



# Christine Lonsdale

**Associée Co-leader des services financiers**

Toronto

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t. +1 416-601-8019

## Admission au barreau

Ontario 2001

## Faculté de droit

McGill University

## Domaines de pratique

Litige et résolution des différends

Litiges en appel

Litige en droit commercial et en droit des sociétés

Responsabilité professionnelle

Litige en concurrence

## Secteurs d'activité

Groupe mondial Métaux et Mines

Groupe Caisses de retraite

*Disponible en Anglais seulement*

## Clients look to Christine to provide creative solutions to their sophisticated commercial litigation matters.

Christine is a partner in the Litigation Group in Toronto. A premier commercial litigator known for her practical approach, Christine's practice focuses primarily on class actions, defamation, administrative law and privacy.

Representing a broad range of clients, including financial institutions, media companies, and regulatory bodies, clients appreciate Christine's responsiveness, ability to find creative legal solutions to real world problems, and commitment to providing optimal results to their complex issues in a timely and effective way.

Christine has a strong track record of success in responding to and upholding client media strategies. Working with client needs, she tailors her approach to suit the context in which their business operates, mitigating risk and advocating to protect their reputation and integrity. Christine can litigate a case to a successful conclusion or craft an early exit strategy. She has appeared as counsel at all levels of court, including the Supreme Court of Canada, in major cases in Ontario and British Columbia.

Some of Christine's recent representative cases include:

- *Yatar v. TD Meloche Monex*. Acted for TD in the Supreme Court of Canada on an appeal raising how an overlapping appeal and judicial review should be addressed. Decision under reserve.
- *Ontario College of Teachers v. Lemieux*. Acted for Ontario College of Teachers in opposing request for reinstatement and successfully brought motion to strike application due to change in the law.
- *Bank of Montreal v. Jog* (2022-2023) Acted for Bank of Montreal in series of claims brought by Mr. Jog against the Bank. Obtained an Order from the

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Federal Court denying extension of time to appeal decisions of the Office of the Privacy Commissioner and Canadian Human Rights Commission. Denial of extension upheld by the Federal Court of Appeal. Brought two successful applications to strike and transfer to Federal Court two Federal Court of Appeal judicial review applications seeking relief in respect of Canada Labour Code arbitration. Leave sought and matter settled without decision on leave.

- *Ontario College of Teachers v. Bouragba* (2023). Acted for the College of Teachers in a defamation case brought by the College. We responded to an anti-SLAPP motion and were successful in having the anti-SLAPP motion dismissed at first instance before Justice Pollak. The Ontario Court of Appeal overturned and has directed that the matter be returned for a re-hearing in light of the reasons. A motion to discontinue was brought leave to discontinue granted. Justice Corbett dismissed Mr. Bouragba's appeal of the discontinuance order. Decision on leave pending.
- *Publication Ban Case Involving RR* (2022). Acted for CBC and CTV Bell Media in a case involving an application for a publication ban by a lawyer facing criminal charges. Publication ban not granted. Leave sought to the Supreme Court of Canada and denied.
- *Rainford et al v. Glassdoor* (2022). Acted for (the principal and manager of Echelon) in respect of its litigation against the online review website Glassdoor, Inc. and a John Doe plaintiff. Glassdoor brought an anti-SLAPP motion. A lawyer purporting to represent the anonymous author of the post sought standing to participate in the motion on an anonymous basis. We opposed that request, which was denied by the motion judge Justice Dow. Justice Miller dismissed a motion to extend time to file an appeal. Justice Dow held that the communications at issue were not communications on a matter of public interest and the Ontario Court of Appeal upheld that decision.
- *OCT v. Mammarella* (2022) Acted for the College of Teachers on a challenge to the constitutionality of the electronic hearing rules. Discipline Committee upheld the constitutionality of the electronic hearing rules and confirmed electronic hearing and denied defence motion to sever allegations.
- *OCT v. Lemieux* (2022) Acted in French for the Ontario College of Teachers on judicial review application challenging Registrar's decision regarding application for reinstatement following retroactive mandatory revocation.

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Divisional Court ordered variance of Registrar's decision and leave to appeal denied.

- Acting for TD in defence of NSF class action. Brought and won motion to sequence summary judgment motion prior to certification in first decision of its kind under section 4.1 of the *Class Proceedings Act*. Summary judgment refused on the merits. Matter ongoing.
- Acting for Desjardins in defence of vacation pay class action. Brought and won motion to sequence summary judgment motion prior to certification under section 4.1 of the *Class Proceedings Act*. Matter ongoing.
- Acted for Minister McKenna in defence of a claim brought by Rebel Media seeking to require the Minister to unblock certain parties from her Twitter account. Minister McKenna released from action.
- *Subway v. CBC* (2022). Acted for the CBC responding to a defamation case brought by Subway with respect to a program which aired on Marketplace dealing with the composition of chicken in various fast food sandwiches. Action against CBC struck by Justice Morgan on the basis that no reasonable juror would find against CBC's responsible communication defence. The Ontario Court of Appeal reversed Justice Morgan's decision and held that the action could proceed. Consent dismissal without costs obtained.
- *Haikola v. The Personal* (2019) Acted for the Personal in a class action arising from a decision by the OPC with respect to certain practices in the context of processing claims. The action was transferred from Federal Court and certified in the Superior Court for settlement purposes by Justice Glustein.
- *Bouragaba v. Ontario College of Teachers* (2018). Acted on two judicial review applications brought by Mr. Bouragba. The first raised a standing issue and the second raised procedural fairness concerns. The Divisional Court dismissed both applications and found in favour of the College. Leave to appeal was denied.
- *R v. Jones and R. v. Marakah* (2017) SCC 60; (2017) SCC 59. Acted for the Canadian Civil Liberties Association as intervenor before the SCC in two cases dealing with the reasonable expectation of privacy in text messages.
- *CPSO v. D.* (2016). Acted for physician accused of improper sexual touching of patient. CPSO found allegations not made out and dismissed allegations

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against the physician at discipline;

- *Chandra v. CBC* (2016). Ontario Court of Appeal rejected motion before the Ontario Court of Appeal to extend time to appeal finding no reasonable prospect of success on appeal. A jury following a 55 day trial found that CBC's programs were covered by the defence of truth and rejected the claim for intrusion upon seclusion.
- *OCT v. Abi-Mansour* (2016) Ontario Court of Appeal rejected motion before the Ontario Court of Appeal to extend time for leave to appeal from judicial review application;
- *Chandra v. CBC* (2015). Acted for CBC in thirteen week defamation and breach of privacy trial. Justice Mew presided, and the case was heard by a jury. CBC successful on all issues.
- *Watson v. Bank of America et al* (2015). Acted for TD Bank in defence of class action related to credit card fees. Case certified at first instance and Defendants' appeal successful on new section 45. Matter settled after examinations for discovery.
- *OCT v. Abi-Mansour* (2014). Acted for Ontario College of Teachers before the OCT and in an appeal of discipline proceedings before the Divisional Court. Mr. Abi-Mansour's appeal dismissed and costs ordered in favour of OCT;
- *Holley v. Northern Trust and Royal Trust* (2014). Acted for Royal Trust in Superior Court and before the Ontario Court of Appeal in proposed class action. Case dismissed prior to certification on a Rule 21 motion because of an expired limitation period;
- *The Commissioner of Competition v. Visa Canada Corporation et al.* (2013). Acted for the Toronto-Dominion Bank in the successful defence of a prosecution before the Competition Tribunal by the Commissioner of Competition against Visa Inc. and MasterCard Ltd.;
- *OCT v. Charbonneau* (2012). Counsel to the Ontario College of Teachers in Divisional Court regarding circumstances in which a penalty hearing can be re-opened. OCT's appeal granted;
- *National Bank v. Globe and Mail* (2011). Obtained Norwich Order for National Bank;

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- *Asper v. Lysko* (2011). Counsel to David Asper in defamation case. Successfully brought motion to seek access to settlement information in other defamation cases brought by Mr. Lysko;
- *OCT v. Perron* (2013). Counsel to the Ontario College of Teachers at discipline hearing proceeding in French. Mr. Perron found guilty of professional misconduct;
- *Liu et al. v. Silver* (2010). Counsel in the Court of Appeal to Dr. Silver on summary judgment motion enforcing limitation period. This was one of the first cases regarding the new summary judgment rule;
- *OCT v. Guibord* (2009). Co-counsel for the Ontario College of Teachers and hearing proceeding largely in French. Mr. Guibord was found guilty of professional misconduct for having improperly restrained a number of male students in his social adaptation class whose ages ranged from 7 to 10 years old;
- *Milne v. Lackman* [2009] O.J. No. 1587. Counsel for physician bringing motion to seek court's permission to interview other treating physicians on terms. Case clarifying law regarding when and how such interviews can be allowed;
- *Adbusters v. CanWest*, [2008] B.C.J. No. 246 (B.C.S.C.); [2009] 92 B.C.L.R. (4th) 9 (B.C.C.A.). Co-counsel for CanWest on motion to strike on the basis that Charter does not apply before B.C. Superior Court. Counsel before B.C. Court of Appeal, appeal granted. Leave to appeal before the Supreme Court of Canada pending;
- *Southern Manitoba Potato Company v. Frito Lay*, [2008] O.J. No. 2795. Counsel for Frito Lay before the Superior Court of Justice on motion for summary judgment regarding contract limitation period;
- *Thomson v. Zeldin*, [2008] O.J. No. 3591; 169 A.C.W.S. (3d) 657. Counsel for Dr. Zeldin successfully resisting pleadings amendment on basis of expired limitation period;
- *Manson v. Moffet* (2008) CarswellOnt 2479; [2008] O.J. No. 1697. Acted for Plaintiff in internet defamation case. Judgment in favour of the Plaintiff granted;
- *Lewis v. CBC* (2007) Defended CBC against defamation allegations brought by former Tory Cabinet Minister Doug Lewis. Case dropped by Plaintiff in

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middle of motion for a directed verdict;

- *Chandra v. CBC* (2007) Counsel for CBC in defamation case where successfully obtained security for costs against Plaintiff on basis that he appeared to be residing outside of Canada. Order subsequently vacated based on change of circumstances;
- *Mathews v. Schnittker*, [2008] O.J. No. 3972; 170 A.C.W.S. (3d) 540 (Ont. S.C.J.). Co-counsel in a medical negligence case involving the removal of a brain tumour. Case against Dr. Schnittker dismissed;
- *R v. Stucky* (2006), 216 C.C.C. (3d) 148 (Ont. S.C.J.); (2009) 303 D.L.R. (4th) 1 (Ont. C.A.). Co-counsel for Mr. Stucky in a six month prosecution for misleading advertising. The case against Mr. Stucky dismissed at trial. On appeal, Mr. Stucky's acquittal was overturned and a new trial ordered;
- *Goodis v. Ministry of Correctional Services*, [2006] S.C.J. No. 31 Co-counsel before the Supreme Court of Canada for Jane Doe in access to information matter. Requester's counsel sought access to the sealed record where solicitor-client privilege claimed by the Ministry;
- *R v. Attuah et al*, [2005] O.J. No. 3339. Co-counsel for physician regarding fraud and conspiracy to defraud OHIP. On certiorari successfully quashed committal for trial on basis that not a scintilla of evidence supporting committal for trial on all counts;
- *Children's Lawyer for Ontario v. Ontario (Information and Privacy Commissioner)*, (2005) 75 O.R. (3d) 309 (Ont. C.A.);
- Co-counsel acting as amicus regarding role of Information and Privacy Commissioner on judicial review applications and submissions regarding merits;
- *Remtulla v. Zeldin*, [2005] O.J. No. 3424 Counsel for Dr. Zeldin at trial involving informed consent to surgery. Case against Dr. Zeldin dismissed;
- *v. White*, (2004) 189 O.A.C. 256. Co-counsel for lawyer regarding whether a new trial lies based on a claim of ineffective assistance of counsel barred by settlement and release in solicitor's negligence claim. Argument that an appeal on the basis of ineffective assistance of counsel was precluded accepted by the Court of Appeal;

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- *OCT v. Gaumont (2003)*. Counsel for the Ontario College of Teachers, hearing proceeding in French. Mr. Gaumont found guilty of professional misconduct regarding improper sexual contact with student; and
- *Leenen v. CBC*, (2001) 54 O.R. (3d) 612 Co-counsel for CBC regarding defamation matter involving scope of defence of fair comment, findings of malice and quantum of damages.

Christine is a member of McCarthy Tétrault's National Pro Bono Committee. She leads the firm's Unaccompanied Minors Project which provides minors with a McCarthy Tétrault lawyer to act as kind of legal guardian in immigration proceedings. She also co-chairs the firm's United Way Centraide campaign and is the Co-Chair of the United Way's Women United group.

Christine obtained her LLB/BCL from McGill University in 2000. She was called to the Ontario bar in 2001.

## Prix et distinctions

### The Canadian Legal Lexpert Directory

Leading Lawyer: Data Protection & Privacy; Litigation - Defamation & Media

### Benchmark Litigation Canada

Litigation Star

### The Legal 500 - Canada

Next Generation Lawyer: Dispute Resolution - Ontario

## Publications récentes

- **3e Annual General Counsel Summit de McCarthy Tétrault – Les avocats généraux en tant que leaders de la croissance à l'ère des grands bouleversements**

11 juillet 2022

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- **Ontario Court Confirms That Defendants Now Have “Presumptive Right” to Sequence Dispositive Motions Before Certification**

25 octobre 2021

## Événements

- **Jurisprudence canadienne en 2023 : l'effet sur votre entreprise**

1 février 2024

- **Jurisprudence canadienne en 2022 : l'effet sur votre entreprise**

26 janvier 2023

- **Jurisprudence canadienne en 2021 : l'effet sur votre entreprise**

20 janvier 2022



