

# Court of Appeal of Alberta

## Appellate Cases Argued by Active McCarthy Tétrault Lawyers

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
1.	ABCA	<i>Northback Holdings Corp. v. Alberta Energy Regulator</i>	5/27/25	[2025] A.J. No. 593   <a href="#">[2025] 8 W.W.R. 345</a>   <a href="#">2025 ABCA 186</a>   <a href="#">2025 A.C.W.S. 2603</a>   <a href="#">82 Alta. L.R. (7th) 175</a>   <a href="#">2025 CarswellAlta 1193</a>	Gill, L.M.	Appellant	AB	Appeal		Civil litigation – Judicial Review of decision of Regulator – appropriate threshold for permission to appeal on issues of law or jurisdiction – new hearing
2.	ABCA	<i>Henderson v. Peerani</i>	11/20/24	[2024] A.J. No. 1330, 2024 ABCA 370	Wallace, J.T. Ward, Emily	Respondent	AB	Appeal		Civil litigation – appeal of chambers decision dismissing application to terminate the stay of proceedings shielding the bankrupt respondents from fraudulent misrepresentation claim.
3.	ABCA	<i>IFP Technologies (Canada) Inc. v. EnCana Midstream and Marketing</i>	11/26/24	[2024] A.J. No. 1366, 2024 ABCA 384	Gill, L.M.	Respondents (Cross Appellants)	AB	Appeal		Civil litigation - Appeal of second trial decision – Determination of quantum of damages
4.	ABCA	<i>Enmax Corp. v. Independent System Operator (c.o.b. Alberta Electric System Operator)</i>	03/13/24	[2024] A.J. No. 269, 2024 ABCA 83	Smyth, K.L. Wallace, J.T.	Respondent	AB	Appeal		Civil litigation – appeal of chambers decision dismissing appellants’ originating application that respondent pay the appellants a credit otherwise owing to two partnerships which had since been dissolved.
5.	ABCA	<i>Bacanora Minerals Ltd. v. Orr-Ewing Estate</i>	04/26/23	[2023] A.J. No. 428, 2023 ABCA 139, 480 D.L.R. (4th) 321, [2023] 9 W.W.R. 465,	Smyth, S.S.	Respondent	AB	Appeal		Civil litigation – summary trial – statute-barred under the <i>Limitations Act</i>

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				2023 A.C.W.S. 1672, 2023 CarswellAlta 1033						
6.	ABCA	<i>Setoguchi v. Uber B.C.</i>	02/07/23	[2023] A.J. No. 115, 2023 ABCA 45, 477 D.L.R. (4 <sup>th</sup> ) 434, 2023 A.C.W.S. 67, [2023] 3 W.W.R 373, 89 C.C.L.T. (4 <sup>th</sup> ) 1, 52 Alta. L.R. (7 <sup>th</sup> ) 264, 2023 CarswellAlta 309	Peebles, Dana Smyth, K.L.	Respondents	AB	Appeal	Leave to SCC dismissed 2023 CanLII 62020	Civil litigation — Civil procedure — Parties — Class or representative actions — Certification — Appeals — Grounds for review — Standard of review — Appeal by Appellant from certification judge's decision dismissing her motion to certify a class proceeding against Uber on grounds that certification judge erred in his approach to damages and overstepped his gatekeeping role dismissed.
7.										
8.	ABCA	<i>Wood's Homes Society v. Selock Estate</i>	12/22/21	[2021] A.J. No. 1722, 2021 ABCA 431	Smyth, Sean Bishop, Cassidy	Respondent	AB	Appeal		Estate law – appeal of order removing executor with respect to real property and order granting administration of the Estate with respect to subject lands
9.	ABCA	<i>0678786 B.C. Ltd. v. Bennett Jones LLP</i>	02/17/21	[2021] A.J. No. 218, 2021 ABCA 62	Steep, R. Paul Chesney, Erin	Interested Party	AB	Appeal	Leave to SCC dismissed 2021 CanLII 94827	Civil litigation – Civil procedure – waiver of privilege – documents inadvertently produced
10.	ABCA	<i>Allergan Inc. v. Alberta (Minister of Justice and Solicitor General)</i>	01/29/21	[2021] A.J. No. 128, 2021 ABCA 32	Smyth, Kara Tanner, Steve Goldenberg, Adam	Appellant	AB	Appeal		Administrative law – appeal from order dismissing application for judicial review

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11.	ABCA	<i>1777453 Alberta Ltd. v. Got Mold Disaster Recovery Services Inc.</i>	01/15/21	[2021] A.J. No. 40, 2021 ABCA 9	West, Bryan	Respondent	AB	Appeal		Remedy for breach - Franchisor
12.	ABCA	<i>Strategic Acquisition Corp. v. Multus Investment Corp.</i>	08/03/17	[2017] A.J. No. 800, 2017 ABCA 250, 282 A.C.W.S. (3d) 439, 82 R.P.R. (5 <sup>th</sup> ) 198, 2017 CarswellAlta 1356	Smyth, Sean	Appellant	AB	Appeal		Damages – In contract – type of contract – sale of land – assessment of damages – real property law – agreement of purchase and sale
13.	ABCA	<i>IFP Technologies (Canada) Inc. v. EnCana Midstream and Marketing</i>	05/26/17	[2017] A.J. No. 666, 2017 ABCA 157	Gill, L.M.	Respondents	AB	Appeal		Natural resources law – Oil and gas – Lease or license for production
14.	ABCA	<i>Starratt v. Mamdani</i>	03/20/17	[2017] A.J. No. 259, 2017 ABCA 92, 100 C.P.C. (7 <sup>th</sup> ) 197, 277 A.C.W.S. (3d) 24, 2017 CarswellAlta 436	Smyth, Sean	Appellants	AB	Appeal		Civil litigation – Civil procedure – class or representative actions – Certification – Common interests and issues
15.	ABCA	<i>IBM Canada Ltd. v. Almond</i>	12/07/15	[2015] A.J. No. 1329, 2015 ABCA 379, 2015 CarswellAlta 2229, 162 A.C.W.S. (3d) 881, 26 Alta. L.R. (6 <sup>th</sup> ) 6	Smyth, Sean	Respondent	AB	Appeal		Civil litigation – civil procedure – appeals – moot issues – Appeal by IBM from a decision dismissing its application for an interim injunction against the respondents dismissed
16.	ABCA	<i>Young v. National Money Mart Co.</i>	07/25/13	[2013] A.J. No. 784, 2013 ABCA 264	Smyth, Sean	Appellant	AB	Appeal		Alternative dispute resolution – binding arbitration – voluntary binding arbitration – agreement to arbitrate – validity and enforceability
17.	ABCA	<i>Paniccia Estate v. Toal</i>	12/21/12	[2012] A.J. No. 1395, 2012 ABCA 397	Prather, V.	Appellant (Respondent by Cross-Appeal)	AB	Appeal		Civil litigation – Pleadings Health Law – Malpractice - Negligence Tort Law – Fatal Accidents Act

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18.	ABCA	<i>Balm v. Aikins MacAuley &amp; Thorvaldson LLP</i>	03/27/12	[2012] A.J. No. 287, 2012 ABCA 96	Smyth, Kara L	Respondent	AB	Appeal		Civil litigation – limitation of actions – time – when time begins to run – discoverability - summary dismissal of action
19.	ABCA	<i>Desoto Resources Ltd. v. Encana Corp.</i>	04/01/11	[2011] A.J. No. 355, 2011 ABCA 100	Rosenberg, M.	Appellant	AB	Appeal		Bankruptcy and insolvency law — proceedings— civil litigation — summary judgment
20.	ABCA	<i>Leon's Furniture Ltd. v. Alberta (Information and Privacy Commissioner)</i>	03/28/11	[2011] A.J. No. 338, 2011 ABCA 94	Hall, Geoff R. Smyth, Kara	Appellant	AB	Appeal		Administrative law — standard of review — privacy law
21.	ABCA	<i>Canpar Holdings Ltd. et al v. Petrobank Energy</i>	02/22/11	[2001] A.J. No. 777, 2011 ABCA 62, 331 D.L.R. (4th) 588, 199 A.C.W.S. (3d) 1326	Smyth, Sean S.	Appellant	AB	Appeal		Natural resources law — oil and gas — lease or licence for production
22.	ABCA	<i>783783 Alberta Ltd. v. Canada (Attorney General)</i>	07/14/10	[2010] A.J. No. 783, 2010 ABCA 226, 322 D.L.R. (4th) 56, [2010] 12 W.W.R. 472 482 A.R. 136, 89 C.P.C. (6th) 21 [2010] 6 C.T.C. 194, 2010 CarswellAlta 1379, 29 Alta. L.R. (5th) 37	Yoshida, Douglas T.	Respondent	AB	Appeal		Taxation — federal income tax — deductions from income — corporations — duties and powers of minister and officials
23.	ABCA	<i>Heritage Wind Farm Development Inc. v. Pincher Creek (Municipal District No. 9)</i>	06/08/10	[2010] A.J. No. 633, 2010 ABCA 181	Smyth, Kara L.	Respondent	AB	Appeal		Municipal law — planning and development — planning variances — quashing or dismissal of Pincher Creek subdivision and development appeal board decision
24.	ABCA	<i>Investit Financial Inc. v. Shire International Real Estate Investments Ltd.</i>	11/16/09	[2009] A.J. No. 1237, 2009 ABCA 380 60 C.B.R. (5th) 82, 2009 CarswellAlta 1832	Collins, Sean F.	Monitor	AB	Appeal		Insolvency law — proceedings under the <i>Companies' Creditors Arrangement Act</i> — creditors and debtors —

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										debtor-in-possession (DIP) financing and receivers
25.	ABCA	<i>Aram Systems Ltd. v. NovAtel Inc</i>	07/31/09	[2009] A.J. No. 805, 2009 ABCA 262, [2009] 10 W.W.R. 262, 457 A.R. 341, 76 C.P.R. (4th) 175 179 A.C.W.S. (3d) 1173, 2009 CarswellAlta 1130, 8 Alta. L.R. (5th) 199	Smyth, Kara L.	Respondent	AB	Appeal	Leave to SCC dismissed, [2009] S.C.C.A. No. 382	Intellectual property and patent law — trade secrets and confidential information — nature of confidential information — unauthorized use
26.	ABCA	<i>550 Capital Corp. v. David S. Cheetham Architect Ltd.</i>	06/12/09	[2009] A.J. No. 622, 2009 ABCA 219, 457 A.R. 83 81 R.P.R. (4th) 1 178 A.C.W.S. (3d) 245, 2009 CarswellAlta 837 8 Alta L.R. (5th) 1	Smyth, Sean S.	Appellant	AB	Appeal		Commercial tenancies — landlord's remedies — termination of lease (forfeiture) — deemed assignment of tenancy
27.	ABCA	<i>Matco Capital Ltd. v. Interex Oilfield Services Ltd.</i>	12/04/08	[2008] A.J. No. 1416, 2008 ABCA 428, 48 C.B.R. (5th) 213 2008, CarswellAlta 2013	Collins, Sean F.	Respondent	AB	Appeal		Corporations, partnerships and associations law — derivative actions — powers of court and conduct of action — intervenors
28.	ABCA	<i>Kensington Energy Ltd. v. B &amp; G Energy Ltd.</i>	04/24/08	[2008] A.J. No. 440, 2008 ABCA 151, 89 Alta. L.R. (4th) 207, 432 A.R. 141, 167 A.C.W.S. (3d) 682, 2008 CarswellAlta 528	Smyth, Sean S.	Respondent	AB	Appeal		Natural resources law — oil and gas — termination of leases — deemed production
29.	ABCA	<i>Wilde v. Archean Energy Ltd.</i>	12/04/07	[2007] A.J. No. 1335, 2007 ABCA 385 82 Alta. L.R. (4th) 203, 422 A.R. 41 62 C.C.E.L. (3d) 1, 167 A.C.W.S. (3d) 540, 2007 CarswellAlta 1633	Smyth, Sean S.	Appellant	AB	Appeal	Leave to SCC dismissed, [2008] S.C.C.A. No. 53	Employment law — termination of employment — wrongful dismissal — constructive dismissal

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30.	ABCA	<i>Aram Systems Ltd. v. Novatel Inc</i>	03/21/07	[2007] A.J. No. 312, 2007 ABCA 100, 74 Alta. L.R. (4th) 37, 404 A.R. 288, 156 A.C.W.S. (3d) 794, 2007 CarswellAlta 358	Smyth, Kara L.	Respondent	AB	Appeal		Intellectual property law — civil procedure — appeal of summary dismissal on basis of The Limitations Act (Alberta)
31.	ABCA	<i>Proprietary Industries Inc. v. Workum</i>	07/28/06	[2006] A.J. No. 930, 2006 ABCA 225, 271 D.L.R. (4th) 24, 63 Alta. L.R. (4th) 209, 397 A.R. 243, 30 C.P.C. (6th) 290, 151 A.C.W.S. (3d) 54, 2006 CarswellAlta 974	Smyth, Kara L.	Appellants	AB	Appeal		Creditors and debtors law — seizure or attachment of property — prohibitive injunctions — preservation of property
32.	ABCA	<i>Apotex Inc. v. Alberta (Minister of Health and Wellness)</i>	04/26/06	[2006] A.J. No. 435, 2006 ABCA 133, 58 Alta. L.R. (4th) 1, 384 A.R. 88, 40 Admin. L.R. (4th) 311, 31 C.P.C. (6th) 21, 149 A.C.W.S. (3d) 389, 2006 CarswellAlta 478	Smyth, Kara L.	Respondent	AB	Appeal	Leave to SCC dismissed: [2006] S.C.C.A. No. 250	Health law — examination for discovery — appeal from chambers of judge's decision allowing examination of expert advisory committee member
33.	ABCA	<i>Eagle Resources Ltd. v. MacDonald</i>	08/31/05	[2005] A.J. No. 1079, 2005 ABCA 277, 142 A.C.W.S. (3d) 75	Smyth, Kara L.	Appellant	AB	Appeal	Leave to SCC dismissed: [2005] S.C.C.A. No. 473	Commercial law — share purchase agreement — appeal of assessment of damages awarded for breach of disclosure warranty
34.	ABCA	<i>Bains Engineering Corp. v. 734560 Alberta Ltd.</i>	05/31/05	[2005] A.J. No. 630, 2005 ABCA 187, 46 Alta. L.R. (4th) 218, 367 A.R. 125, 43 C.L.R. (3d) 303, 140 A.C.W.S. (3d) 43, 2005 CarswellAlta 731	Smyth, Sean S.	Appellant	AB	Appeal		Civil procedure — contempt — civil contempt — judgments and order
35.	ABCA	<i>921250 Alberta Ltd. v. 762910 Alberta Inc.</i>	03/29/05	[2004] A.J. No. 1617, 2005 ABCA 127, 10 C.B.R. (5th) 321, 138 A.C.W.S. (3d) 286,	Smyth, Sean S.	Respondent	AB	Appeal		Creditors and debtors law — execution — sale of land of judgment debtor

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				2004 CarswellAlta 1902						
36.	ABCA	<i>Vrana v. Procor Ltd.</i>	05/15/04	[2004] A.J. No. 439, 2004 ABCA 126, 25 Alta. L.R. (4th) 201, 346 A.R. 389, 35 C.C.E.L. (3d) 68, 130 A.C.W.S. (3d) 306	Smyth, Sean S. Smyth, Kara	Respondent	AB	Appeal		Employment law — wrongful dismissal — constructive dismissal
37.	ABCA	<i>Kent v. May</i>	10/31/02	[2002] A.J. No. 1327, 2002 ABCA 252, 317 A.R. 381	Yoshida, Douglas T.	Respondent	AB	Appeal		Civil procedure — appeals — duty of appellate court regarding findings of fact by trial judge
38.	ABCA	<i>H.(B.) v. Alberta (Director of Child Welfare)</i>	05/01/02	[2002] A.J. No. 568, 2002 ABCA 109, [2002] 7 W.W.R. 643, 3 Alta. L.R. (4th) 44, 303 A.R. 115, 95 C.R.R. (2d) 362, 28 R.F.L. (5th) 362, 113 A.C.W.S. (3d) 1008	Yoshida, Douglas T.	Respondent	AB	Appeal	Additional reasons, [2003] 3 W.W.R. 267 (ABCA). Application for reconsideration refused, [2003] 4 W.W.R. 52 (ABCA). Leave to SCC refused, SCC July 11, 2002	Health law — informed refusal of medical treatment — <i>Child Welfare Act</i>
39.	ABCA	<i>Eagle Resources Ltd. v. MacDonald</i>	10/26/01	[2001] A.J. No. 1339, 2001 ABCA 264, [2002] 1 W.W.R. 241, 96 Alta. L.R. (3d) 3, 20 B.L.R. (3d) 273, 109 A.C.W.S. (3d) 242, 2001 CarswellAlta 1438	Smyth, Sean S.	Appellant	AB	Appeal	Leave to SCC dismissed: [2001] S.C.C.A. No. 589	Oil and gas law — contracts — share purchase agreement — appeal of breach of disclosure warranty — breach of warranty
40.	ABCA	<i>Blue Range Resources Corp. (Re)</i>	10/24/00	[2000] A.J. No. 1232, 2000 ABCA 285, 193 D.L.R. (4th) 314, [2001] 2 W.W.R. 477, 87 Alta. L.R. (3d) 352, 271 A.R. 138, 100	Collins, Sean F.	Respondent	AB	Appeal	Leave to SCC dismissed: [2000] S.C.C.A. No. 648	Bankruptcy, insolvency and restructuring — proceeding under the <i>Companies' Creditors Arrangement Act</i> — criteria for allowing late claimants to file claims

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				A.C.W.S. (3d) 956						
41.	ABCA	<i>Zurich Canadian Holdings Ltd. v. Questar Exploration Inc.</i>	03/02/99	[1999] A.J. No. 192, 1999 ABCA 75, 171 D.L.R. (4th) 457, [1999] 10 W.W.R. 273, 70 Alta. L.R. (3d) 211, 232 A.R. 160, 26 R.P.R. (3d) 282, 86 A.C.W.S. (3d) 790	Smyth, Sean S.	Appellant	AB	Appeal		Commercial tenancies — head leases and subleases — landlord's right to terminate — assignment and subletting
42.	ABCA	<i>Westfair Foods Ltd. v. Watt</i>	10/26/98	[1998] A.J. No. 1145, 1998 ABCA 337, 166 D.L.R. (4th) 448 [1999] 4 W.W.R. 659, 67 Alta. L.R. (3d) 148, 223 A.R. 322, 41 B.L.R. (2d) 83, 83 A.C.W.S. (3d) 392	Smyth, Sean S.	Intervenor	AB	Appeal		Company law — actions against corporations and directors — shareholders' rights and compulsory sale of shares — fundamental changes and shareholders' rights
43.	ABCA	<i>420093 B.C. Ltd. v. Bank of Montreal</i>	09/29/95	[1995] A.J. No. 862, 1995 ABCA 328, 128 D.L.R. (4th) 488, [1996] 1 W.W.R. 561, 34 Alta. L.R. (3d) 269, 174 A.R. 214, 58 A.C.W.S. (3d) 67, 1995 CanLII 6246	Prather, V.	Respondent	AB	Appeal		Practice – Striking out pleadings – Abuse of process or delay
44.	ABCA	<i>CPCS Ltd. v. Western Industrial Clay Products Ltd.</i>	06/09/95	[1995] A.J. No. 620, 1995 ABCA 224, 31 Alta. L.R. (3d) 257, 56 A.C.W.S. (3d) 479	Prather, V.	Third Party	AB	Appeal		Practice – Parties – Joinder of parties
45.	ABCA	<i>Bank of Nova Scotia v. Dunphy Leasing Enterprises Ltd.</i>	11/25/91	[1991] A.J. No. 1021, 1991 ABCA 351, [1992] 1 W.W.R. 577, 83 Alta. L.R. (2d) 289, 120 A.R. 241, 8 W.A.C. 241, 30 A.C.W.S. (3d) 377	Prather, V.	Plaintiff	AB	Appeal		Receivership – Enforcement of loan security – Forced liquidation

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**ABCA Total Appeals: 45**