

# Eric Golden

## Partner

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CALLED TO THE BAR OF ONTARIO,  
1996

## EDUCATION

- LL.B., University of Toronto, 1994
- B.A., Concordia University, 1991

## PRACTICE AREAS

- Restructuring & Insolvency
- Commercial Litigation

Eric is a partner and co-chair of the firm's Business Reorganization & Insolvency Group. Whether he is acting as an advocate, advisor or negotiator, Eric is considered a business person's litigator. He looks for efficient and practical solutions to address his clients' strategic concerns and business goals. Learning about and understanding his clients' businesses and their priorities enable him to work closely with them to realize superior outcomes.

Eric has established long-standing, valued relationships with some of Canada's leading financial institutions, accounting firms, pension funds, leasing companies, commercial lenders, retailers, title insurers and marketing boards who look to him for his insight and expertise in business law and insolvency matters.

Eric is also one of the firm's two TAGLaw representatives.

[TAGLaw](#) is a global alliance of high quality, independent law firms with a sister network ([TIAG](#)) of accounting firms around the world. In this leadership role, Eric is responsible for overseeing litigation retainers with TAGLaw firms both to and from Blaneys, and in that capacity deals with law firms and clients from all over the world.

Eric acts on behalf of trustees, receivers, monitors, creditors and debtors in matters including receiverships, restructurings, bankruptcies, enforcement of security, debt collection and priority

disputes. His commercial litigation practice includes banking and PPSA matters, shareholder disputes, class actions, commercial leasing and other forms of contractual disputes, real estate litigation, fraud, and defense of professional negligence claims against lawyers in commercial matters. Eric's general civil litigation practice has included an eclectic collection retainers in areas such as defamation, tax, wills and estates, trusts, environmental law and the liability of public authorities.

Most notably, shortly after returning to the firm as an associate in 1996, Eric began working as co-counsel for the plaintiff in [\*Jane Doe. v. The Metropolitan Toronto Police Force\*](#), the first ever case in Canada to impose on the police a private law duty of care to the public at large

By way of background, on a late summer night in 1986, Jane Doe was sexually assaulted in her downtown Toronto apartment. She later discovered that she was the fifth victim of the "balcony rapist", whose previous victims over the prior seven months were similarly situated women in her neighborhood, attacked under similar circumstances. Rather than warning women in Jane Doe's neighborhood that a serial rapist was at large, police remained silent rendering these women bait.

On July 3, 1998, in a ruling confirming a breach of the police's duty of care to Jane Doe, and of her rights to equality and to security of the person under the *Canadian Charter of Rights and Freedoms*, Jane Doe was awarded significant damages. Both Toronto City Council and the Toronto Police Services Board delivered formal apologies to Jane Doe. There was no appeal. The case was made into a movie that aired on the CBC in 2002 (*The Many Trials of One Jane Doe*), and it was also the subject of a book by Jane Doe herself (*The Story of Jane Doe*).

Born and raised in Montreal, Quebec, Eric represents clients in both of Canada's official languages. Eric started at Blaneys as an articling student in 1994, following his graduation from the Faculty of Law at the University of Toronto. Before returning to the firm as an associate following his call to the Bar in early 1996, Eric spent several months caddying at The Old Course in St. Andrews, Scotland.

See 'Experience' tab for notable recent and ongoing retainers.

## EXPERIENCE

- Counsel to one of Canada's largest public pension funds in Ontario litigation with the foreign promoters of South American real estate developments that the fund had invested in (luxury downtown condominium towers, and a mountain resort)
- Counsel to a First Nation in Labrador in respect of the classification and valuation of its claim in the Labrador Iron Mines CCAA proceeding
- Counsel to a leading Hollywood film and television company in a dispute regarding its termination of license agreements, and fees due thereunder, with a Canadian provider of subscription based specialty television channels and video-on-demand services
- Independent counsel to the Receiver on a Receivership application by a Crown Corporation over a mining company that operated facilities in Northern Ontario for the extraction and production of garnet under a mining lease with the Province
- Counsel to the majority shareholders of an aggregate mine located in Central Eastern Ontario, in response to litigation from adverse parties regarding ownership of the shares and seeking a declaration of a resulting or constructive trust over the shares
  
- Independent counsel to the Receiver in the receivership of the Rose of Sharon Nursing Home (60 beds) and Life Lease Residence Retirement Home (91 units), including the on-going conversion of the Life Lease Residences to condominiums, and the marketing and sales process for both the condominiums and Nursing Home
- Counsel to the first secured creditor and the Receiver in the Craiglee Nursing Home (169 beds) receivership and sale
- Counsel to one of North America's largest department store retailers in a contractual dispute with the landlord of one of Toronto's larger indoor shopping malls, in a claim for alleged underpayment of rent since the early 1990's
- Counsel for the same department store retailer regarding the termination of its contract for its Canadian stores with its provider for elevator and escalator installation, maintenance and repairs
- Counsel to the first secured commercial lender and to the Receiver in the Receivership of Horseshoe Valley Lands and Horseshoe Ridge Homes (development lands and homes surrounding the Horseshoe Valley resort near Barrie, Ontario)
- Counsel to the first secured commercial lender and to the Receiver in the Receivership of the Residences of Oak Bay Golf & Country Club in Port Severn, Ontario, and the completion and sale of several parts of the development
- Counsel to one of Canada's leading financial institutions as a defendant in a class action arising from loans for the purchase of livestock made by that bank to individual farmers via the providers of the livestock
- Counsel to one of the third party defendant financial institutions

in the class action by Canadian merchants alleging a price-fixing conspiracy related to Visa/MasterCard interchange fees

- Counsel for the critical supplier in the Organic Meadow and Silani Cheese Proposals under the *Bankruptcy and Insolvency Act*, and their eventual restructurings
- Counsel to Canada's largest non-bank lender of commercial mortgages in respect of the enforcement of its mortgage security over, and eventual sale of, a five-building, 30 townhouse residential complex in Windsor, and a business centre in Ottawa consisting of 32 mini-offices
- Counsel to one of Canada's leading financial institutions as a defendant in litigation arising from the multi-million dollar theft of gold bars through fraudulent bank drafts being presented for payment at a competing bank
- Counsel to the first secured commercial lender for the luxury Hotel X Toronto at Exhibition Place in its on-going construction litigation
- Counsel to one of the debtor's primary U.S. equipment leasing companies in the Beyond The Rack CCAA proceeding
- Counsel to the U.S. subsidiary of a Japanese multinational conglomerate regarding the enforcement of its security and the petitioning into bankruptcy of one of its main electronic systems and equipment distributors in Ontario

#### MEMBERSHIPS

- Law Society of Upper Canada
- Ontario Bar Association
- Member-at-large, Insolvency Litigation practice group, The Advocates Society
- Toronto Lawyers Association