

William M. Everett, QC

Bill practises primarily in the area of complex litigation, with a focus on commercial litigation, construction and engineering, products liability, insurance, and environmental litigation. Bill is currently representing the federal government in tobacco litigation across the country.

He has appeared as counsel in the Supreme Court of Canada, the B.C. Court of Appeal, the Supreme Court of B.C., the Alberta Court of Queen's Bench and before regulatory tribunals.

Bill is a Chartered Arbitrator and has acted as an Arbitrator and as counsel in arbitrations and mediations.

Recognition And Ranking

- *Martindale-Hubbell International Law Directory*: BV Peer Review rated

Professional Activities

- Law Society of British Columbia, October 2003 – December 2004, President
- B.C. Justice Review Task Force, Chair
- Canadian Bar Association (B.C. Branch), past Elected Member
- Chartered Arbitrator (Arbitrator's Institute of Canada)
- British Columbia Courthouse Library Society, Chair

Community Activities

- Vancouver Art Gallery, Trustee
- St. Paul's Hospital Foundation, former Director
- Board of Crofton House School, past Chair

Bar Admissions

- British Columbia (1972)
- Queen's Counsel (1991)

Education

- University of Manitoba (B.A., 1968)
- University of British Columbia (LL.B., 1971)

Experience

- Represents the Federal Government in a claim for health care costs recovery brought by the Province of B.C. against various tobacco companies which have made a Third Party claim against the Federal Government (*British Columbia v. Imperial Tobacco Canada Limited and others*, S.C.B.C. Action No. S01042)
- Represented the Canadian Pacific Railway Company in this matter. This is a leading decision of the Supreme Court of Canada concerning the effect of statutory authority and applicable guidelines and regulations on a railway's common law duty of care to the public (*Ryan v. Canadian Pacific Railway Company*, [1999] 1 S.C.R. 201)



William M. Everett, QC

Partner

Vancouver

P: 604.631.9171

F: 604.694.2920

E: wmeverett@lawsonlundell.com

Teri Stevens

Legal Assistant

604.408.5362

Practices

- Class Action
- Commercial Litigation
- Defamation and Media
- Insurance Litigation
- Litigation & Dispute Resolution
- Product Liability

- Represented Westar Group Ltd. This case is one of the leading decisions in British Columbia on certification of class actions. The case involved an attempted certification of a class by a minority shareholder of Westar Group Ltd., who brought an action for damages alleging civil conspiracy spanning several years and involving a series of complex corporate transactions. The application for certification was dismissed at the original hearing and on appeal [*Samos Investments Inc. v. Pattison* (2002), 22 B.L.R. (3d) 46 (B.C.S.C.), aff'd (2003), 30 B.L.R. (3d) 177 (B.C.C.A.)]
- Represented Canadian Forest Products Ltd., which together with three other major forest companies brought separate actions against the Province of British Columbia arising out of the passage of the Forest Amendment Act, 1995. That statute changed the manner in which forest companies historically paid the Crown for harvesting timber under timber licenses. Canadian Forest Products Ltd.'s claim, together with the claims of the other forest companies, were between \$500 million and \$1 billion. The case did not go to trial because the provincial government enacted the Timber Licenses Settlement Act, 2003, which had the effect of eliminating the litigation [*Canadian Forest Products Ltd. v. H.M.T.Q. in Right of the Province of British Columbia*, Vancouver Registry No. S001803 (B.C.S.C.)]
- Represented Canadian Pacific Railway Company in this matter. This action involved a serious derailment of a Canadian National Railway Company train in the Fraser Canyon, resulting in the death of two engineers. The Canadian National Railway Company commenced an action against both the Federal and Provincial Governments as owners and operators of the Trans Canada Highway, which ran parallel to the railway. It was alleged that improper design and maintenance of the highway caused the sloughing of the Trans Canada Highway, which in turn caused sloughing of the rail bed under the Canadian National Railway Company track. The Province commenced third-party proceedings against Canadian Pacific Railway Company, which operated trains on the other side of the Fraser Canyon. It was alleged that Canadian Pacific Railway Company engineers saw that the rail bed had sloughed from beneath the Canadian National Railway Company track shortly before the Canadian National Railway Company train approached the area, but failed to report the dangerous situation to Railway Traffic Control. The third-party claim was dismissed (*Canadian National Railway Company v. H.M.T.Q. in Right of Canada*, 2003, BCSC 1558)
- Represented Alcan Smelters and Chemicals Limited. This was a significant claim by Alcan Smelters and Chemicals Limited in the early 1990's in connection with the tendering for the tunnel boring contract for the Kemano Completion Project. The claim was for approximately \$27 million. The case involved very complex bidding documents, numerous expert reports, extensive discovery and it required in-depth analysis by lead counsel. The case was settled in Alcan's favour before trial [*Alcan Smelters and Chemicals Limited v. Giuseppe Torno Engineering Inc./Societe D'Ingenierie Giuseppe Torno Inc. and S.A. Healy Company*, Vancouver Registry No. C901591 (B.C.S.C.)]
- Represented Continental Lime Limited. This was a claim for approximately \$29 million against Continental Lime Limited regarding the price paid to the Trustee in Bankruptcy for the purchase of shares the bankrupt held in another company. It was alleged that the sale was improvident and the valuation of the shares was negligently prepared. The case involved a complex fact pattern, complex evidentiary issues and sophisticated experts in valuation. The case was dismissed [*Med Finance v. Continental Lime Limited* (1994), 27 C.B.R. (3d) 264 (B.C.S.C.)]
- Represents Ball Corporation of Denver, Colorado, in a claim by Ocean Fisheries in the Supreme Court of B.C. regarding a price adjustment clause under a contractual arrangement (*Ocean Fisheries Limited v. Ball Packaging Products Canada Corp. and Ball Corporation*, S.C.B.C. Action No. S053954)
- Represents Western Canadian Coal Corporation in a claim by former officers and directors for a royalty on coal sales (*Western Canadian Coal Corporation v. Fawcett and others*, S.C.B.C. Action No. L050703)



- Represented Ecowaste Industries Ltd. A 20-day trial of this matter just completed. Ecowaste Industries Ltd. is counterclaiming against the GVSDD to set aside its municipal solid waste bylaw on the grounds it was not enacted in accordance with the provincial enabling legislation, it is unconstitutional as an unauthorized tax, or it is discriminatory. Judgment has been reserved [*Greater Vancouver Sewage and Drainage District v. Ecowaste Industries Ltd.*, Vancouver Registry No. S006114 (B.C.S.C.)]
- Was counsel for Worthington Canada Inc. This was a product liability claim by the Province of British Columbia against Worthington Canada Inc. regarding the catastrophic failure of the steam turbines manufactured by Worthington Canada Inc. and installed in the Crown-owned newsprint mill at Ocean Falls, British Columbia. This was a long trial, with a claim for significant damages. The evidence was detailed and complex. Sophisticated engineering expertise was also required. The case against Worthington Canada Inc. was dismissed. The case also involved an appeal to a five-person Court of Appeal regarding the apportionment of costs in a product liability case as between the parties. Leave to appeal to the Supreme Court of Canada on the costs issue was denied [*British Columbia v. Worthington (Canada) Inc.*, (1989) 1 W.W.R. 1 (B.C.C.A.)]
- Represented Canadian Pacific Railway Company. In 1999 a barge towed by a tug owned by Bayside Towing Ltd. struck the Canadian Pacific Railway Company's railway bridge over the Fraser River at Mission, B.C. This is the leading case in Canada involving the interpretation of the convention on limitation of liability under the Canada Shipping Act (*Bayside Towing Ltd. v. Canadian Pacific Railway Co.* (2002), 197 F.T.R. 251)
- Represented Newmont Gold Company. In this case, A.G. Armeno Mines & Minerals Inc. sought to add the American company, Newmont Gold Company, as a party to a B.C. action. Newmont Gold Company applied for a declaration that British Columbia had no jurisdiction. The hearing involved a review of the law on service ex juris and territorial jurisdiction by the British Columbia Court of Appeal. The Court concluded that it had no jurisdiction over Newmont Gold Company. The appeal was dismissed [*A.G. Armeno Mines & Minerals Inc. v. P.T. Pukuafu Indah* (1999), 65 B.C.L.R. (3d) 256, (S.C.), aff'd (2000), 77 B.C.L.R. (3d) 1 (C.A.)]
- Represented Cansulex Ltd. This was an action for indemnity on an insurance policy. Cansulex Ltd. had loaded a cargo of sulphur in a vessel bound for South Africa under conditions that caused the vessel's hull to corrode over time. An action was brought in England against Cansulex Ltd. by the vessel's owners, which was settled. The claim against the insurers was for all the legal costs and damages paid in settlement in connection with the English action (in excess of \$6 million). The case involved extensive production of documentation from Canada, England and other jurisdictions
- Extensive witness preparation, including sophisticated expert reports, was also required. There was also extensive review of the law in connection with insurance principles. The case was settled on the eve of trial for the full amount claimed by Cansulex Ltd. from its insurers [*Cansulex Ltd. v. Reid Stenhouse Ltd.*, Vancouver Registry No. C826537 (B.C.S.C.)]
- Represented the petitioner, Valerie Kordyban. This matter involved complex issues about the application of trust law principles to corporate governance of a family enterprise in the context of a dispute among the shareholders [*Kordyban v. Kordyban* (2002), 1 B.C.L.R. (4th) 45 (S.C.), aff'd (2003), 13 B.C.L.R. (4th) 50 (C.A.)]
- Represented Commonwealth Construction Company Limited in this matter. This matter went to trial in Calgary in the mid-1980's for approximately six months before it was settled. The case was a significant claim for construction cost overruns, involving very extensive document production and management, very lengthy examinations in chief and cross-examinations, and complex points of law [*Commonwealth Construction Company Limited v. City of Calgary and Reid, Crowther & Partners Limited*, Calgary Registry No. 8101-16207 (Alta. Q.B.)]



William M. Everett, QC (Cont.)

- Represented Commonwealth Construction Company Limited in this matter. This arbitration lasted six months in the early 1980's and concerned a claim for construction cost overruns arising out of the construction of the road, bridges and mine haul road into the Line Creek Coal Mine in southeast British Columbia [*Commonwealth Construction Company Limited v. Crows Nest Resources* (a subsidiary of Shell Canada Resources) – Private Arbitration]

News / Publications

- William Everett, QC Receives a UBC Law Alumni Association Achievement Award, (April 12, 2012)

© 2012 Lawson Lundell LLP. All rights reserved. Lawson Lundell LLP is a British Columbia Limited Liability Partnership.

