



## Katherine Reilly

Vancouver

604.691.6847

katherine.reilly@mcmillan.ca

### education and year of call

- Called to the British Columbia bar - 2007
- Dalhousie University, LLB - 2006
- University of British Columbia, BA (English Literature) (First Class Honours) - 2002

### practice areas

litigation

business litigation

arbitration

administrative law

securities litigation

construction litigation

appellate advocacy

class actions

fraud law

franchise and distribution

franchising and distribution disputes

construction

### industries

commercial real estate

gaming and lottery

banking, finance and insurance

video games and esports

franchising and distribution

### profile

Katherine Reilly is a partner in the firm's Advocacy and Litigation Group where she concentrates her practice on complex commercial litigation.

Katherine helps clients avoid and resolve disputes so they can get back to the important task of running their businesses. When litigation cannot be avoided, she skillfully advocates for her clients' interests both inside the courtroom and at the negotiation table.

Katherine has experience handling a range of complex corporate and commercial disputes, and has a special interest in matters related to proxy contests, construction law, land disputes, and cross-border issues.

Katherine is an experienced trial lawyer who has appeared at all levels of courts in British Columbia.

Katherine has acted as trial counsel in a commercial dispute between a major office products supplier and a sports franchise relating to commercial sponsorship issues. She successfully defended the interests of a gaming company in connection with complex and novel regulatory and public law issues. Katherine has recently acted on behalf of both management and dissident shareholders in high profile proxy contests.

In her litigation practice, Katherine is well regarded for her practical, results-oriented approach as well as her attention to detail and negotiation skills. She has successfully resolved numerous disputes on behalf of clients outside the court system using mediation and other alternative dispute resolution mechanisms.

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## directorships and professional associations

- Vancouver Bar Association
- Canadian Bar Association
- Member of the CBA Civil Litigation subsection and the CBA Wills and Trusts subsection

## representative matters

Katherine represents clients in a variety of interests and matters, including:

- Acting on behalf of both management and dissident shareholders in high profile proxy contests
- Acting in a significantly complex and high value construction arbitration
- Trial counsel to a gaming company concerning whether a novel duty of care is owed to problem gamblers
- Trial counsel to a major office products supplier in connection with a dispute with a local sports franchise concerning commercial sponsorship issues
- Counsel in numerous complex contract, tort and regulatory claims in a commercial context
- Counsel on cross-border and jurisdiction related matters, acting for corporations and individuals who have been sued in British Columbia
- Counsel to corporations and individuals concerning disputes involving directors and shareholders
- Counsel to companies involved in real property disputes concerning the purchase and sale of land, including advising on matters related to complex and lengthy litigation proceedings and specific performance claims over significant parcels of land in downtown Vancouver
- Counsel to publicly listed companies involved in securities related litigation
- Counsel on franchise disputes concerning breaches of franchise agreements and enforceability of restrictive covenants
- Counsel on products liability matters, including acting for a major eye-care products company and major appliance manufacturers
- Counsel to executives and corporations involved in disputes concerning executive remuneration and termination of employment

## media mentions

- "New BC Supreme Court rules take effect" by Julius

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Melnitzer, *Financial Post*, June 29, 2010 " by Julius Melnitzer  
– citing Katherine's article, "Critical Changes to BC Supreme  
Court Rules coming July 1, 2010"

## publications

### **November 2018**

SCC Confirms a "Deal is a Deal": Party Not Allowed to Re-Negotiate a Contract Because it No Longer Liked the Terms  
Litigation Bulletin

### **March 2018**

Practicing Safe Text: Drafting Tips from the Stormy Daniels  
NDA  
Business Law and Litigation Bulletin

### **February 2018**

Observations from the Eco Oro Proxy Contest  
Client Alert

### **January 2018**

Cited by the BC Court of Appeal  
See paragraph 28 in *Leatherman v. 0969708 B.C. Ltd.*, 2018  
BCCA 33. May 2015  
The "Discovery" of Demand Obligations under B.C.'s New  
Limitation Act Estates Trusts & Pensions Journal, Vol. 34, No.3.

### **July 2017**

SCC Confirms Directors Can Be Personally Liable in Cases of  
Oppression  
Litigation Bulletin

### **November 2016**

Privilege wins out over Document Production Requests, Orders  
and FOI Legislation - SCC Confirms Status of Solicitor-Client  
Privilege and Litigation Privilege  
Litigation Bulletin

### **November 2016**

New SCC Decision on Oppression Remedy is Instructive for  
Closely-Held Private Companies  
Litigation Bulletin

### **October 2016**

Demystifying the Federal Government's Assisted Dying  
Legislation and the New Lawsuit Challenging its Constitutional  
Validity  
Litigation Bulletin

### **June 2015**

June 1, 2015 Marks an Important Date for British Columbia's  
"New" *Limitation Act*  
Litigation Bulletin

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**May 2015**

The "Discovery" of Demand Obligations under B.C.'s New  
*Limitation Act*  
Estates Trusts & Pensions Journal, Vol. 34, No. 3

**March 18, 2015**

When is a Fixed-Term Contract Really an Indefinite-Term  
Contract?  
TPD Expert Series Blog

**July 2014**

BC Court Takes Laissez-faire Approach to Counsel's  
Involvement with Expert Reports Compared to Ontario  
Litigation Bulletin

**March 2014**

BC's New *Wills, Estates and Succession Act*: A Summary of the  
Protections and Pitfalls in the New Legislation  
Estates Bulletin

**March 2014**

BC Court Issues Landmark Decision on Problem Gambling and  
Self-Exclusion Programs, and Finds Plaintiff Was the "Author of  
Her Own Misfortune"  
Litigation Bulletin