



**GARDINER ROBERTS**

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## **James Cook**

Partner

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**J**ames is a partner at Gardiner Roberts and has been with the firm since he articulated in 2002. As a litigator in the firm's Dispute Resolution Group, James has experience in a broad range of commercial matters, professional liability for lawyers, brokers and financial advisors, real estate and title insurance litigation, contractual disputes, civil fraud claims, oppression remedies, director, shareholder and partnership disputes, receiver liability, and various forms of urgent interim relief, including injunctions and Anton Piller orders.

James has appeared as counsel before the Ontario Superior Court of Justice, Divisional Court, Court of Appeal, and at commercial arbitrations.

He has successfully defended clients through trial including a claim where the court stated that the allegations could "rock, if not destroy" his client's career. In another successful trial decision, James persuaded the court to describe his client's widely distributed business agreement as "iron clad". James was co-counsel in one of the only known decisions where an action was stayed by a court at the outset as a result of improper conduct by the opposite party (who hacked into his client's computer server).

James has also presented at seminars for corporate, legal and information systems security professionals on the rules and impact of electronic discovery obligations.

## **AREAS OF PRACTICE AND INDUSTRY SPECIALTY**

- **Dispute Resolution** – Commercial litigation and arbitration, including contractual disputes, oppression remedies, director, shareholder and partnership disputes
- Professional negligence and liability for lawyers, brokers and financial advisors
- Real estate and title insurance litigation
- Urgent relief, including injunctions and Anton Piller orders
- Civil fraud claims
- Commercial tenancy disputes
- Receiver liability
- Copyright and trademark infringement



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## EDUCATION

- Called to the Ontario Bar, 2003
- Osgoode Hall, LL.B., 2002
- Simon Fraser University, M.A., 1997
- University of Manitoba, B.A. (Hons), 1995

## MEMBERSHIPS

- Law Society of Upper Canada
- Ontario Bar Association (Civil Litigation)
- The Advocates' Society
- Toronto Lawyers Association

## NOTABLE CASES INCLUDE

- H&R Block Canada, Inc. v. Inisoft Corporation (Ontario), 2009 CanLII 37911 (ON S.C.)
- Stewart Title Guarantee Company v. Zeppieri, 94 O.R. (3d) 196, 70 C.C.L.I. (4th) 247, [2009] I.L.R. I-4784, 307 D.L.R. (4th) 539, discussed in "Defending Under Title Insurance" The Lawyers Weekly (June 12, 2009)
- Richmond v. James, 79 R.P.R. (4th) 267, 2008 CanLII 73705 (ON S.C.), discussed in "Case must be strong if you decide to sue lawyer" The Toronto Star (June 13, 2009)
- Chuang v. Manning, 2008 CanLII 14175 (ON S.C.)
- Paciorka v. TD Waterhouse, 2007 CanLII 28749 (ON S.C.), 2008 CanLII 6646 (ON S.C.)
- bcIMC Construction Fund Corporation v. Preston Spring Gardens Inc., 40 C.B.R. (5th) 124, 2008 CanLII 1414 (ON S.C.)
- Challenge Gas Holding AB v. Echo Energy Canada Inc., 2007 CarswellOnt 9714 (ON S.C.)
- Newman v. T.D. Securities Inc., 2007 CanLII 463 (ON S.C.), 2007 CanLII 10791 (ON S.C.)
- Toronto Dominion Bank v. Preston Springs Gardens Inc., 31 C.B.R. (5th) 167, 2007 ONCA 145 (CanLII), affirming 19 C.B.R. (5th) 165, 2006 CanLII 15145 (ON S.C.), discussed in "Defendants denied leave to sue receiver of an insolvent co-defendant" The Lawyers Weekly (May 26, 2006)
- BMO Nesbitt Burns Inc. v. TD Waterhouse Investor Services, 2006 CanLII 17338 (ON S.C.), 148 A.C.W.S. (3d) 627
- Shoaga v. TD Waterhouse, 2006 CanLII 2191 (ON S.C.)
- Cohen v. YMR Capital Management Corp., 2006 CanLII 37780 (ON C.A.)
- Diamond Contracting Ltd. v. MacDermid, 2006 CanLII 24444 (ON C.A.), 214 O.A.C. 92
- Autosurvey Inc. v. Prevost, 44 C.P.R. (4th) 274, 2005 CanLII 36255 (ON S.C.), discussed in "Lawsuit tossed out in 'extraordinary remedy'" The Globe and Mail (November 30, 2005), and Brute Force Entry Punished: Autosurvey Inc. v. Prevost, OBA Civil Litigation Newsletter (May 2006)
- T.D. Waterhouse Investor Services (Canada) Inc. v. Srivastava, 2005 CanLII 35791 (ON S.C.)
- Banyan Tree Foundation v. Singh, 2005 CanLII 44178 (ON S.C.)