

## **EXECUTIVE SUMMARY**

I have practiced commercial litigation and arbitration law for more than 20 years. I currently Chair the Litigation & Dispute Resolution group in our firm's Calgary office. Both formally, in that role, and informally (inside my firm and out), I spend many hours promoting and mentoring the younger practitioners, particularly women, in the practice of law.

My experience in commercial dispute matters is broad and across many industries. Clients regularly request my assistance on complex contract and tort matters and I aim to provide creative solutions to achieve their goals in the most practical way. I thrive on finding legal options, even for the hairiest of matters.

I am recognized as one of Canada's 'Top 100 Women in Litigation' for the past several years by Benchmark Litigation, have been recognized by Chambers Canada in Commercial Litigation, named on the list of Best Lawyers in Canada in Commercial Litigation and Alternative Dispute Resolution for 2021 to 2025, and have been identified as a Thomson Reuters "Standout Lawyer" for several years—a recognition based on client feedback.

## **PROFESSIONAL CHRONOLOGY**

### **Lawson Lundell LLP**

- *Partner, Litigation & Dispute Resolution* (2018 - present)
- *Chair, Litigation & Dispute Resolution group in the Calgary office* (2022 – present)

### **Burnet, Duckworth & Palmer LLP**

- *Partner, Litigation & Dispute Resolution* (2014 – 2018)
- *Business Unit Lead, Litigation & Dispute Resolution group* (2014 – 2018)
- *Associate, Litigation & Dispute Resolution* (2004 – 2014)

### **Alberta Court of Queen's Bench & Alberta Court of Appeal**

- *Articling student* (2003 - 2004)

## **PROFESSIONAL EXPERIENCE**

I advise organizations on commercial disputes. My day involves analysis of legal risk and the formulation of strategies to best protect my clients' interests. Practically my work involves legal analysis, presentation, and both written and oral advocacy.

Clients seek my advice in significant matters, many of them dealing in the hundreds of millions of dollars. I treat each case like my own and ensure that we pursue every option for resolution. In this exercise, I strive to learn and appreciate each client's individual priorities and goals. I try my best not to provide cookie-cutter advice. I approach each litigation procedure based on the unique aspects of that particular file. I think critically of each step and its rationale, and don't just follow a rote standard litigation path. I am practical, approachable, and driven by common sense.

I aim to maintain the highest level of civility in all of my conduct, both inside and outside of the firm. I respect every individual in a boardroom or courtroom. My objective is always to be smarter, not sharper. Members of the court regularly comment on my decorum and civility.

**NOTABLES CASES**

I have appeared and argued before all levels of court in Alberta and acted in many private arbitrations, both as part of large teams and as lead counsel.

***Arbitration***

Lead counsel to a large energy company in a private arbitration dispute with its landlord over millions of dollars in disputed operating costs. Case settled on eve of arbitration hearing (before Hon. Adelle Fruman as sole arbitrator).

Co-lead counsel to a pulp and paper mill in a private arbitration involving a claim for force majeure. Case settled after a series of negotiations.

Lead counsel to a power plant owner in a force majeure dispute involving equipment failure. Case settled after record production (Panel: Jim McCartney, Louis Belzil, K.C., and Murray Smith, K.C.).

Co-lead counsel to a power plant owner in a force majeure dispute involving an equipment failure. Case settled after procedural order (Panel: Hon. Adelle Fruman, Jim McCartney and Murray Smith, K.C.).

Co-lead counsel to midstream facility owner involved in significant private arbitration dispute with co-owner over facility access and capacity, contractual interpretation, facility maintenance, and obligations to process third-party gas. Case proceeded to hearing and award (before Hon. Neil Wittmann, K.C. as sole arbitrator).

Co-lead counsel on a successful complex force majeure claim for a power plant owner facing approximately \$170,000,000 in outage penalties. Case proceeded to a three week hearing with over 30 witnesses (mainly experts), culminating in an award and an unsuccessful attempt by opposing parties to appeal, and then to set aside, the Award (Panel: Brian Casey, K.C., (Chair), R. Doak Bishop, James Smellie, K.C.).

Co-lead counsel to a power plant owner in dispute over necessity and timing of generator inspections and repairs, including a significant construction delay claim. Case settled after witness statements and expert reports (Panel: Brian Casey K.C., Ivan Derer, K.C., Cal Johnson).

Part of a ten-member counsel team to owner of a power plant who successfully claimed force majeure due to corrosion in boilers, avoiding significant penalties. Case proceeded to 3-week hearing and award (Panel: Gerry Ghikas, K.C. (Chair), Hon. Roger Kerans, Phyllis Smith, K.C.).

***Arbitration-related litigation matters***

*LAPP Corporation v Alberta*, 2023 ABKB 566: assisted Ontario counsel for large pension plans in a successful court application to review a preliminary arbitral ruling pursuant to s. 17(9) of the Arbitration Act.

*ENMAX Energy Corporation v TransAlta Generation Partnership* 2019 ABQB 486 and 2020 ABCA 68 (permission to appeal granted) and 2022 ABCA 206 (appeal): successfully opposed an application to set aside an arbitration award on the basis of procedural unfairness under s. 45 of Alberta Arbitration Act.

*719491 Alberta Inc. v Canada Life Assurance Company* 2021 ABQB 226 and 2021 ABCA 419: application to set aside an arbitration award.

*Balancing Pool v. TransAlta Corp.* 2013 ABCA 409: established that arbitrations of force majeure claims and statutory investigations by the Balancing Pool are separate processes, and denied the Balancing Pool the right to enter and inspect a power plant prior to commencement of arbitration.

### ***Litigation***

Co-lead counsel to Remington Development Corp. in a successful 10 week trial against Canadian Pacific Railway and the Province of Alberta involving a breach of contract to sell a parcel of large downtown development land: 2022 ABKB 692 (initial decision), 2023 ABKB 493 (supplemental decision), and 2023 ABKB 591 (costs decision). One of three counsel providing oral argument on the Appeal scheduled to be heard Sept 10 2024.

Co-lead counsel to TransAlta Corporation in a claim against the Province of Alberta dealing with hydraulic fracturing activity in the vicinity of the Brazeau Dam. Interlocutory applications include 2023 ABKB 653 and 2024 ABCA 127 (application of public interest immunity in record disclosure) and 2023 ABKB 459 (intervener application) with the trial currently adjourned pending a mediation process guided by former Alberta Court of Appeal Justice Marina Paperny.

Lead counsel on various matters on the interpretation of energy industry agreements, including: *Savanna Well Servicing Inc. v. Cleo Energy Corp.*, 2022 ABKB 769 and 2023 ABKB 595 and *Apache Canada Ltd. v. TransAlta Cogeneration LP* 2015 ABQB 650.

### **CHARITABLE ENDEAVORS**

For 10 years from 2008 to 2018, I was a Director on the Board of the Alberta Lawyer Assistance Society. During that time I contributed to developing the support network that is currently available to Alberta lawyers.

I now spend my extra hours in volunteerism in youth and community. I volunteer in both the school system and minor hockey, as well as my local community association.

Finally, I assist those who can't find a lawyer in pro bono personal disputes whenever that situation arises.

### **EDUCATION**

**Bachelor of Laws** (with Distinction) - University of Alberta (2003)

**Bachelor of Arts** (History and Sociology) - University of Alberta (2002)

**Bachelor of Science** (Environmental Science) – University of Alberta (2000)

### **INTERESTS**

I am a proud hockey mom who is trying to fit in as many travel adventures with my kids while they still want to join me.

I try to spend time at our cabin in Invermere wake surfing (although mostly just driving the boat).

I love team sports and the occasional run, and I am a secret viewer of the Real Housewives drama.