



## Scott W. McGrath

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416.304.1592



Scott is a seasoned litigator with experience in a wide variety of litigation matters, including complex commercial litigation, director and officer liability, construction litigation, class actions and bankruptcy and insolvency. Scott has acted on matters at all levels of court in Ontario, the Supreme Court of Canada, the Federal Court of Appeal and various administrative tribunals. His practice includes providing top-tier client service to a variety of clients across several industries. Scott is recognized for offering practical solutions to the issues his clients face, including the successful implementation of risk management and litigation strategies.

Scott is an active member of the legal community and the community-at-large. In addition to mentoring young lawyers and heading his firm's student recruitment efforts, Scott has authored numerous papers and articles relating to the practice of commercial litigation. Scott also serves on the Board of Directors of the Durham Association for Family Resources and Supports, a not-for-profit organization devoted to working in partnership with families with a member who has an intellectual disability or a child with a physical disability.

### Representative Mandates

- + Tribute Homes: Successfully representing a home-builder in a breach of contract case.
- + Midland Resources: Successfully representing a foreign corporation in high-stakes commercial litigation against several of its former business associates.
- + Square-Boy Limited: Successfully representing a property owner in a dispute with the City of Toronto over property rights.
- + Alyousef: Acting for a shareholder in a shareholders' dispute and successfully seeking the appointment of an inspector.
- + Rakuten Kobo: Acting for a large corporation in disputes with the Commissioner of Competition.
- + Remarkable Energy Inc.: Successfully representing a corporation in a dispute over a solar power generation contract.

- + Inchatsavane: Successful representing foreign corporation in litigation related to a lien on the private jet of the King of Swaziland (now eSwatini).
- + Shoppers Drug Mart: Successfully seeking a piercing of the corporate veil against the director of a closely-held corporation.
- + Chiang: Successfully defending client against allegations of fraudulent conveyances and contempt.

## Professional Involvement

Scott sits on the Executive of the Board of Directors of Durham Family Resources. He also volunteers his time with Pro Bono Law Ontario and has appeared as duty counsel at appeals at the Divisional Court of Ontario and at Civil Practice Court in Toronto.

He is a member of the:

- + Canadian Bar Association
- + Ontario Bar Association
- + The Advocates' Society
- + Toronto Lawyers Association

## Recognition

Scott is recognized as a leading lawyer in:

- + The Canadian Legal Lexpert Directory 2022 (Leading Lawyer to Watch, Construction Law)

## Publications

- + [Jun 29, 2021](#)  
Reviewing CCAA Disclaimers Requires Balancing of Interests
- + [Jan 21, 2021](#)  
Chambers 'Litigation 2021' Global Practice Guide - Canada: Law and Practice
- + [Oct 30, 2020](#)  
Ontario Court of Appeal confirms landlord's rights under letters of credit in tenant's bankruptcy.
- + [Nov 20, 2019](#)  
Supreme Court to Weigh in Again on Good Faith in Contracts
- + [Dec 28, 2018](#)  
Chapter: Private Actions Before the Tribunal, Litigating Competition Law in Canada, LexisNexis 2018, Nikiforos Iatrou, ed.
- + [Oct 29, 2018](#)  
Cooler Heads Often Prevail in Shareholder Disputes
- + [Oct 01, 2017](#)  
Chambers Global Practice Guide: Cartels 2018 Canadian Chapter, Chambers and Partners, October 2017 (with Nikiforos Iatrou and Kayla Theeuwien)

+ Dec 01, 2016

Contempt and Bankruptcy: Striking the Right Balance, National Creditor Debtor Review, Vol. 31, No. 4, December 2016

+ Aug 01, 2013

Clarity in the Crystal Ball: Canada's Reasoned Approach to Prevention of Competition, Antitrust, Vol. 27, No. 3, Summer 2013 (with Nikiforos Iatrou and Bronwyn Roe)

+ Jan 01, 2013

Canada's New Appetite for Antitrust Litigation: Cross-Border Mergers will be Scrutinized, Executive Counsel, January 2013 (with Nikiforos Iatrou)

## Education

+ LL.B. (Cum laude) (University of Ottawa), 2009

+ B.Sc. (Hons) with distinction, (University of Guelph), 2006