

## Marko Vesely

Marko practices civil and commercial litigation, with a focus on defamation, copyright and other intellectual property disputes securities litigation, class actions, products liability cases, and commercial arbitrations. He has appeared as lead counsel at all levels of court in British Columbia, the Supreme Court of Canada, the Federal Court of Appeal, before the Trade-marks Opposition Board, and as defence counsel before the British Columbia Securities Commission. Marko is the head of the firm's Defamation and Media Law Group.

Marko is a regular commentator on legal affairs on CBC television, CBC radio, CKNW radio, News 1130, the Vancouver Sun, the Globe and Mail, the Toronto Star, BC Business magazine, Lexpert magazine, and Canadian Corporate Counsel magazine.

### Recognition And Ranking

- Lexpert 2011 Guide to the Leading US/Canada Cross-border Litigation Lawyers in Canada: recognized as a "Litigation Lawyer to Watch"
- 2010 Lexpert Rising Star Award: recognized as one of Canada's Leading Lawyers under 40

### Professional Activities

- Langara College, Publishing Program, guest lecturer on copyright and defamation
- Canadian Bar Association, Member
- Vancouver Bar Association, Member
- Western Canada Business Litigation Blog, Contributor

### Bar Admissions

- British Columbia (2000)
- Saskatchewan (2005)

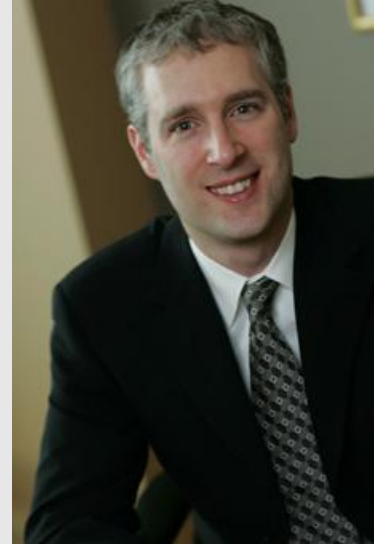
### Education

- Simon Fraser University (B.A. (Hon.), 1994)
- University of Toronto (LL.B., 1998)

### Experience

Recently, Marko has:

- Represented the Government of Canada in tobacco class action and health care cost recovery actions (*B.C. v. Imperial Tobacco Canada Ltd.*, 2009 BCCA 540; *Knight v. Imperial Tobacco Ltd.*, 2007 BCSC 964)
- Successfully defended an international publishing company and its author in a copyright infringement action (*Thumbnail Creative Group Inc. v. Blu Concept*, 2009 BCSC 1833)
- Enforced letters of request from a foreign court to obtain evidence in BC (*Maverick LNG Holdings Ltd. v. Teekay Shipping (Canada) Ltd.*, 2009 BCSC 1538)



### Marko Vesely

Partner

### Vancouver

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### Practices

- Class Action
- Commercial Litigation
- Competition
- Defamation and Media
- Litigation & Dispute Resolution
- Pension and Benefits Litigation
- Product Liability
- Securities Litigation

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- Successfully defended a civil fraud and conspiracy action concerning the transfer of commercial real estate (*Clock Holdings Ltd. v. Braich*, 2008 BCSC 1697, appeal dismissed 2009 BCCA 269, 2009 BCCA 437)
- Successfully defended a major telecommunications company in an action concerning the administration of its pension plan (*Patrick v. Telus Communications Inc.* 2008 BCCA 246, 2007 BCCA 200, and 2006 BCSC 854)
- Overturned on appeal the certification of a major pension class proceeding and obtained a stay of that proceeding in favour of arbitration (*Ruddell v. BC Rail Ltd.*, 2007 BCCA 269)
- Represented the trustees of a long term disability plan in having a claim alleging breach of duty in the administration of the plan summarily dismissed (*Atco Lumber v. Leech*, 2006 BCSC 524)
- Represented both plaintiffs and defendants in defamation actions involving the print and online media
- Successfully defended an international publishing company and its author in a copyright infringement action (*Thumbnail Creative Group Inc. v. Blu Concept*, 2009 BCSC 1833)
- Defended various financial services companies and their licensed financial advisors in civil actions and in prosecutions before the B.C. Securities Commission
- Obtained and enforced Anton Piller orders (private search warrants) and Mareva orders (asset freezing orders) in connection with the prosecution of commercial fraud cases
- Successfully represented the purchaser of a private post secondary school in a commercial arbitration to resolve disputes arising from the purchase
- Represented a major BC utility in striking out a class action brought against it (*Strata Plan LMS 1816 v. BC Hydro*, 2002 BCSC 485)

#### Conferences

- "Social Media and the Law", (May 26, 2011)
- "Social Media and Online Defamation: Keeping out of Court", (May 13, 2011)
- "Liability and the Trustee", 5th Pension Law & Litigation Course: Protecting the organization in an era of increased pension liabilities, shortfalls and litigation, (March 17-18, 2010)
- "The Implied Undertaking Rule", (December 5, 2007)
- "Legal Research", (2004)

#### News / Publications

- Marko Vesely quoted in The Vancouver Sun, (April 3, 2012), Interview
- Marko Vesely quoted in The Vancouver Sun, (February 29, 2012), Interview
- Marko Vesely interviewed on CKNW's The Simi Sara Show, (October 19, 2011), Interview
- "Silence is golden: Injunctions in defamation law", *Canadian Corporate Counsel*, (October 2011), Co-authored with Ben Heller
- Marko Vesely quoted in The Globe and Mail, (September 21, 2011), Interview
- Marko Vesely interviewed on CKNW's The Simi Sara Show, (September 21, 2011), Guest
- Marko Vesely quoted in The Vancouver Sun, (September 13, 2011), Interview
- The Launch of the .xxx Top Level Domain Name - Protecting Your Brand's Reputation, (September 6, 2011), Co-author
- Marko Vesely quoted in The Vancouver Sun, (July 14, 2011), Interview
- Marko Vesely quoted in The Vancouver Sun, (July 13, 2011), Interview



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- Marko Vesely quoted in The Vancouver Sun, (June 20, 2011), Interview
- Marko Vesely quoted in The Globe and Mail, (June 20, 2011), Interview
- Marko Vesely quoted in The Toronto Star, (June 18, 2011), Interview
- "Legal issues arising from the Stanley Cup riots", The Mike Smyth Show on CKNW, (June 17 and June 21, 2011), Guest
- Marko Vesely interviewed by News 1130, (June 17, 2011), Interview
- "Outing the rioters, legal issues", CBC Radio - BC Almanac, (June 17, 2011), Guest
- Marko Vesely's article appears in BCBusiness Magazine, (May 2, 2011), Author
- Marko Vesely interviewed on CKNW's The Mike Smyth Show, (March 29, 2011), Guest
- Marko Vesely interviewed by Lexpert Magazine - The Globe and Mail, (February 9, 2011), Interview
- Marko Vesely interviewed on CKNW's The Morning News with Philip Till, (January 21, 2011), Guest
- Marko Vesely quoted in The Vancouver Sun, (January 21, 2011), Interview
- "Anti-SLAPP statutes: Slippery slope or free speech salvation", *Canadian Corporate Counsel*, (January 2011), Co-authored with Chris Dafoe
- Marko Vesely recognized as one of Canada's Leading Lawyers under 40, (November 26, 2010)
- Marko Vesely interviewed by News 1130, (November 15, 2010), Interview
- Marko Vesely quoted in The Vancouver Sun, (October 2, 2010), Interview
- Lawson Lundell Launches the Western Canada Business Litigation Blog, (October 1, 2010)
- "SCC says 'yes' to secret sources, 'no' to constitutional immunity", *Canadian Corporate Counsel*, (June 2010), Co-authored with Chris Dafoe
- The Law of Defamation: A Primer, (February 28, 2009), Co-authored with The Honourable Judge Thomas S. Woods
- Just a click away?: Internet hyperlinks and defamation liability, (February 16, 2009), Co-authored with Chris Dafoe
- Safe to Slander City Hall? Ontario Court Bars Defamation Suits by Government Bodies, (December 31, 2008), Co-author
- *Cusson v. Quan*: The "Responsible Journalism" Defence Comes to Canada, (December 30, 2008), Co-authored with Chris M. Dafoe
- The Implied Undertaking Rule, (December 4, 2007)
- "British Columbia Overturns Class Action Certification", *Pension Planning*, Vol. XIII, No. 4, (2007), Co-authored with Craig Ferris
- "*Ruddell v. BC Rail Ltd. Case Comment*", *Class Action Defence Quarterly*, Vol. 2, No. 2, (December 2007), Co-authored with Craig Ferris
- Defamation over the Internet: The Difficult Question of Jurisdiction, (March 15, 2004)
- "Recovering the costs of legal research", *Legal Research*, Vancouver: Continuing Legal Education Society of B.C., (2004)
- "Recovery of payments made under practical compulsion", *Canadian Corporate Counsel*, Vol. 13, No. 6, (2004)
- "Common interest privilege in the commercial context: When can privileged information safely be shared?", *Canadian Corporate Counsel*, Vol. 12, No. 4, (2003)
- "Collateral attack of administrative orders outside of the penal context", *Regulatory Boards and Administrative Law Litigation*, Vol. 5, No. 2, (2002), Co-authored with C.W. Sanderson, Q.C.
- "Counsel fees in class actions" *Class Actions*, Continuing Legal Education Society of B.C., Vancouver, (2000), Co-authored with R.L. Hayley



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