



# Richard Lizius

## Associé

Toronto

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

t. +1 416-601-8140

## Admission au barreau

Ontario 2014

## Faculté de droit

University of Toronto

## Domaines de pratique

Litige et résolution des différends

Litiges en appel

Litige en droit commercial et en droit des sociétés

Droit public

Litige en propriété intellectuelle

## Secteurs d'activité

Technologie

Communications

*Disponible en Anglais seulement*

## Richard is known for providing legally sophisticated advice when dealing with disputes in highly complex regulatory and business environments, especially the telecommunications sector

Richard Lizius is a partner in our Litigation Group and Intellectual Property Litigation groups in Toronto. Richard's areas of expertise include administrative law, appellate litigation, copyright litigation and patent litigation, with a particular focus on the telecommunications industry (and highly regulated industries generally). Richard appeared as **counsel before the Supreme Court of Canada in the *Vavilov* administrative law trilogy** (the most important administrative law decision of the last decade).

Richard also maintains a general litigation practice including contract, oppression and negligence disputes. Richard incorporates litigation advice into broader litigation, regulatory and business strategies, which is of particular importance in highly regulated industries.

Richard has appeared as counsel before all levels of court in Ontario, as well as the Federal Court, Federal Court of Appeal and Supreme Court of Canada.

Richard's notable recent mandates include:

- Successfully representing Bell Canada and the National Football League before the Supreme Court of Canada (as well as at the Federal Court of Appeal) in the **administrative law trilogy** (known as *Vavilov*) the most important administrative law decision of the past decade - *Bell Canada and National Football League v. Canada*, 2019 SCC 66
- Successfully defending Bell Canada and TELUS in a patent infringement trial concerning television patents (all the asserted patents were found to be not valid or not infringed, and the Plaintiff was not permitted equitable relief) – *Rovi Guides, Inc. v. Bell Canada*, 2022 FC 1388

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- Successfully representing a pharmaceutical company in a patent infringement trial concerning a pneumococcus vaccine - *Merck Sharp & Dohme Corp. v. Wyeth LLC*, 2021 FC 317
- Representing Bell Canada in **numerous appeals concerning regulatory decisions of the Canadian Radio-television and Telecommunications Commission** before the Federal Court of Appeal - *Bell Canada et al. v. British Columbia Broadband Association et al.*, 2020 FCA 140; *Bell Canada v. Canada (Attorney General)*, 2019 SCC 66; *Bell Canada v. 7265921 Canada Ltd.*, 2018 FCA 174; *Bell Canada and National Football League v. Attorney General of Canada*, 2017 FCA 249; *Bell Canada v. Canada (Attorney General)*, 2016 FCA 217; *Bell Mobility Inc. v. Klass*, 2016 FCA 185
- Representing a coalition of six ISPs (Rogers, Bell, TELUS, SaskTel, Cogeco, Xplore) intervening in a reverse class action concerning whether ISPs can be forced to play a role in litigation against their customers pursuant to the Copyright Act – ongoing (T-662-16)
- Successfully representing a major cannabis company in a contract dispute concerning the interpretation of debenture agreements - *Zenabis Investments Ltd. v 2657408 Ontario Inc.*, 2021 BCSC 2459
- Successfully representing a real estate company in a contract dispute concerning a partnership agreement - *FSC (Annex) Limited Partnership v. ADI 64 Prince Arthur L.P.*, 2021 ONSC 2039
- Representing a fish harvester in administrative law litigation concerning fisheries regulation - *Elson v. Canada (Attorney General)*, 2019 FCA 27
- Successfully representing Astral Media in litigation commenced by People for the Ethical Treatment of Animals concerning advertising - 2020 ONSC 2356
- Successfully representing Bell Media in a constitutional dispute concerning the jurisdiction of the CRTC in respect of local election advertising - *Bazos v. Bell Media Inc.*, 2018 ONSC 6146
- Successfully acting as appeals counsel on a **leading litigation funding case in Ontario**- *Houle v. St. Jude Medical Inc.*, 2018 ONSC 635

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- Successfully representing TD bank in a **precedent-setting fraud trial** concerning the duty of a bank to customers to prevent fraud - *1169822 Ontario Limited v. The Toronto-Dominion Bank*, 2018 ONSC 1631
- Representing Canadian media companies in numerous innovative **Internet piracy cases** including obtaining injunctions, *Norwich* orders and *Anton Piller* orders
- Representing TD Bank in an appeal concerning a trust law issue - *Carriere Industrial Supply Limited v. Toronto-Dominion Bank*, 2015 ONCA 852
- Successfully Representing Royal Bank in an appeal of a class action decision - *Holley v. Northern Trust Company, Canada*, 2014 ONCA 719

In 2016-2017 Richard completed a secondment at a major telecommunications company where he worked on developing a litigation and regulatory strategy to respond to Internet copyright piracy.

Richard volunteers as duty counsel through Pro Bono Ontario.

Before joining the firm, Richard clerked for Madam Justice Andromache Karakatsanis at the **Supreme Court of Canada**. Richard received his J.D. from the University of Toronto in 2013. He graduated as the **Gold Medalist** and won academic prizes for contract law, property law and legal process and ethics. Richard received his B.A. in Political Science from the University of Toronto in 2010 as the **Gold Medalist** in political science. At university, he was actively involved in debating and mooting, winning prizes as the second place debater in the world, and as top debater at the North American University Debating Championship and at the Canadian National University Debating Championship.

Richard is a member of the Law Society of Ontario.

## Prix et distinctions

### Best Lawyers in Canada

Ones to Watch: Corporate and Commercial Litigation

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## Mandats récents

- **Rogers Communications Inc. consent à acquérir Shaw Communications, avec Bank of America agissant à titre de conseiller financier**  
3 avril 2023
- **Apple et WiLAN règlent leur litige lié aux brevets concernant la téléphonie mobile au Canada**  
22 mars 2022

## Événements

- **Revue trimestrielle des dossiers d'appel**  
26 juillet 2023
- **Revue trimestrielle des dossiers d'appel**  
14 juillet 2022

