



DEREK  
**FRENETTE\***  
PARTNER

\* Professional Law Corporation

## BIOGRAPHY

Derek is a member of the firm's Wills, Estates + Trusts; Labour + Employment; Business Disputes; Intellectual Property + Technology; and Insurance practice groups.

He has a broad business litigation practice which includes contractual, shareholder, employment, human rights, and intellectual property disputes. Derek also has a particular interest in estate and trust disputes, including wills variation, will validity, trustee and executor liability, and trustee remuneration cases. He also drafts employment agreements and policies, and prosecutes trade-mark and copyright registrations. His practice takes him to multiple jurisdictions, to the British Columbia Supreme Court, the Federal Court of Canada, and to numerous tribunals including the British Columbia and Canada Human Rights Tribunals, the Canada Industrial Relations Board, the British Columbia Employment Standards Tribunal, and the federal Trade-Marks Opposition Board.

## ON A PERSONAL NOTE

In his spare time, Derek enjoys basketball, cycling, camping and travel.

## REPRESENTATIVE EXPERIENCE

Derek has represented clients in Federal Court, British Columbia Supreme Court and British Columbia Provincial Court, as well as numerous tribunals and administrative bodies.

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## EDUCATION

- 2012 J.D. [University of British Columbia](#)
- 2005 M.A. [Simon Fraser University](#)
- 2003 B.A. [Simon Fraser University](#)

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## BAR ADMISSIONS

- 2013 Admitted to the British Columbia Bar

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## PRACTICE AREAS

### BUSINESS

- Business Disputes
- Employment Law
- Succession Planning
- Corporate / Commercial
- Insolvency + Restructuring
- Labour Relations
- Intellectual Property + Technology

- Defended a claim for battery in a two-week trial before a jury, which resulted in the awarding of minimal damages which were further reduced by 70% as a result of a successful provocation defence
- Successfully negotiated settlement on favourable terms of a complex trade-mark dispute on behalf of a prominent Canadian private career-training institution, including settlement of Trade-mark Opposition Board proceedings and potential Federal Court proceedings against a Canadian public university
- Successfully negotiated settlement on favourable terms of a Federal Court trade-mark infringement action on behalf of a prominent recruitment and staffing service provider, involving infringement of the client's trade-marks by a large provider of industrial capital project services
- Successfully obtained a six-figure settlement for a client who was constructively dismissed after employer failed to pay salary or provide benefits for eight months, underwent change of control and refused to pay back-wages and benefits. Obtained a Mareva injunction freezing employer's assets pending trial or settlement of the matter
- Successfully negotiated settlement on favourable terms of an employment dispute on behalf of an employer which involved a Worker's Compensation discriminatory dismissal complaint, human rights complaint and two Worker's Compensation Appeal Tribunal appeals, including successfully obtaining an order from WorkSafe BC that the claimant was not entitled to any remedy in respect of the discriminatory dismissal finding
- Prosecution and defence of arbitration proceedings involving all manner of commercial disputes
- Negotiation, litigation, and settlement of many large and complex estates involving all manner of assets

#### Recent Decisions

- [LL v. DM and another, 2020 BCHRT 129](#): Defended a claim for sexual harassment and sex discrimination in the workplace
- [Jahanbani v. Mohseni, 2020 BCSC 2140](#)
- [Syukur v. Yeh, October 23, 2018 No. S169730, Vancouver Registry](#): Successfully prosecuted a beneficiary's claim to a share of a property owned by her deceased spouse, in which there was no gift in the will, and a transfer was completed after the testator's death
- [Abbasnejad v. Leifsson, February 21, 2018 No. S151680, New Westminster Registry](#): Defended a claim for battery in a two-week trial before a jury,

- Workers Compensation

#### PERSONAL

- Wills, Estates + Trusts
- Employment
- Human Rights
- Intellectual Property + Technology

#### INSURANCE

- Employment Practices
  - Human Rights
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#### INDUSTRIES

- Local Government
  - Property Management
  - Real Estate
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which resulted in the awarding of minimal damages which were further reduced by 70% as a result of a successful provocation defence

- [Branconnier \(Re\)](#), October 23, 2017 No. B160870, Vancouver Registry: Obtained an order under the Bankruptcy and Insolvency Act to examine the spouse of a bankrupt who was subject to fines for extra-provincial securities violations
- *Logan v. Numbers Cabaret Ltd. (Hamburger Mary's)*, 2016 BCSC 1473

## EVENTS

- 22/09/2021, Labour + Employment Webinar: Business Protection
- 05/05/2021, Labour + Employment Webinar: Workplace Reorganization
- 18/11/2020, 2020 Hindsight: Update of Employment Related Legislation and Caselaw
- 25/09/2019, Labour + Employment Seminar: Restrictive Covenants
- 06/09/2019, 12th Annual Pro Bono Going Public
- 09/05/2018, Labour + Employment Seminar: Independent Contractors/Consultants

## PROFESSIONAL & COMMUNITY AFFILIATIONS

- [Law Society of British Columbia](#), Member
- [Canadian Bar Association](#), Member
- [Vancouver Bar Association](#), Member
- [Canadian Association of Counsel to Employers \(CACE\)](#), Member
- [Access Pro Bono Going Public](#), Volunteer (2013, 2014 and 2018)
- [JDRF Ride for Diabetes Research](#), Volunteer (2013 and 2014)



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