

## Joe Thorne

### Partner

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Language(s) spoken: English

Bar Admission(s): Ontario, 2010; Newfoundland  
and Labrador, 2013

Legal Assistant(s): [Sherry Spracklin](#)

Joe has a wide-ranging general commercial litigation practice, including particular focus on insolvency/restructuring, insurance defence, and municipal law. Joe focuses on common-sense solutions to legal challenges. Joe believes in the adage "litigation is the pursuit of practical ends, not a game of chess."

Joe has appeared before all levels of court in Newfoundland and Labrador, as well as the Federal Court of Canada, the Quebec Superior Court, the Ontario Small Claims Court, the Ontario Superior Court of Justice, and the Court of Appeal for Ontario.

Some of the ways Joe has helped clients include:

- Representing a publicly traded company in defending a claim for millions of dollars made by a former director and officer seeking payment of disputed awards and bonuses.
- Successfully responding to an appeal seeking to disqualify a Court-appointed receiver in an insolvency proceeding.
- Advising creditors, debtors, and insolvency professionals in a wide of array of insolvency and restructuring matters.
- Negotiating resolution of dozens of personal injury claims.
- Assisting municipalities before regional appeal boards and courts in defending council decisions.
- Enforcing foreign and inter-provincial judgments.

## Practice Areas

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Bankruptcy, Receivership & Insolvency

Education

Insurance

Litigation & Alternative Dispute Resolution

Maritime & Transportation

Municipal

## Education & Career

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### Education

University of Western Ontario, JD, 2009

Memorial University of Newfoundland B.Sc. (Honours), 2003

### Activities

Chair, Stewart McKelvey Newfoundland and Labrador Litigation Practice Group, 2020 – Present

President, Canadian Bar Association, Newfoundland and Labrador branch, September 2022 – August 2023

Vice President, Canadian Bar Association, Newfoundland and Labrador branch, September 2021 – 2022

Member, Canadian Bar Association

Member, Advocates' Society

Member, "Advocacy Matters" Editorial Board – September 2022 – Present

Treasurer, Canadian Bar Association, Newfoundland and Labrador Branch, September 2020 – September 2021

Chair, Civil Litigation Section, Canadian Bar Association, Newfoundland and Labrador Branch, 2015 – Present

Chair, Pro Bono Committee, Canadian Bar Association, Newfoundland and Labrador Branch, 2015 – 2018

Member, Legislation and Law Reform Committee, Canadian Bar Association, Newfoundland and Labrador Branch, 2018, 2020 – Present

### Accolades

Recipient, [Early Career Achievement Award](#), 2021

Lexpert rating: Insolvency & Financial Restructuring, 2021 – 2024

## Thought Leadership

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Plans of arrangement come to Newfoundland and Labrador

[January 30, 2024](#)

Newfoundland and Labrador adopts virtual *Alternate Witnessing of Documents Act* – for good this time!

[June 01, 2023](#)

"Constructive Taking": Consequences for municipalities from the Supreme Court of Canada decision in *Annapolis Group Inc. v. Halifax Regional Municipality*

[November 10, 2022](#)

The cost of doing justice – judicial salaries and the rule of law in *Newfoundland and Labrador (Provincial Court) v.*

Newfoundland

April 06, 2022

The clock is ticking: Limitation periods vs. settlement privilege in *Balsom v. Rideout*

April 01, 2022

Municipal Liability in Negligence webinar

February 10, 2022

Trips, slips, and judicial ink spills – the Supreme Court of Canada revisits core policy decision immunity in *City of Nelson v Marchi*, 2021 SCC 41

October 25, 2021

I have trust issues – pension plan trust claim priorities in bankruptcy in *Anthony Capital Corporation (Re)*, 2021 NLSC 91

July 23, 2021

Supreme Court of Canada may re-consider municipal liability for policy vs. operational decisions

September 23, 2020

I am Terribly Vexed – Vexatious Litigants in *Penney v. Newfoundland and Labrador*, 2020 NLSC 46

June 22, 2020

Supreme Court of Canada confirms the broad discretion of the supervising CCAA judge regarding plans of arrangement and litigation financing: 9354-9186 *Québec Inc. v. Callidus Capital Corp.*, 2020 SCC 10

May 12, 2020

Update on Newfoundland and Labrador variation of limitation periods and statutory timelines during COVID-19 pandemic

April 27, 2020

Business interruption insurance: recent decision may impact whether COVID-19 disruptions are covered

April 08, 2020

Newfoundland and Labrador passes law to allow variation of limitation periods and statutory timelines during COVID-19 pandemic

April 02, 2020

Provincial Law Voids Limitations of Liability in Contract for Ship's Engine Parts

January 07, 2020

How much is too much?: Disclosure in multiple accident litigation in *English v House*, 2017 NLTD(G) 93

June 14, 2017

Client Update: Court of Appeal confirms accounting firms may take on multiple mandates for the same company

June 14, 2017

Negligence claims in paper-only independent medical examinations: Rubens v Sansome, 2017 NLCA 32

June 13, 2017

Protests and injunctions: is the presence of journalists a material fact for the court?

April 24, 2017

Sometimes a bad deal is just a bad deal: unconscionability and insurance claim settlements in Downer v Pitcher, 2017 NLCA 13

March 16, 2017

Plaintiffs' medical reports – disclosure obligations in Unifund Assurance Company v. Churchill, 2016 NLCA 73

January 10, 2017

Restart the Clock!: Confirmation and resetting limitation periods in Tuck v. Supreme Holdings, 2016 NLCA 40

August 11, 2016

Why can't we be friends?: Lessons on corporate dissolution from Smith v. Hillier

May 30, 2016

## **Publications**

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Author, "The university as litigant - alternative dispute resolution", Discovery: Atlantic Education and the Law - Spring 2019

June 12, 2019

Co-author, "Construction bonds: Primer and best practices", Newfoundland and Labrador Construction Journal 2017 (page 128), November 2016

Co-author, "Resetting Limits", Canadian Underwriter

September 03, 2016

Co-author, "Canadian Maritime Law Update: 2015", Journal of Maritime Law & Commerce (Vol. 46, No. 3, July 2015)

Author, "Faithless fiduciaries and employment bonuses: when can a company refuse to pay?", Lexology

March 22, 2012

Author, "The "fraud exception" in Mareva injunctions is no exception", Lexology

October 17, 2011

Author, "Holstering the hired guns: the medical expert's duty is to the court, not the litigant", Lexology

October 13, 2011

## Presentations

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Co-presenter, “Municipal Liability in Negligence”, Stewart McKelvey Municipal webinar, in partnership with Municipalities Newfoundland and Labrador

January 31, 2022

Co-presenter, “Deconstructing Delay Claims”, Newfoundland and Labrador Construction Association session

October 25, 2017