Blaney McMurtry LLP



W. Colin Empke

Partner

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CALLED TO THE BAR OF ONTARIO, 1997

EDUCATION

- LL.B.,University of New Brunswick, 1995
- B.A.,(Honours),Queen's University, 1991

PRACTICE AREAS

- Insurance Coverage Counsel
- Insurance Litigation
- Commercial Leasing

Colin is a partner in Blaney's Insurance Coverage Counsel Group. His primary practice area relates to insurance coverage opinions and coverage litigation. His secondary practice area involves insurance related defence work and subrogation claims.

As coverage counsel, Colin provides advice and litigates in relation to liability policies of every description, including commercial general liability, automobile, homeowner and directors' and officers' policies. He also provides advice in relation to first party property policies. As defence counsel, Colin represents insured persons in all manner of personal injury and property damage cases.

Colin has appeared before the Ontario Superior Court of Justice, the Court of Appeal, the Financial Services Commission of Ontario and the Workplace Safety and Insurance Appeals Tribunal. Recently, Colin satisfied the Court of Appeal that the CGL automobile exclusion was applicable to an accident involving a ladder that fell off of a moving truck. The loading and unloading of the ladder were found to be automobile related activities and not a concurrent cause of the loss. (*CUMIS General Insurance Co. v. 1319273 Ontario Ltd.* 2008 ONCA 249)

Colin is widely published on insurance coverage issues. He has authored papers for and presented lectures at the Ontario Bar

Association, the Canadian Institute, Canadian Defence Lawyers, Osgoode Hall Professional Development, University of Western Ontario, Ontario Risk and Insurance Managers Society and the Insurance Institute of Ontario. He has had articles published in the Canadian Insurance Law Reporter, the Canadian Journal of Insurance Law and Claims Canada magazine. Topics have included allocation of defence costs, coverage for long-tail environmental and sexual abuse claims, advertising liability and directors and officers coverage.

Colin is a contributor to *The Annotated Commercial General Liability Policy*. Colin also contributes to Property Damage Claims Under Commercial Insurance Policies. Colin was one of the three original authors of Chapter 18 (Liability Insurance) of *Insurance Law in Canada* by Brown and Menezes, which has been favourably quoted by the Supreme Court of Canada in the *Monenco* case and by the Courts of Appeal of British Columbia, Saskatchewan and New Brunswick.

While at law school Colin received numerous academic prizes, scholarships and awards, including prizes in contracts law, criminal law, municipal law, advocacy and insurance law. Colin achieved the highest standing in first year and was on the Dean's list for all three years of law school.

EXPERIENCE

- *Schroeder v. Coseco Insurance Company*, 2023 ONSC 1937 View Decision here.
- *CUMIS General Insurance Co v 1319273 Ontario Ltd.*, 2008 ONCA 249, aff'g (2007), 84 OR (3d) 113 (Ont Sup Ct J) Successful application by insurer to apply automobile exclusion in CGL policy
- *Moore v. Zenith Insurance* (31 July 2007), Belleville CV-07-0728-00 (Ont Sup Ct J) Ruling that there was no coverage by operation of the automobile exclusion in a homeowner's policy
- *Hollinger International Inc. v. American Home Assurance Co.* (2006), 34 C.C.L.I. (4th) 17, add'l reasons at 36, C.C.L.I. (4th) 273 (Ont. S.C.J.) Successful application by insurer to determine rights as between competing interests in the proceeds of insurance, including the "first past the post" principle
- *Barnett v. Schindler Elevator Corp.*, 2004 ONWSIAT 748 Successful application regarding workers' compensation defence
- *Matt (Litigation Guardian of) v Barber* (2002), 216 DLR (4th) 574 (Ont CA) Successful appeal barring Alberta Health from bringing subrogated claim in Ontario for health costs incurred

by reason of an automobile accident

- *Bouchard Paradis Inc v Markel Insurance Co. of Canada* (2000) 27 CCLI (3d) 243 (Ont Sup Ct J) Motion regarding scope of discovery in broker/insurer dispute
- *Gyselen v Newchild International Inc.*, [1999] OJ No 1592 (QL) (Ont Sup Ct J) Successful motion to dismiss for delay, having established prejudice following destruction of evidence by third party
- *Gore Mutual Insurance Co v Markel Insurance Co.* (1999), 12 CCLI (3d) 313 (Ont Sup Ct J) Successful motion regarding proper conduct of SABS priority of payment arbitration
- *Electric Colourfast Printing Corp v Citadel General Assurance Co.*, [1999] I.L.R. I-3640 (Ont. Gen. Div.) Defeated motion for summary judgment arising from application of alarm condition in policy
- *Garger v Day's Inn of Toledo-Perrysberg* (1997), 47 OTC 79 (Ont Gen Div) Successful motion to dismiss by operation of limitation period in foreign jurisdiction

RECOGNITION

- Recognized by *Best Lawyers® in Canada* 2026 in the area of Insurance Law
- Recognized by *Best Lawyers® in Canada* 2025 in the area of Insurance Law
- Ranked in *Lexpert® Canada's Leading Lawyers*, *Special Edition: Litigation* 2024
- Ranked as a leading litigation lawyer in the 2023 *Lexpert Special Edition – Canada's Leading Litigation Lawyers*
- Ranked as a leading litigation lawyer in the 2022 *Lexpert Special Edition – Canada's Leading Litigation Lawyers*
- Rated by *Lexpert® Canadian Legal Directory* as Leading Practitioner (Consistently Recommended) in Commercial Insurance Litigation
- Listed in Expert Guides' *Guide to the World's Leading Insurance & Reinsurance Lawyers*

MEMBERSHIPS

- Law Society of Ontario
- Ontario Bar Association
- Canadian Defence Lawyers Association
- The Advocates' Society
- Defence Research Institute
- Toronto Lawyers Association