



JUDI P.  
**KENNEDY\***  
PARTNER

\* Professional Law Corporation

## BIOGRAPHY

Judith Kennedy is a Partner and practices in the area of civil litigation with an emphasis on commercial insurance and reinsurance law. She regularly acts as defence, subrogation and coverage counsel for primary and excess insurers and reinsurers under a wide range of policy coverages including business interruption, contingent business interruption, professional errors and omissions, D&O, commercial comprehensive general liability, boiler and machinery, course of construction, wrap-up and professional liability. She is co-chair of the Alexander Holburn Subrogation Recovery team.

Ms. Kennedy's areas of specific interest include contentious coverage and business interruption issues, energy and mining claims, complex multi-party litigation, product liability, and subrogation recovery. She is experienced in mediation and as counsel at both the trial and appellate levels of the British Columbia court. She has also appeared as counsel before the Supreme Court of Canada.

## ON A PERSONAL NOTE

Ms. Kennedy is an avid cyclist and has thrice completed the Vancouver to Whistler Gran Fondo race. She also enjoys diving, skiing, art and music. She has two children, both of whom are graduates of the Richard Ivey School of Business.

## RECOGNITION

- 2005 – 2019 Martindale-Hubbell® Motor Vehicle and Insurance

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## EDUCATION

- 1984 LL.B. (with Distinction)  
[University of Saskatchewan](#)

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## BAR ADMISSIONS

- 2018 Admitted to the Alberta Bar
- 1985 Admitted to the British Columbia Bar

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## PRACTICE AREAS

### INSURANCE

- Directors + Officers
  - Professional Liability
  - Occupiers Liability
  - Coverage Disputes
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## REPRESENTATIVE EXPERIENCE

- Provides coverage advice for claims arising from 4 billion dollar hydro electric project in British Columbia
- Provides coverage advice in relation to business interruption, contingent business interruption and extra expense claims arising from flooding of oil and gas wells in southeastern Saskatchewan and northern British Columbia
- Acts as Subrogation Recovery counsel for claims involving mine fire, tire reclamation facility fire, warehouse fire and apartment/hotel/Strata building water losses
- Acts in defence of claims arising from loss of drilling well, equipment fires, water system failures and professional negligence
- Provided coverage and loss management advice in relation to a billion dollar energy loss in western Canada including protection of privilege, cause and origin analysis, subrogation potential and priorities and settlement strategy
- Acted as coverage counsel in a billion dollar class action in relation to pension rights in the province of Alberta and involving long tail coverage, multiple insurers and complex issues of defence and indemnity contribution
- Acted as coverage counsel in relation to a multi-million dollar claim by an international mining company to clean up a river after a large mine tailings escape
- Participated as co-counsel in providing coverage and claim management advice to the wrap-up insurer in relation to a multi-million dollar claim arising from alleged construction design deficiencies in a hydro-electric project in British Columbia
- Acted as coverage counsel to the wrap-up insurer of the Ministry of Education of British Columbia in relation to water ingress arising from construction/design deficiencies
- Defended the Italian, American and Canadian manufacturers against a product liability claim arising from fires allegedly caused by their product
- Prosecuted a million dollar subrogation action against the manufacturer of a product which caused fire and related property damage

## INDUSTRIES

- Construction
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- Acted as co-counsel at trial for subrogating insurers in multi-million dollar subrogation arising from a propane explosion and fire at a remote British Columbia logging camp and successfully defended the appeal by the unsuccessful defendant

## PUBLICATIONS

- March 2018, “Privilege and Adjusters Reports”, Speaker
- March 2012, “Additional Insured – Developments and Controversies in the law”, *Canadian Defence Lawyers at The Eighth Annual Insurance Symposium*, Speaker
- March 2012, “Latest Developments in Additional Insured Coverage”, *BCRIMA March Meeting*, Speaker
- April 2010, “Non-Waiver and Reservation of Rights”, *CIAA/CICMA Joint Educational Day*, Speaker
- September 2009, “The Performance Exclusion”, presented to insurance client, Speaker
- January 2009, “Bill 22 – 2008 Health Care Costs Recovery Act”, presented to insurance client, Speaker
- October/November 2008, “Additional Insureds: Wording Revisions Are Needed”, *Claims Canada*, Author
- 2007, “Primary & Excess Insurers: relationship, rights and obligations”, *Continuing Legal Education Society of British Columbia (CLEBC)*, *Insurance Law Conference*, Speaker
- 2006, “Coverage Disputes: The ‘Duty’ and ‘Right’ to Defend”, *CLEBC*, *Insurance Law Conference*, Speaker
- December 2005, “Protecting and Preserving Privilege”, Vancouver: *Alexander Holburn Lunch ‘n Learn Seminar* for Industry Representatives and Adjusters, later presented to Claims Representatives of firm client
- December 2004, “Issues in Construction Insurance”, *Commercial Underwriters Conference (Toronto)*, Speaker
- April 26, 2004, “Insurance Issues and Developments in Products Liability”, *Commercial Underwriters Conference (Toronto)*, Speaker
- November 19, 2003, “Toxic Mould, First and Third Party Claims”, Vancouver: *Citadel General Assurance Company Seminar*, Speaker
- November 20, 2002, “Primary and Excess Insurers’ Rights,



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Responsibilities and Obligations”, Claims and Underwriting Department of firm client, Speaker

- March 7, 2001, “Personal Information Protection and Electronic Documents Act: Overview and Corporate Requirements for Compliance”, *Claims Managers Association* (Vancouver), Speaker
- 2002, “Proximate Cause Update: Ramifications of *Derksen v. 539938 Ontario Ltd.*”, *CLEBC*, Insurance Law Conference, Speaker
- April 4, 2002, “Background to Punitive Damages, Principles and Pitfalls”, presented to Claims Department of firm client, Speaker
- November 4, 2002, “Commercial and Social Host Liquor Liability Exposure”, Sun Peaks, British Columbia, Canada West Ski Area Owner and Operators Annual General Meeting, Speaker

## PROFESSIONAL & COMMUNITY AFFILIATIONS

- [Law Society of British Columbia](#), Member
- [Canadian Bar Association](#), Member
- [Vancouver Bar Association](#), Member
- [The ARC Group Canada](#), Executive Committee
- [Law Society of British Columbia Coverage Committee](#), Outside Counsel Member



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