



Lorne Silver

Partner

Contact Information

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Office

Toronto

Expertise

- Litigation
- Securities Litigation

Biography

Lorne Silver* is a partner in the Litigation Group at Cassels. Lorne maintains a full commercial litigation practice and has extensive application, trial and appellate experience. His litigation experiences span a broad range of commercial litigation matters with a focus on shareholder disputes and remedies, securities litigation, estate litigation, debtor/creditor rights and remedies and civil contempt. Lorne's particular strength lies in his ability to comprehend complex legal and factual issues and to fashion and implement effective dispute resolution strategies. He combines these strengths with extensive knowledge of the various advocacy processes, allowing him to represent his clients effectively and efficiently in all aspects of dispute. Moreover, Lorne has a unique ability to deal with people and to understand their individual and corporate issues and concerns. This allows him to effectively communicate with his clients as to substantive issues of fact and law, process, likely result and cost.

Lorne has a history of appearances and successes within all levels of the Ontario Courts, the Federal Court Trial Division, and the Supreme Court of Canada where he was successful counsel in *Madsen Estate v. Saylor* and follow-up litigation regarding the application of presumptions of law in the context of estate disputes. In 2014, in the case of *Sawdon Estate v. Sawdon*, the Court of Appeal for Ontario affirmed the trial decision regarding joint accounts and a rebutting of the presumption of resulting trust and found that the trustee respondent was entitled to costs from the losing party with the balance to full indemnity recoverable from the estate. In two separate proceedings, Lorne was successful counsel in civil contempt proceedings for failure to abide by court orders. In both cases, findings of contempt were made, accompanied by remedies including judgments, restitution orders, substantial indemnity cost awards and incarceration.

A few significant decisions Lorne has been involved with include:

- *Best v. Cox*, 2014 ONCA 167; 2013 ONCA 695; 2013 ONSC 8025
- *Solloway v. Klondex Mines Ltd.*, 2014 ONSC 391
- *Can-Euro Investments Ltd. v. Coles*, 2012 NSSC 247; 318

N.S.R. (2d) 385

- *Delta Hotels Ltd. v. Backus-Naur Inc.*, 2012 CarswellOnt 17343
- *Gunraj v. Cyr*, 2012 ONSC 1609

**denotes Professional Corporation*

Achievements

- *Martindale Hubbell*, Distinguished™ Rating

Recent Representative Work

- Cassels Successfully Represents Waters Estate in Resisting Motion to Set Aside ex parte Mareva Injunction, Norwich Order, and Certificates of Pending Litigation

Insights

- Outlook 2021: Enhanced Focus on Environmental, Social, and Governance (ESG) Initiatives by All Market Participants
- Outlook 2020: The Shifting Activism and Governance Landscape – Evolving Investor Demands in the New Normal
- Canadian Securities Litigation Outlook 2018: Trends to Watch for Capital Markets Participants

Pro Bono & Community Involvement

- Avenue Road Hockey Association, Manager and Coach
- Law Help Centre, Volunteer

Education / Bar Admissions

- LL.B., Osgoode Hall Law School, 1982
- B.Comm., McGill University, 1979
- Ontario, 1984

Associations

- American Trial Lawyer Association
- Canadian Bar Association
- Ontario Bar Association
- Toronto Lawyers Association

Cassels

- The Advocates' Society