

Craig A.B. Ferris

Craig is a litigator and acts for clients in commercial and business disputes. His particular areas of specialization include shareholder remedies, trust, pension and fiduciary disputes, securities and transactional litigation, product liability, mining disputes and real estate litigation. Craig has appeared in all levels of court in British Columbia as well as the Supreme Court of Canada. He has also acted in private arbitrations and in administrative settings including before the British Columbia Securities Commission. Craig has particular expertise in class actions and acted as lead counsel in several successful defences of major class proceedings.

Recognition And Ranking

- *Benchmark Canada: The Guide to Canada's Leading Litigation Firms and Attorneys 2012*: recognized for commercial, environmental, insurance, product liability and securities litigation in British Columbia
- *Best Lawyers in Canada*: recognized for employee benefits law
- *Martindale-Hubbell International Law Directory*: BV Peer Review rated

Professional Activities

- Canadian Defence Lawyers Association, Member
- Vancouver Board of Trade, Member
- Western Canada Business Litigation Blog, Contributor

Community Activities

- Discipline Committee, Law Society of British Columbia, Non-Bencher Member
- Capital Campaign Committee, Bard on the Beach Society, Member
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Bar Admissions

- British Columbia (1991)

Education

- University of British Columbia (B.A., 1986)
- University of British Columbia (LL.B., 1989)

Personal Interests

Craig is married with three children. He is an active runner and has completed 13 marathons including Boston and New York.

Experience

Representative experience includes:

- British Columbia Court of Appeal substantially adopted our position with respect to the commencement of a limitation period in an intended class proceeding arising in the pension context (*Weldon v. Agrium Inc.*, 2012 BCCA 53)



Craig A.B. Ferris

Partner

Vancouver

P: 604.631.9197

F: 604.641.2818

E: cferris@lawsonlundell.com

Parveen Bunwait

Legal Assistant

604.408.5321

Practices

- Class Action
- Commercial Litigation
- Insurance Litigation
- Litigation & Dispute Resolution
- Pension and Benefits Litigation
- Product Liability
- Real Estate Litigation
- Securities Litigation

- Successfully obtained an order for special costs against the Defendant due to their conduct. Resolved the costs award for a 90% indemnity of the total actual legal fees incurred throughout the proceeding (*Hoffman v. Percheson*, 2011 BCSC 1175)
- Successfully defended a mortgage lender accused of fraudulently failing to account for mortgage payments alleged to be part of a scheme to avoid taxation. Extensive reasons were given dismissing the allegations on the basis of the borrower's and his agent's lack of credibility. (*Hoffman v. Percheson*, 2011 BCSC 770)
- Successfully obtained a multi-million dollar judgment in relation to a complex limited partnership/debt dispute on a summary trial application (*Tocchio v. Graoch Associated Limited Partnership* (BCSC Action No. S110326), April 6, 2011)
- Obtained an order disqualifying counsel for the opposing party based on a conflict of interest (*Roeder v. Chamberlain and Davies & Company*, 2010 BCSC 920)
- Successfully obtained a judgment ordering that two legal proceedings commenced in British Columbia against Alberta lawyers be transferred to the Alberta Court of Queen's Bench (*Broman v. Machida Mack Shewchuk Meagher LLP*, 2010 BCSC 760)
- Successfully obtained summary dismissal of a claim of breach of duty and negligence against a Pension Administrator (*Estate of Martens v. Martens and BC Pension Corporation*, 2009 BCSC 1477, 2010 BCCA 326)
- Successfully defeated an application to stay a British Columbia Supreme Court proceeding in favour of arbitration under the Rules of the Arbitration Institute of the Stockholm Chamber of Commerce (*H & H Marine Engine Service Ltd. v. Volvo Penta of the Americas, Inc.*, 2009 BCSC 1389)
- In 2008, successfully represented an international mining client in a private arbitration and obtained an award with respect to the proper interpretation of the contractual formula for the calculation of a royalty payment
- Successfully obtained an appraisal remedy for the same price as the underlying take-overbid (*Ashton Mining of Canada Inc. v. Vesuna et al.*, 2007 BCSC 1374, 2008 BCCA 248)
- Succeeded in proving fraud against a claimant of disability benefits from a benefit trust (*The Trustees of the IWA- Forestry Industry Ltd. Plan v. Bhullar*, 2008 BCSC 168)
- Overturned on appeal 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)
- Successfully defended a Petition challenging the approval of a second step business combination under OSC Policy 61-501 and alleging oppression (*Bingham v. Ashton Mining of Canada Inc.*, 2007 BCSC 281)
- Successfully overturned on appeal certification of a major pension class proceeding (*Williams v. College Pension Board*, 2007 BCCA 19)
- Successfully defended a shareholder's right plan before the British Columbia Securities Commission (Re. Imperial Metals Corporation, CAT-Gold Corporation and bcMetals Corporation, November 10, 2006)
- Successfully obtained pre-certification dismissal of a major class proceeding which sought remedies based on trust, competition law and statutory authorization law issues (*The Consumers Association of Canada v. Coca Cola Bottling Company et al* 2007 BCCA 356; 2006 BCSC 1233)
- Successfully represented the Trustees of the IWA – Forest Industry LTD Plan and obtained an early summary dismissal of a claim against them for breach of fiduciary duty relating to their adjudication of disability claims; (*Atco Lumber v. Leech*, 2006 BCSC 524 and *Atco Lumber Ltd. v. Leech*, 2007 BCCA 238)



Craig A.B. Ferris (Cont.)

- Successfully represented the plaintiff in a leading decision on the jurisdiction of the Supreme Court of British Columbia over foreign defendants (*Xytus v. Century Mining Corporation*, 2005 BCSC 741)
- Successfully represented a major forest product company in a private arbitration brought under the Timber Harvesting Contract and Subcontract Regulation (British Columbia) during 2005
- A class action involving complex pension issues in which the court largely adopted our position on certification issues (*Gregg v. Freightliner* 2003 BCSC 241)
- Successfully obtained a declaration of insurance coverage for our client (*EFP Holdings Ltd. v. the Boiler Inspection and Insurance Company of Canada* 2001 BCSC 1580; 2002 BCCA 637)
- The leading British Columbia case on contested corporate arrangements. We successfully obtained court approval on behalf of our client; and (*Re Pacifica Papers Inc.* 2001 BCSC 1069; 2001 BCCA 486)
- Successfully quashed a multi-million dollar logging tax assessment and successfully defended the decision before the British Columbia Court of Appeal (*Slocan Forest Products Ltd. et al v. HMTQBC et al* (1999) 99 DTC 5836; 2000 BCCA 520)

Class Proceedings

Representative matters acting as defence counsel includes the following class proceedings:

- Representing a major industrial client in relation to a claim arising from the conversion of its pension plan from a defined benefit to a defined contribution plan.
- Represented an industry organization in a proposed class proceeding arising from its involvement in a government sponsored management agreement of certain natural resources and the legality of fees charged under the management system.
- Defended the appeal from the dismissal of an intended class proceeding relating to allegations of charging improper fees, unauthorized use of funds and breach of *The Trade Practices Act*
- Defended a society against allegations of improper receipt and use of monies received
- Defended two national trust companies in a class proceeding relating to claims of breach of fiduciary duty

Conferences

- "Liability and the Fiduciary", ((November 14-15, 2011)
- "Employer and Employee Rights and Obligations in Disability Claims", (October 27-28, 2011)
- "Protecting the organization in the era of increased pension liabilities, shortfalls and litigation", (March 14-15, 2011)
- "Liability and the fiduciary", (November 8-9, 2010)
- "Proactively Protecting Your Plan", (January 20, 2010)
- "Liability and the Trustee", (November 4 - 6, 2009)
- "Protecting the organization in an era of increased pension liabilities, shortfalls and litigation", (April 20 & 21, 2009)
- "Liability and the Trustee", (November 24, 2008)
- "Pollution Exclusion Clauses: An Analysis of the Canadian Jurisprudence", (June 17-18, 2008)
- "Pension and Employee Benefit Class Actions – The Defence Perspective", (January 30-31, 2008)
- "Mergers and Acquisitions – Recent Litigation Trends", (November 2007)
- "Current Trends in Pension and Benefit Class Actions", (April 6, 2006)



Craig A.B. Ferris (Cont.)

- “Pension Class Actions”, (October 9, 2003)

News / Publications

- Team of Lawson Lundell lawyers recognized in Lexpert Magazine's Big Deals for their role in the US Gold Corporation acquisition of Minera Andes Inc., (April 12, 2012)
- Canadian Corporate Counsel Magazine mentions Lawson Lundell's role in Western Coal Corp.'s acquisition by Walter Energy Inc., (December 27, 2011)
- Craig Ferris quoted in The Globe and Mail, (December 15, 2010)
- Craig Ferris quoted in The Wall Street Journal, (November 15, 2010), Interview
- Lawson Lundell Launches the Western Canada Business Litigation Blog, (October 1, 2010)
- Have Pension Class Actions Altered Traditional Trust Cost Rules? A Recent Trend, (April 17, 2009)
- Liability and the Trustee, *3rd Pension Law & Litigation Course, Federated Press Course, April 20 & 21, 2009, Co-lecturer*, (March 12, 2009)
- Supreme Court of Canada Appeal, (November 17, 2008)
- Pollution Exclusion Clauses: An Analysis of the Canadian Jurisprudence, (June 19, 2008)
- Pension and Employee Benefit Class Actions - The Defence Perspective, (February 20, 2008)
- “*Bingham v. Ashton Mining of Canada Inc. – Sepp’s Gourmet Revisited*”, *Corporate Litigation*, Vol. VIII, No. 3 p. 486, (2007)
- “*Ruddell v. BC Rail Ltd. – Case Comment*”, *Class Action Quarterly*, Vol. 2 No. 2, (December 2007)
- Understanding Arbitration Clauses in Class Actions: Have the Sands Shifted Once Again?, (September 21, 2007)
- Pension Dispute Arbitration Prevails Over Class Proceedings, (July 30, 2007)
- “Pension Dispute Arbitration prevails over Class Proceeding in Ruddell”, *The Lawyers Weekly*, p. 12, (July 20, 2007), Co-Author with Murray Campbell
- “British Columbia Overturns Class Action Certification”, *Pension Planning*, ol. XIII, No. 4, (2007), Co-authored with Marko Vesely
- Pension Plans Under Attack: Protecting Your Fund From Class Action Litigation, (May 18, 2007)
- Denial of Disability Benefits, (February 21, 2007)
- “BC decisions indicates clear preference for class action legislation over ADR”, *The Lawyers Weekly*, (March 24, 2006)
- Pension Arbitration Trumped by Class Proceeding Legislation, (March 12, 2006)
- “Novel claims are becoming more precedent in pension class actions”, *The Lawyers Weekly*, (March 25, 2005)
- How Class Action Suits are Changing the Pension and Benefits Landscape, (November 10, 2004)
- Pension Class Actions, (November 1, 2003)
- “Defending Against the Worker’s Compensation Board”, Int. I.L.R. 208, (1998), Co-Author with Thomas Fox

