product liability class actions in British Columbia, Ontario and in Quebec related to allegations made against manufacturers and distributors of opioid products in Canada
- JUUL Labs Canada Ltd. and JUUL Labs, Inc. in defending product liability class actions in British Columbia, Ontario and in Quebec involving allegations of failure to warn, misrepresentation and deceptive marketing

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- Behr Process Corp. in defending two product liability class actions commenced in Ontario related to alleged defects in a product manufactured by Behr

### Commercial cases:

- Canaccord Genuity Corp., Eight Capital and Gravitas Securities Inc. in defending the underwriters in a proposed class proceeding (*Liu v. Champignon Brands Inc. et al*) involving primary and secondary market claims and allegations of misrepresentations in certain disclosure documents
- Bell Canada in defending of several multi-million dollar breach of contract and misrepresentation claims brought by a former vendors and contracting partners
- Bell Canada and Bell Mobility in defending and in pursuit of interlocutory injunctive relief in proceedings against other major telecoms related to advertising disputes, including as counsel in:
  - *Bell Canada v. Rogers Communications Inc.*, 2010 ONSC 3010, proceedings before the Ontario Superior Court of Justice
  - *Bell Canada v. Rogers Communications Inc.*, 2009 CanLII 39481, proceedings before the Ontario Superior Court of Justice
  - *Rogers Wireless v. Bell Canada*, 2009 BCSC 1884, proceedings before the Supreme Court of British Columbia
- Cogent Breeding Limited in defending an arbitration and parallel court action with former shareholders over an earn-out provision in a share purchase agreement
- Vision Profile Extrusions Ltd. in defending a multi-million dollar breach of contract claim

### Patent cases:

- Allergan Inc. in a trial before the Federal Court of Canada in a Patented Medicines (Notice of Compliance) proceeding, involving a patent held by Allergan for its Actonel DR (Risedronate Sodium) product
- Allergan Inc. in numerous Patented Medicines (Notice of Compliance) proceedings involving a patent held by Allergan for its Fibrystal (Ulipristal

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**She knows everything that's happening, is organised and makes sure that the right people are doing the job on time. She not only has oversight but also substance – she is a major contributor to the team and she's very helpful in communications and strategy. She's quiet but a deadly effective lynchpin to the success of the operation.**

— CHAMBERS AND PARTNERS

Deborah completed her BA with Honours with Distinction at the University of Windsor in 2001. She received her LLB from the University of Ottawa in 2005, receiving prizes for obtaining the highest grade in Trial Advocacy and in Human Rights Law courses. She was called to the Ontario bar in 2006.

## **Actively engaged with pro bono and community work**

Deborah currently serves as an elected Director on the Board of Directors of Pro Bono Ontario.

Throughout her career, she has dedicated many hundreds of hours to *pro bono* work, including to programs offered and supported by Pro Bono Ontario. In 2015, Deborah received the Canadian Bar Association's Young Lawyers Pro Bono Award recognizing her work in launching a medical-legal clinic at Holland Bloorview Children's Rehabilitation Hospital. This clinic allows families of children receiving treatment at Holland Bloorview, the largest children's rehabilitation facility in Canada, to access free legal advice and representation concerning issues of critical concern to the wellbeing of the family.

In 2017, Deborah appeared before the Supreme Court of Canada on behalf of The Advocates' Society in one of the most talked-about cases for advocates in recent years, *Groia v. Law Society of Ontario*, a case involving significant ethical issues for litigators. Acting as co-counsel with Lax, O'Sullivan, Lisus, Gottlieb, she has acted for The Advocates' Society on all levels of appeal in this case.

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Deborah served on the Board of Directors of Women's Habitat of Etobicoke from 2009 until 2018. From 2011 until 2018, she acted as President of the Board of Directors. Women's Habitat of Etobicoke – funded by the Ministry of Community and Social Services and the United Way of Toronto – operates a 25-bed shelter for women and children escaping relationships of violence, and separately, an outreach centre offering programming and support to women and girls in the south Etobicoke community.

## **Dedication to teaching and to the legal community**

Deborah is a frequent speaker for The Advocates' Society, the Ontario and Canadian Bar Associations, and the American Bar Association on topics related to substantive law and procedure, including trial advocacy, professional responsibility and ethics, and practice management. She is a Member of The Advocates' Society's 10+ Standing Committee and the Collegiality, Mentoring & Membership Standing Committee.

Deborah teaches as faculty for Osgoode Hall Law School's Intensive Trial Advocacy Workshop, and Toronto Metropolitan University's LPP Trial Advocacy training program. She is a Sessional Instructor at the University of Windsor, Faculty of Law.

Deborah currently serves as Co-Chair of the American Bar Association's Class and Derivative Actions Subcommittee (Business and Corporate Litigation Section), Co-Chair of the Programs and Planning Committee, and as a representative on the ABA's Business Law Section Bar Coordination Committee.

Within our firm, Deborah is a Member of the Student Committee and a frequent speaker and instructor on internal CLE, mentorship and business development seminars.

## **Prix et distinctions**

### **Chambers Canada**

Leading Lawyer: Litigation - Product Liability

### **Benchmark Litigation Canada**

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Litigation Star

## **The Canadian Legal Lexpert Directory**

Leading Lawyer: Litigation - Corporate Commercial; Litigation - Product Liability; Class Actions

## **Lexpert Special Edition: Litigation**

Leading Lawyer

## **Best Lawyers in Canada**

Leading Lawyer: Corporate and Commercial Litigation

## **Best Lawyers in Canada**

Leading Lawyer: Class Action Litigation

## **Canadian Bar Association - 2015**

Young Lawyers Pro Bono Award

