



Lawrence G. Theall

Partner

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Practice Profile

Lawrence Theall is the managing partner of Theall Group LLP. Larry practices commercial litigation, insurance and product liability (including class proceedings), and has appeared before all levels of the Ontario and Federal courts, as well as the superior courts of Manitoba and Alberta. He has acted as lead counsel in over 50 trials and hearings, all of which went to a final decision or verdict. Larry has extensive experience with interlocutory proceedings, including being lead counsel in arguing the disposition of more than 10 interlocutory injunctions. He has acted as insurance coverage counsel for a number of large publicly traded corporations and has significant experience in the automobile industry.

Larry was Hyundai's Assistant General Counsel, responsible for all litigation and risk management, for eight years, and has been Hyundai's National Trial Counsel since 1995. Larry has acted as insurance coverage counsel to the Attorney General of Ontario since early 2003 and regularly represents a number of publicly traded corporations and insurance brokers, with respect to commercial insurance issues.

Auto Industry Experience

Mr. Theall has worked extensively in the auto industry, primarily in the areas of product liability, dealer disputes, risk management and commercial insurance. Some of his most significant accomplishments include:

- Original draftsman, National Automobile Dealer Arbitration Program ("NADAP").
- Member, legal subcommittee for AIAMC (7 years)
- Obtained Anton Pillar orders in three cases. One involved the sale of grey market goods by jobbers. Another involved substantial warranty fraud.
- Acted as counsel for Hyundai and Toyota in \$75 million Receivership of International Warranty Company Limited, and advised Hyundai on development of in-house extended warranty programs.
- Developed and implemented field staff training seminars for legal issues such as effective dealer communications and product liability investigations.
- Participated in development of various policy and procedure manuals, particularly in the parts, warranty and service areas.



Through this work, Larry continually expanded his industry knowledge and understanding of the business issues faced by a Canadian motor vehicle distributor. Since leaving Hyundai, he has continued his work in the industry and currently acts for Hyundai and Toyota.

Education

University of Toronto, LL.B., 1985.

Trent University, B.A. (Great Distinction), 1982.

Academic Achievements

Laskin Prize, Highest Standing in Constitutional Law, 1985.

Professional Involvement

Mr. Theall is a member of the Canadian Bar Association, the Defence Research Institute, and the Advocates' Society, and has been a speaker at programs of the Law Society of Upper Canada, Osgoode Hall Law School, Insight, and the Canadian Institute on various topics relating to product liability, commercial litigation and insurance.

He is a co-author of the looseleaf text, Product Liability: Canadian Law and Practice (Canada Law Book, 2001).

Publications

“Product Liability Coverage Issues: The Policyholder’s Perspective” Insurance Coverage and Practice: The Year Past/The Year to Come Professional Development Program, Osgoode Hall Law School (March 4, 2004)

“Trends & Emerging Issues in the Automotive Sector” Insight Product Liability Seminar (September, 2003)

“The Duty to Warn: Critical Issues You Need to Know”, Litigating Product Liability Cases: Essential Principles and Effective Techniques, Professional Development Program, Osgoode Hall Law School (May 8, 2001)

“Uncommon Motions in 6 Minutes” Common & Uncommon Motions, (October 20, 1999), Law Society of Upper Canada

“Might Canadian Law Apply to that \$10M Claim? If so, it may be Worth Only \$50,000.00” The Defense (April, 1998)

“Concurrent Liability in Contract and Tort” Fernandes Hearn Theall Firm Seminar (March 9, 1999)

“The Duty of Care and Intermediate Examination: A Restatement” Fernandes Hearn Theall Firm Seminar (February 24, 1998)

“Emerging Trends” Product Liability Seminar (May 22, 1996)

“Exotic Motions” Common & Uncommon Motions, (December 1, 1995), Law Society of Upper Canada



“Up to the Minute Legal Developments of Interest for Product Liability Litigation”, Orims Conference (Spoliation) (November 10, 1995)

“Sanctions For the Destruction of Evidence”, Product Liability Seminar (October 26, 1995)

“Product Liability and Innovation: A Canadian Perspective”, Canadian-U.S. Journal, Vol.21 (October, 1995)

“Product Liability: The Value of Proactive Risk Management”, The CTMA Insider (April, 1995), published by the Canadian Toy Manufacturers Association

Academic Anneals at the University of Toronto: How the System Works, May, 1985.

Annotation for Reichmann v. Toronto Life (1991) 42 C.P.C. (2d) 17 (Validity of notice of examination and the right to examine first).

Annotation for Manufacturer’s Life v. Dofasco Inc. (1989) 38 C.P.C. (2d) 47 (Editing productions).

Annotation for Schultz v. Galvin (1988) 27 C.P.C. (2d) 253 (Obligation to seek medical notes and records, liability for related costs).

Annotation for Fekete v. 415585 Ont. Ltd. (1988) 27 C.P.C. (2d) 124 (Obtaining costs against former solicitor personally).

Annotation for Furlano v. Calarco (1987) 20 C.P.C. (2d) 279 (Production of medical notes and records).

“Indemnity and Insurance: False Security?” in Duties and Liabilities of Officers and Directors, The Canadian Institute (November, 1992).

Contributing Editor, Carswell’s Practice Cases (1987 - 1996).