



# Moya Graham

## Partner

Toronto

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

t. +1 416-601-8207

## Bar Admission

Ontario 2010

## Law School

Queen's University

## Practices

Construction  
Litigation and Dispute Resolution  
Appellate Litigation  
Procurement  
Project Disputes  
Real Property Development  
Corporate Commercial Litigation  
Professional Liability

## Moya is a trial lawyer who understands your business.

A partner in our litigation group in Toronto, Moya's practice focuses on corporate and commercial litigation, professional liability, and infrastructure and construction disputes.

In addition to a variety of commercial disputes, clients turn to Moya for her experience and knowledge on cases involving allegations of breach of fiduciary and other employment duties and misuse of confidential information claims. She also focuses on infrastructure litigation, including design/construction deficiencies, bid/tender, fairness and procurement processes. Clients in the infrastructure and construction industries will benefit from her ability to provide real time strategic litigation risk management advice on a variety of procurement law.

Moya has both a trial and appellate practice. She has appeared before all levels of Court, including the Supreme Court of Canada, and has been counsel in private arbitrations involving issues of professional negligence and commercial disputes.

Moya's recent cases include:

- *Bendah v. Dr. Farine and Dr. Fleming*, 2024 ONSC 624 – co-counsel in the successful defence of three obstetricians and two anesthesiologists in a medical negligence trial
- *KF Capital Ltd. et al v. Kakoschke*, 2020 ONSC 6255 – co-counsel in successful defence of a motion to enforce a corporate indemnity in the context of a claim for breach of fiduciary duty by a former officer and director.
- *Carroccia v. Ayow*, October 2020 – lead counsel in the successful defence of a physician in a medical negligence jury trial – one of the first civil jury trials conducted in Ontario under COVID-19 protocols

# Moya Graham

## Partner

Toronto

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

t. +1 416-601-8207

- ABC Residents Association v. Yonge & Scollard Developments Inc., 2020 ONSC 4280 – lead counsel in the successful dismissal of a motion for leave to appeal from the decision of the LPAT to approve a development in Yorkville.
- Kram v. Oestreicher, 2018 ONSC 3813 – lead counsel in the successful defence of a physician in a medical negligence trial – appeal dismissed: 2020 ONSC 2102
- Hymers v. Reaume, December 2019, unreported – lead counsel in the successful defence of a physician in a medical negligence trial
- Ratz v Desa et al, 2015 ONSC 7745 – co-counsel in the successful defence of two physicians in a medical negligence trial
- Bruno Furniture v. Hryniak et al; Mauldin et al v. Hryniak et al, 2014 SCC 8 – Supreme Court of Canada appeal concerning summary judgment and access to justice; arising out of landmark decision from Ontario Court of Appeal setting the law on summary judgment in Ontario
- IMAX Corporation v. Trotum Systems, 2014 ONSC 3863 – successful trial, following an Anton Piller Injunction and civil contempt proceedings 2013 ONSC 743, arising from former employees' alleged theft of confidential information and trade secrets
- Tarsitano v. Drutz, 2013 ONSC 5605 – successfully resisted a motion resulting in dismissal of an action
- Markowa v. Adamson Cosmetic Facial Surgery Inc., 2012 ONSC 1012, successful summary judgment motion
- Wilcock, Jackson v. Health Professions Appeal and Review Board, 2012 ONSC 1249, successful motion for judicial review

Moya currently teaches courses in Trial Advocacy at Queens Law School and Advanced Contracts at the University of Western Ontario. She has guest lectured on a variety of topics, including on the subject confidential information and trade secrets at Osgoode Hall Law School, on the subject of summary judgment at the Toronto University Law School.

Moya received her BA (Hons.) in Political Science and Economics from McGill University in 2006, and her JD from Queen's University in 2009. She was called to the Ontario Bar in 2010.

# Moya Graham

**Partner**

Toronto

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

t. +1 416-601-8207

## Awards & Rankings

### The Legal 500 - Canada

Next Generation Lawyer: Dispute Resolution - Ontario

### The Canadian Legal Lexpert Directory

Leading Lawyer: Litigation - Corporate Commercial

### Benchmark Litigation Canada

Litigation Star

### Benchmark Litigation Canada

40 & Under

### Lexpert Special Edition: Infrastructure

Leading Lawyer

### Lexpert Special Edition: Litigation

Leading Lawyer

## Recent Insights

- **Virtual Advocacy: Litigating from a Distance**

February 28, 2023

- **All construction activities permitted in Ontario as of 12:01 AM on June 11**

June 10, 2021

