



Jamie Flanagan, Partner

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Jamie is a loyal and fierce advocate, with the proven ability to guide his clients through difficult times. When a matter does proceed to trial, Jamie has the trial experience to aggressively and thoroughly pursue his clients' interests. He is also very practical and spends time helping his clients decide whether, when and how to approach their litigation proceedings and advising on the benefits and disadvantages of settling a dispute, particularly since litigation can be costly, time consuming and stressful for clients.

He has over 25 years of civil litigation experience and focuses his practice on commercial and construction litigation, employment law disputes and estate litigation. Jamie is called to the Bar in Alberta, British Columbia and Saskatchewan and has appeared before the provincial, superior and appeal courts of Alberta, British Columbia and Saskatchewan on a wide variety of cases.

Education:

- LL.B., University of British Columbia
- B.A., McGill University

Professional Associations, Affiliations and Community Activities:

- Member, Canadian Bar Association
- Civil Litigation Section
- Construction Law Section
- Labour & Employment Law Section
- Wills & Estates Section
- Member, Calgary Bar Association

Awards and Recognition:

- Construction Law, *Best Lawyers® in Canada, 2021*

COMMERCIAL & CONSTRUCTION LITIGATION

Jamie is experienced in all phases of civil litigation including preparation of opinions, drafting of pleadings, chambers applications, examinations for discovery, trial and appeal. His experience includes complex, multi-party, multi-issue litigation involving extensive documentation and experts, along with the steps required to enforce judgments. He has also been involved in numerous unique extraordinary applications that can arise in civil litigation, such as interim injunctions, Mareva injunctions and Anton Pillar applications.

Jamie acts for contractors, owners, and developers in all manner of construction lawsuits including delay claims, performance bond as well as labour and material payment bond claims involving sureties, tendering disputes, deficiencies, defective construction, negligence claims against design professionals and a wide variety of breach of contract claims. He has decades of experience and a comprehensive understanding of the technical requirements of builders' lien claims under the *Builders' Lien Act* and has acted for all of the participants in the construction industry (owners, general contractors, subcontractors, material suppliers) in both enforcing lien rights and challenging lien claims.

His commercial litigation practice includes oil and gas litigation, pipeline failures, shareholder disputes, professional negligence claims, insolvency matters, secured and unsecured creditor remedies, real estate disputes, commercial landlord and tenant claims and product liability actions.

Commercial and Construction:

- Hydro-West Scaffolding Ltd. v. Tarpon Energy Services et. al., 2015 ABQB 271
- Cornelson v. Alliance Pipeline Ltd. 2014 ABQB 436; 2015 ABQB 152
- Strategic Acquisition Corp. v. Multus Investment Corporation, 2013 ABQB 323
- Metcalfe v. Yamaha Motor Canada Ltd., 2011 ABQB 807; 2012 ABCA 240
- Vincent v. Moduline Industries (Canada) Ltd., 2011 ABQB 571
- Bischke (Re), 2011 ABQB 422
- Marathon Canada Limited v. Enron Canada Corp., 2008 ABQB 408; 2008 ABQB 770
- Percy Alexander Enterprises Ltd. v. Genesis Land Development Corp., 2007 ABCA 251
- Rahco International Inc. v. Laird Electric Ltd., 2006 ABQB 592

Other Reported Decisions:

- Glaz v. Pepper Mold Inc., 2005 ABQB 857
- Prairie Land Corporation v. Concert Properties Ltd., 2004 ABQB 726
- Carley v. Willow Park Golf Course Ltd., 2002 ABQB 813
- Comessotti v. GE Capital Technology Management Services Inc., 1999 ABQB 657
- Long Tractor Inc. v. Canada (Deputy Attorney General), 1997 CanLII 11172 (SK QB)
- Prairie Security Fund Ltd. v. Gustafson et al, 1996 CanLII 7002 (SK QB)
- Delamo Holdings Ltd. v. Saskatchewan Government Insurance, 1996 CanLII 6753 (SK QB)
- Jastek Management Inc. v. North Ridge Development Corp., 1996 CanLII 6859 (SK QB)
- Hollyburn Lumber Company v. Pacific 2000 Design and Development Limited et al, 1994 BCSC
- Jean's Painting et al v. J.W. Bison Ranch Ltd., 1994 BCSC
- Cooper Yacht Charters Ltd. v. North Shore Credit Union, 1994 BCSC
- Granby Electric Corp. v. Vancouver Trade Mart Inc., 1993 BCSC
- Landview Construction Co. Ltd. and Grasteve Enterprises Ltd. v. Simic Engineering Ltd. and Lika Developments Ltd., 1993 BCSC
- Broadway Melody Music Ltd. v. Ho, 1991 BCSC

Presentations:

- “Builders Liens - Understanding their Effectiveness and their Shortcomings”, Buildex Calgary, 2010

ESTATE LITIGATION

Jamie has helped many of his clients navigate the estate litigation process, including validity of wills, capacity challenges, undue influence, executor duties and conflicts, fiduciary and trust claims, Power of Attorney issues, executor compensation and foreign estate limitations.

Examples of Jamie's experience in this area include:

- Hill v. Hill, 2010 ABQB 528; 2010 ABCA 305
- Re Mittelstadt (Estate), 2002 ABQB 656
- Singer v. Singer (Estate of), 2002 ABCA 294
- Isley Estate, Re, 1996 SKQB 6849

EMPLOYMENT LAW

Jamie's employment law practice includes advising employers of varying sizes, across all industry sectors, on a variety of issues including:

- Drafting and enforcing employment contracts
- Non-competition, non-solicitation and confidentiality agreements
- Fiduciary obligations
- Employment standards
- Human rights
- Short and long-term disability claims
- Directors' liability
- Wrongful dismissal
- Labour and employment issues in commercial transactions

Examples of Jamie's employment litigation experience include the following reported decisions:

- *Cornelson v Alliance Pipeline Ltd.* 2014 ABQB 436; 2010 ABCA 204
- *Byblow v. Artistic Stairs*, 2009 ABPC 379
- *Enerflex Systems Ltd. v. Lynn*, 2005 ABCA 62
- *Turner v. Westburne Electrical Inc.*, 2004 ABQB 605
- *Fetaz v. Crane Canada Inc.*, 1999 ABPC 119
- *Canada Post Corp. v. Saskatchewan (Workers' Compensation Board)*, 1998 CanLII 13433

Publications:

- "The Employment Relationship: Independent Contractor or Employee? Defining the Scope of the Relationship and its Consequences", Jamie Flanagan and Rachel Ravary, *McCarthy Tetrault*, 2005