



EMILY  
**STOCK\***  
PARTNER

\* Professional Law Corporation

## BIOGRAPHY

Emily Stock is a partner and a member of the firm's Insurance, Construction + Engineering, and Professional Liability Practice Groups.

Emily's practice is litigation-based, with a focus on professional liability and construction. Her practice also includes insurance defence and general civil litigation. She provides legal defence services under first-party property, E&O, CGL, and D&O policies.

Emily has been defending chartered professional accountants in British Columbia and Ontario for over 20 years. In defending financial professionals, she seeks to understand the nature of the underlying commercial dispute, and so be able to explain it to opposing counsel and those involved in litigation, and then (if required) the Court.

Emily has an engineering degree from Queen's University and has considerable experience defending engineers. She defends construction design professionals in insured and uninsured matters and works with all stakeholders in the construction industry to resolve disputes. She loves it when a case allows her to dig deep into the technical engineering issues to move the matter to resolution.

Emily is passionate about simplifying complex matters to promote meaningful discussions about what matters. This is her focus in representing insurance companies in coverage matters, which often involve underlying technical engineering, science, or financial issues. She works with insurer clients to manage their risks and ensure that their insurance policy products are responding to claims in accordance with the wording, the underwriting intent, and the important role that insurance companies have in supporting

EMAIL [estock@ahbl.ca](mailto:estock@ahbl.ca)  
TEL 416 639 9062  
FAX 416 639 9061

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## EDUCATION

- 2004, University of Victoria, Bachelor of Laws
  - 2004, University of Victoria, Master's in Business Administration
  - 2000, B. Sc (Engineering), Queen's University Bachelor of Science (Mathematics and Engineering (Mechanical option))
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## BAR ADMISSIONS

- 2013 Admitted to the Bar of Ontario
  - 2005, Admitted to the British Columbia Bar
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## PRACTICE AREAS

Canadian businesses.

In addition, Emily is a regular speaker at industry events and her client's offices, and an occasional author of blogs and papers. She has spoken at numerous smaller conferences and in-house seminars on a variety of topics, including case law updates, joint and several liabilities, costs, where to find coverage in various industries, including construction, managing complex litigation, risk management for professionals (engineers and accountants), litigation strategy including with respect to settlement offers and class actions, amongst many other topics, for numerous audiences.

### ON A PERSONAL NOTE

Emily is often asked why she left the beautiful mountains and breathtaking ocean views of Vancouver for the concrete jungle and grit of Toronto. She jokes that she left Toronto to get away from her parents, but after she became a mum, she wanted nothing more than to be closer to them. She and her husband Scott, and their now teenage daughter, love both cities – but they will passionately explain why they call the tall towers, dynamic food scene, and bustling culture of Toronto home.

### REPRESENTATIVE EXPERIENCE

She has appeared as counsel at the Provincial, Supreme Court, Appeal, and Federal Courts in many provinces, including Ontario and British Columbia. She has also conducted numerous discoveries, chambers applications, mediations, arbitrations, and trials.

She has been appointed as defence counsel on behalf of:

- Construction Professionals including: architects, engineers (mechanical, civil, electrical and geotechnical), construction managers and general contractors; and
- Finance Professionals including: chartered accountants, certified management accountants, certified general accountants, chartered business valuers, insurance professionals, mortgage brokers and financial planners.

In particular, in this area, her defence work has included:

- Advocating for clients in alternative dispute resolution procedures to secure a consensual resolution
- Drafting pleadings, application materials and reports including to

### BUSINESS

- Construction + Engineering

### INSURANCE

- Appellate Advisory
  - Coverage Disputes
  - Construction + Engineering
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### INDUSTRIES

- Accounting
  - Construction
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insurance and non-insurance clients

- Managing multi-party disputes including by instigating defence group strategy meetings under carefully drafted agreements to maintain privilege and using the Rules of Court for case management
- Summary judgment motions including a three day motion to have a claim dismissed for being out of time.
- Trials including a 64 day trial against a business valuator and firm (dismissed with costs) and a 25 day trial against a construction remediation company (dismissed with costs).
- Conducting numerous chambers applications such as to obtain document production, security for costs, answers to questions from examinations for discovery, leave to continue an action against a bankrupt party for insurance (and was alleged to have committed fraud) etc.
- Retaining experts to provide technical non-legal opinions as part of the defense strategy
- Conducting and defending examinations for discovery, including, for example, conducting discoveries in a complex multi-party construction dispute of many defendants to substantially reduce client's exposure
- Assisting professionals in responding to complaints from their professional bodies

She handles civil litigation matters such as property damage, intellectual property, applications for injunctive relief and resolution of business disputes. In particular, such work has included:

- Arguing injunctions for immediate urgent relief such as to cause a person to desist from using a website, and co-counsel for other injunctions such as to prevent continued use of certain trademarks, stop a neighbor from removing a shared driveway and a stop reseller from selling infringing dangerous merchandise
- Arbitrations including an 8 day arbitration for breach of a franchising contract and a 3 day arbitration for interpretation of the parking provisions of a release
- Trial experience including successfully establishing that property damage was not caused by earthquake
- Court of Appeal experience including with the interpretation of flood damage
- Managing the expectations of my clients from the commencement of the action to resolution



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- Providing opinions and strategic advice on issues of law including in the areas of insolvency, priority of claims and economic loss

She also works with insurance companies to assess coverage in response to a claim, and if unable to find coverage, to deal with any ensuing litigation. Representative experience with respect to insurance coverage has included:

- Providing coverage opinions on duty to defend, allocation between insurers and indemnity, on various types of policies including CGL, E&O, D&O, Property, Wrap-up and Course of Construction / Builder's Risk
- Commencing litigation on behalf of Insurers, or responding to litigation, arising out of coverage disputes
- Acting as monitoring counsel on behalf of the Insurers in large complex and/or towered litigation
- Reviewing wordings in policies and working with Underwriters on the scope of coverage and exclusions
- Providing independent opinions to multiple insurers to assist them in coming to a resolution on allocation or coverage issues
- Attending mediations and Court as coverage counsel to assist in the timely and reasonable resolution of files with difficult coverage issues

## NOTABLE CASES INCLUDE:

- *The Tewaaron Lacrosse League v. Ontario Lacrosse Association*, 2022 ONSC 3592  
Successful resistance of an interlocutory injunction for alleged interference of economic relations around the ability of competing organizations to recruit athletes.
- *Le Treport Wedding & Convention Centre Ltd. v. Co-operators General Insurance Company*, 2020 ONCA 556  
Overturned the unfortunate trial decision to secure appropriate coverage in accordance with the wording of the Policy for a 2013 flood.
- *Hume Investments Ltd. v. Aviva Insurance Company of Canada*, 2019 ONSC 709  
After hearing extensive expert evidence, in a trial may well have been a "crash course" for as engineering master degree with a specialization in structural and seismic engineer, the client, the Insurer, was victorious.
- *Cargojet Airways v Aveiro et al*, 2016 ONSC 2356



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In an action against the contractors and design professionals involving the construction of a new airplane hangar, successfully had the action struck for being brought outside the applicable limitation period in a three day summary judgment trial.

- *Zurich Life Insurance Company Limited v Branco*, 2015 SKCA 71  
Co-counsel with her friend and mentor Steven Steiber, successful appeal of the unprecedented punitive and aggravated damages award of almost \$5M against two insurers, to bring the total amount to less than a fifth of the original award.
- *Kayne v. The Owners, Strata Plan LMS 2374*, 2013 BCSC 51  
This action was dismissed by the Court after a 5 week trial that considered the strength of the evidence tendered on behalf of the client, the remediation design professional, about whether a townhouse was a “leaky condo” and whether it had been properly remediated.
- *Murray v. Langley (Township)*, 2010 BCSC 102  
Resisted a summary judgment motion about the cause of the failure of a slope next to the Plaintiffs’ home. The Defendants were then able to move towards a resolution without the parties becoming further entrenched in the Court process.
- *Timberwest Forest Corp. v. Pacific Link Ocean Services Corporation*, [2009] 2 FCR 496  
A Federal Court trial involving the waiver of subrogation clause in a bill of lading and the doctrine of third party beneficiaries. The clients were found to be additional insureds and so have the benefit of the waiver of subrogation. The trial decision was upheld on appeal.
- *Newton v. Marzban*, 2008 BCSC 328  
With her co-counsel (and distinguished first and always mentor) David Wende, represented a national accounting firm and one of its business valuation partners in a claim brought by an ex-wife against her ex-husband and all the advisors involved in her divorce proceedings. After 64 days of trial, the action was dismissed as against the client in its entirety.

## PUBLICATIONS

- Jurisdictional Considerations in Strategies for Litigation Costs, 2024, *speaker*
- CDL Coverage Symposium, 2022, *speaker*
- From Katrina to Fort McMurray: the Post-Disaster Economy and Business Interruption Coverage, Engineering Insurance Conference (CBMUA), 2016,



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*speaker and author*

- C4 2018 – CatIQ’s Canadian Catastrophe Conference, *speaker*
- COC Property Forum, 2016, *committee member and speaker*

## PROFESSIONAL & COMMUNITY AFFILIATIONS

- Law Society of Ontario (LSO), member
- The Advocate’s Society, member
- Canadian Defence Lawyers (CDL), member
- Professional Liability Underwriters Society (PLUS), member
- Federation of Defence and Corporate Counsel (FDCC, “connecting the peer reviewed leaders of the civil defense, corporate legal and insurance industries.”), member
- Engineering Insurance Conference of the Canadian Boiler and Machinery Underwriters Associates, past committee member and past speaker
- BC Construction Subsection, past chair
- Minerva Foundation Learning to Lead Program (a leadership program for women), past co-chair
- PEAK Awards for the Association of Women in Finance in BC, past co-chair



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