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April 2016



BIG DEALS

85 Bloor Street West, Toronto

A team from our Real Estate Group comprising partner, **Neill Kalvin**, associate **Zale Skolnik** and law clerk **Helen Wright**, acted on the acquisition of 85 Bloor Street West in Toronto on behalf of RioCan Real Estate Investment Trust. The transaction was completed on January 20, 2016 for a purchase price of \$37,000,000. The building, located on the prestigious Bloor Street "Mink Mile", is occupied by COS, the upscale brand of Swedish retailer The H & M Group.

Museum of Contemporary Art

Toronto_Canada

Neill Kalvin, a partner in our Real Estate Group, in his capacity as a member of the Board of Directors of the Museum of Contemporary Art (MOCA), and Chair of the MOCA Building Committee, led the team negotiating the lease for MOCA's proposed move to a new permanent home as the anchor tenant of a new mixed-use community in the emerging Lower Junction neighbourhood in Toronto.



[Click here to read more](#) ►

BIG WINS

Litigation Group Successfully Challenges "Discriminatory" Dress Code

In November 2015, Litigation Group partner, **Barbara Green**, successfully challenged Cara Operations Ltd., one of Canada's largest owners of chain restaurants, over employee claims that its new dress code policy at the Bier Markt constituted discrimination and harassment based on sex. Barbara represented a server at Cara's Bier Markt Queensway troubled by a newly implemented female dress code policy that she felt was discriminatory and demeaning to female servers. After Barbara's intervention and a feature story in CBC's Go-Public news segment, Cara backtracked and revised its dress code, permitting female servers to don the same outfit mandated for their male counterparts: a relaxed button-down shirt, jeans and running shoes.

The company's about-face has been heralded as a resounding victory for female employees in Canada's service sector. "Women's bodies should not be used to sell burgers and beer", Barbara explains. "Employers must not expect female employees to dress provocatively in order to attract clients and it is my hope that Cara's positive response will elicit the same reaction from other employers in Canada."

[Click here to view CBC's Go-Public segment ►](#)

Litigation Department Wins Extraordinary Full-Indemnity Cost Award in *Todd Family Holdings et al. v. Gardiner et al.*

David Taub, a partner in our Litigation Group and **Robert Choi**, associate in our Litigation Group won a full-indemnity cost award of \$960,432.26 for Todd Family Holdings and Future Image Holdings, in a recent decision released by Justice McIsaac of the Superior Court of Justice. This rare full-indemnity cost award followed a multi-million dollar trial victory in fraud and security enforcement litigation involving valuable insole patents and other intellectual property owned by Barefoot Science Technologies. In rendering the extraordinary cost decision, Justice McIsaac acknowledged that full indemnity costs should be awarded only in "extremely limited and exceptional circumstances where an offending party has acted in a reprehensible manner". The court nonetheless found that the present case met the high threshold because of the "litany of acts of malfeasance practiced by the defendants" during the course of the litigation and at trial. The court also recognized that "the complexity of the litigation" justified the full-indemnity cost award sought by the plaintiffs.

This landmark court decision was published by the Canadian Legal Information Institute and can be accessed [here ►](#)

LAWYER SPEAKING ENGAGEMENTS

Barbara Green



Barbara Green, a partner in our Litigation Group, was a featured speaker at the Insight Conference "Workplace Rights & Accommodations Forum 2016". Barbara discussed the parameters of an employee's disclosure of personal and medical information to determine proper accommodations in the workplace.

[Click here to view the brochure for the event ►](#)

EVENTS

Rink on the Roof Ice Skating

Molson Canadian did the unthinkable and built a skating rink on the roof of 120 Adelaide St. West themed #AnythingForHockey. With the rink being built right above us, we could not pass up the opportunity to throw a private skating party themed WE'RE TAKING SKATING TO NEW HEIGHTS. On Friday January 29th, we hosted friends of the firm and their families for some skating and hot chocolate, while taking in some of Toronto's incredible views.

[Click here to see the photos ►](#)



OUR LAWYERS

Interview with Robert Choi



How long have you been with Robins Appleby LLP?

I started practicing with Robins Appleby LLP from March 1, 2009. It has been an exciting seven-year journey to date.

What do you specialize in at Robins Appleby LLP?

I specialize in problem-solving for my clients and winning, that is, delivering the litigation objectives by settling a case or winning at trial. In terms of the practice area, I specialize in real property, construction, and corporate-commercial litigation.

What characteristic do you think a person needs to have to be a successful litigator?

You need to have a fine mixture of qualities: the ability to write effectively, to succinctly capture the essence of the case; oral advocacy in and out of court with the right dose of intellect, cool-headedness, and passion; the ability to marshal the facts, the evidence; the ability to analyze, apply the law, and predict the likely outcomes; self-discipline and diligence to push the pace of litigation; and having the intuitive understanding of the correct strategies and good legal judgment to win the case.

What do you want our readers to know about Robins Appleby LLP?

That Robins Appleby LLP is a winning firm, in both litigation and transactional work.

How do you spend your spare time?

I love to travel. I have visited Alaska, the Caribbean, Europe, and East Asia. I'd like to go to Antarctica one day.

When I walk into your office for the first time, looking around, what would your office tell me about you?

My office wall is cluttered with interesting case law and newspaper clippings, so it would probably tell you that I am genuinely interested in the law and desire to be very good at what I do.

How is that different from your personal life?

It's not, really. Both in professional and personal life, I love to win.

What are you reading right now?

The Art of War. The Prince is what I would like to read next.

If you met yourself in the first year of law school, what advice would you give him?

Work hard and try to land a summer position at Robins Appleby LLP.



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The comments contained in this newsletter provide general information only and should not be relied upon as legal advice. Further particulars on the matters summarized in this newsletter, their implications and suggested courses of action, can be obtained from Robins Appleby LLP using the contact information provided herein.

This e-mail is being sent to you as a contact of our Firm.



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