Jason Woycheshyn

Partner



Queen's Marque
600-1741 Lower Water Street
Halifax, N.S.
B3J 0J2

Phone: +1.902.420.3380
Fax: +1.902.420.1417
jwoycheshyn@stewartmckelvey.com

Language(s) spoken: English

Bar Admission(s): Alberta, 2005; Ontario, 2007; Nova Scotia, 2020

Legal Assistant(s): Heidi Butler

Providing legal services through a professional corporation.

Jason's broad practice focuses on litigation, arbitration and dispute resolution. He has extensive trial and appellate experience in courts across Canada, including Alberta and Ontario.

Jason litigates corporate, commercial, agribusiness, banking and estates disputes. These disputes include, corporate, shareholder, partnership, commercial contract, real property, injunction, fraud recovery, domestic and international arbitration, intellectual property, licensing, fiduciary duty and professional negligence matters. He has experience in securities regulatory and enforcement matters, directors' and officers' liability, oppression proceedings and sensitive internal investigations.

In the agribusiness sector, Jason leads investigations and settlements regarding the proper channeling of agricultural commodities in Canada.

In his estates litigation practice, Jason represents clients in will challenge and guardianship proceedings, often when those proceedings are concurrent with related commercial disputes.

Select reported decisions:

- *AgriMarine Holdings Inc. v. Akvatech AS*, 2019 ONCA 713, 2019 ONSC 1078, 2018 ONSC 7768 – lead counsel representing Norwegian-company Akvatech AS in successful opposition to an application, and subsequent appeal, challenging the validity of a license of certain closed containment fish-rearing technology.
- *Wauzhushk Onigum Nation v. Minister of Finance (Ontario)*, 2018 ONSC 3491 – lead counsel representing Gateway Casinos and Entertainment in response to an application for judicial review regarding decisions affecting the conduct of gaming in Ontario.
- *Noranco Inc. v. MidOcean Partners III et al.* 2019 ONSC 1173 – lead counsel representing aerospace parts manufacturer Noranco Inc. in opposition to indemnification motions brought by former officers and directors following

a $550 million share acquisition.

- *Westmount-Keele Ltd. v. Royal Host Hotels and Resorts Real Estate Investment Trust*, 2018 ONSC 5170, 2017 ONCA 673 – lead trial counsel representing Royal Host Hotels (now Holloway Lodging Corporation) in its pursuit of recovering closing costs arising from the sale of a Toronto hotel to a condominium developer. Before trial, on summary judgment motion, struck $20 million claim against Royal Host (a decision upheld by the Court of Appeal).
- *EZMoney Tario Inc. v. 7724934 Canada Inc.*, 2017 ONSC 3618, 2017 ONSC 2412, 2016 ONSC 7177 – representation of easyfinancial Services Incorporated in defence of injunctive proceedings brought by payday lender in response to "Payday Loans Suck" advertising campaign.
- *Margarita Castillo v. Xela Enterprises Ltd. et al.*, 2016 ONSC 6088 (Div. Ct.), 2015 ONSC 7978, 2015 ONSC 6671, 2014 ONSC 4046 – ongoing representation of Margarita Castillo in successful pursuit of shareholder oppression remedies and defence of $400 million conspiracy claim.
- *Jack Long v. Reprodux Limited*, 2014 ONSC 4061, 2014 ONSC 1451 – lead representation of Jack Long in pursuit of oppression remedies and wrongful dismissal claim.
- *Bank of Montreal v. Faibish*, [2014] O.J. No. 1639, 3299, [2013], O.J. Nos. 4206, 4171, 3323, 2170 and 1665 – representation of Bank of Montreal in pursuing fraud recovery for a $20 million cheque-kiting scheme.
- *ATB Financial v. Metcalfe & Mansfield Alternative Investments II Corp,* [2012] O.J. No. 6718 – Representation of Citibank, N.A. in successful opposition to BlackRock Asset Management Canada Limited's efforts to obtain declaratory relief under the Plan of Compromise and Arrangement, which restructured the $32 billion third-party asset backed commercial paper market.
- *Re Coventree Inc.* 2011 LNONOSC 757 and 988 – Representation of Coventree Inc. in response to an OSC investigation and a 50-day hearing about public disclosure made right before the collapse of the Canadian asset-backed commercial paper market.

Practice Areas

Estates & Trusts
Insurance
Intellectual Property
Litigation & Alternative Dispute Resolution
Professional Regulation & Misconduct

Education & Career

Education

University of Calgary, LLB, 2004
University of Alberta, BPE, 1998

Activities

Member, Canadian Bar Association

President, Ukrainian Canadian Bar Association
Former Adjunct Professor, Osgoode Hall Law School
Member, Board of Directors, Athletics Canada

Accolades

Benchmark Litigation Canada – Atlantics Litigator of the Year, 2023
Lexpert Media Group Benchmark: Under 40 Hot List, 2016
Lexpert® Rising Star: Leading Lawyer Under 40, 2016
Lexpert "Cross-Border Litigator to Watch", 2016
Lexpert rating: Litigation – Corporate Commercial, 2023
Precedent Setter, Precedent Magazine, 2015
Who's Who Legal: Canada (Electronic Discovery)
Martindale-Hubbell rating: BV Distinguished

Presentations

"Bold Moves in Uncertain Times" (Presented for The Advocates' Society)
April 14, 2022

"Top Cases in Estate Law" (Presented for The Advocates' Society)
January 14, 2021

"Directors and Officers Liability and Insurance Issues for Non-Profit/Charitable Organizations" (Presented for Churches Charities Not-For-Profits: Knowledge Hub 2020, June 2020)

"Steering Employers Through Crisis Times" (Presented for Canadian Lawyer, Online Event Series, April 2020)

"Force majeure clauses in commercial contracts – COVID-19" (Presented for Ukrainian Canadian Congress | Ukrainian Canadian Bar Association, April 2020)

"Structuring Your Case to Set-up or Knock-Down Asset Protection Structures" (Presented at Osgoode Hall Law School Professional Development Pleadings and Advocacy Workshop, April 2019)

"Ethical Issues when Advising a Board during Internal Investigations" (Presented at Ontario Bar Association Seminar on Professional Issues for Business Lawyers, October 2018)

"Valuation Case Law Review" (Presented at The Canadian Institute of Chartered Business Valuators National Congress, June 2018)

"Strategies for Bringing Different Types of Motions" (Presented at The Advocates' Society Motions Advocacy Seminar, February 2018)

"When to Attack Pleadings" (Presented at Law Society of Ontario Seminar on Powerful Pleadings, January 2018)

"The Fiduciary Duties of Portfolio Managers" (Presented at Bank of Montreal Exchange Traded Fund Roadshows in 2016 and 2017)