Thornton Grout Finnigan LLP
RESTRUCTURING + LITIGATION

Daniel A. Schwartz
Partner

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Danny is an experienced trial and appellate counsel. He leads TGF's construction, infrastructure and automotive dealer practices.

Danny regularly acts for public and private companies in construction disputes including residential low- and high-rise, commercial, highway, transit system and other infrastructure projects. He is intimately familiar with CCDC, PPP and other construction contracts. Danny is a frequent speaker on the *Construction Act*, prompt payment and adjudication.

Danny regularly acts for automotive dealers and dealer groups across Canada in disputes with OEMs including termination, buy/sells, imaging, performance and audits. He acts in court and mediations and arbitrations under the National Automobile Dealer Arbitration Plan ("NADAP"). Danny also defends dealers in OMVIC prosecutions. He is a frequent speaker on issues of importance to dealers.

Aside from his construction and dealer practices, Danny is an accomplished commercial litigator. He has experience litigating shareholder, estates, franchise and executive employment disputes. He also has experience in professional negligence cases acting against accountants, designers, architects and engineers.

Danny frequently appears before all levels of court in Ontario and before arbitral and regulatory tribunals as lead counsel. He has extensive experience with real-time litigation, including bringing and defending injunctions.

Strongly literate in technology, science, and finance, Danny is a quick study in almost any area of business in which his clients operate and provides them with smart, efficient, and cost-effective legal representation, with hands-on involvement and a personal touch.

Prior to joining TGF, Danny was a partner at a leading litigation boutique.

Representative Mandates

Danny has a depth of experience litigating disputes in many different areas. For example, he has successfully acted for:

- Joint ventures and public companies in complex construction, engineering and design disputes involving public-private-partnership infrastructure projects across Ontario. Mandates have included transit systems, multi-modal stations, highways and sewage infrastructure;
- Property development companies and constructors. Mandates include disputes over construction of low- and high-rise residential and mixed-use projects, property acquisition and cost-sharing issues;
- Automotive dealers and groups and their shareholders. Mandates include NADAP and court disputes about termination, buy/sell, imaging, market area, ownership, sales penetration and other disputes, and defence in OMVIC prosecutions;
- Aerospace manufacturers in supply chain and product liability disputes;
- Estates and beneficiaries in complex, high value testamentary, capacity and undue influence disputes;
- Software publishers in complex licensing disputes;
- Hedge funds involving margin calls and complex margining methodolgoies;
- An international telecommunications company that successfully established ownership of extensive telecommunications assets;
- Law firms in professional liability and other confidential disputes;
- First Nations organizations in disputes with the Federal government;
- School bus operators in procurement disputes with the Ontario government;

Professional Involvement

Danny is a frequent lecturer, author and instructor on advocacy skills and substantive issues for The Advocates' Society, the Ontario Bar Association, the Toronto Law Association and the Law Society of Ontario.

Danny has a long-standing involvement with The Advocates' Society, Canada's premiere organization for litigators. He is a past chair of the Young Advocates' Standing Committee and Vice-Chair of the Mediation and Arbitration Practice Group. For more than a decade, he has served on numerous initiatives and task forces. He is presently a member of the 10+ year committee.

Danny believes that zealous advocacy can be achieved while adhering to the best standards of professionalism and civility among advocates. In 2012, he co-chaired a Symposium on Civility in conjunction with the Institute for Civility and Professionalism, which resulted in a Best-Practices publication that was endorsed by the Chief Justices of all three courts in Ontario.

Danny is a member of:

- The Advocates' Society
- The Ontario Bar Association

+ The Toronto Lawyers Association

Recent professional appearances include:

+ Feb 04, 2022
  Daniel Schwartz will be participating as Judge at The Julius Alexander Isaac Moot hosted by the Black Law Students' Association of Canada.
+ Nov 16, 2021
  7th Annual Panel Discussion with the Commercial List Judges
+ Nov 19, 2020
  Sixth Annual Panel Discussion with Commercial List Judges
+ Feb 12, 2020
  Daniel Schwartz will be speaking at The Litigator's Guide to the Business of Law on February 12, being held by The Advocates' Society.
+ Nov 13, 2019
  On November 13, Daniel Schwartz co-chaired an event for young lawyers to interact with Judges of the Commercial List.
+ Nov 12, 2019
  On November 12, Danny was a key speaker at the Niagara Home Builder's Association's conference on Getting Ready for the New Construction Act
+ Jan 15, 2019
  Daniel A. Schwartz is co-chair and Erin Pleet is a panelist at a Commercial List Seminar for Junior Advocates hosted by TGF and Torys.
+ Nov 29, 2018
  Paul D. Guy and Daniel A. Schwartz will be teaching today as Skills Instructors at the Advocates' Society program "Evidence for Litigators."

Recognition

+ The Best Lawyers in Canada® 2024 and prior years (Construction Law)
+ Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys 2022 & 2021 (Litigation Star in Ontario)
+ Who's Who Legal: Canada, E-discovery, 2016

Publications

+ Nov 07, 2022
  The Court of Appeal confirms that not all covenants to insure impose an assumption of risk - Construction Law Letter November/December 2022
+ Feb 04, 2022
  Court of Appeal says agreeing to insure doesn't always mean agreeing to assume risk
+ Oct 20, 2021
  Relief from Forfeiture: a broad and flexible remedy that is often overlooked
+ Jan 21, 2021
  Chambers 'Litigation 2021' Global Practice Guide - Canada: Law and Practice

Education

- LL.B., University of Western Ontario, 2004
- B.Sc. (Honours) in Biochemistry and Molecular Biology, McMaster University, 2000