

Avon M. Mersey Q.C.

Counsel

PROFESSIONAL BACKGROUND

Avon Mersey is Counsel with Singleton Urquhart Reynolds Vogel LLP, employing over 45 years' experience in civil litigation. His main areas of focus are insurance defence and product liability. Avon has a wealth of experience in defending product liability claims, claims for disability and life carriers, aviation insurers, motor vehicle carriers, C.G.L. carriers, fire and property carriers, excess carriers and environment risk carriers as well as asbestos litigation. He has also represented clients on a variety of insurance related matters including coverage.

Avon has an appellate practice and has argued coverage, liability, bad faith, and conflict of law test cases before the British Columbia Supreme Court, British Columbia Court of Appeal and the Supreme Court of Canada.

Avon has been appointed Arbitrator and Mediator on numerous insurance cases at the request of litigants.

RANKINGS + RECOGNITION

- Recognized as a Leading Lawyer for Commercial Insurance in the *Canadian Legal Expert® Directory*.
 - Ranked in the areas of Aviation Law, Insurance Law and Transportation Law by *Best Lawyers Canada®*.
 - Recognized as a Leading Practitioner in the 2020 *Canadian Legal Expert® Directory*.
 - Featured as "Lawyer of the Year" for Aviation in Vancouver by *Best Lawyers Canada®* in 2020.
 - Recognized as a Leading Aviation Lawyer in the *Canadian Legal Expert® Directory*.
 - Recognized in *Benchmark Canada* — The Definitive Guide to Canada's Leading Litigation Firms & Attorneys as a "Litigation Star" (insurance and product liability).
 - Martindale-Hubbell AV Ranked.
 - Appointed Queens Counsel in 2012.
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MEMBERSHIPS

- Member, International Society of Barristers*
- Litigation, Aviation & Insurance Sections, Canadian Bar Association (BC Branch)
- Trial Lawyers Association of British Columbia
- Defense Research Institute (USA)

**Membership in the International Society of Barristers is extended to advocates of exceptional talent whose qualities, including integrity, honor and collegiality, embody the true spirit of the true professional. Active member until voluntary resignation effective December, 2019.*

EXPERIENCE

Lead Counsel on the following cases:



Insurance
Alternative Dispute Resolution
Product Liability
Commercial and Business Litigation

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Assistant:

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EDUCATION

- Master of Laws, London School of Economics and Political Science, 1973
- Bachelor of Laws, Dalhousie University, 1972
- Bachelor of Commerce, Dalhousie University, 1969

- *Stewart v. Lloyd's Underwriters*, 2022 BCCA 84
- *Neufeldt v. Insurance Corporation of British Columbia*, 2021 BCCA 327
- *Provost v. Dueck Downtown Chevrolet Buick GMC Limited*, 2021 BCCA 164
- *Provost v. Dueck Downtown Chevrolet Buick GMC Limited*, 2021 BCCA 15
- *Maingot v. Wankowicz*, 2021 BCSC 1596
- *Quinn Provost v. Dueck Downtown Chevrolet Buick GMC Limited, et al.*, leave to appeal dismissed, 2020 CanLII 89595 (SCC)
- *Provost v. Dueck Downtown Chevrolet Buick GMC Limited*, 2020 BCCA 86
- *Jones v. Frohlick*, 2018 BCCA 170
- *Paur v. Providence Health Centre 2017* BCCA 161
- *Nagra v. Cruz*, 2017 CA44249 (BCCA)
- *Koltai v. Wang*, 2017 BCCA 152
- *Paur v. Providence Health Care*, 2017 BCCA 161
- *Mullens v. Toor*, 2017 BCCA 384
- *Thompson v. Helgeson*, 2017 BCSC 927
- *Nagra v. Cruz*, 2017 BCSC 347
- *Nagra v. Cruz*, 2016 BCSC 2469
- *Ngo v. Luong*, 2014 BCSC 516
- *Hogstead v. Spiers*, 2013 BCCA 524
- *Sun Life Assurance Company of Canada v. Catalano*, 2012 BCSC 1840
- *Brennand v. Sun Life Assurance Company of Canada*, 2012 BCSC 972
- *Brennand v. Sun Life Assurance Company of Canada*, 2011 BCSC 759
- *Mazur v. Lucas*, 2010 BCCA 473
- *Steele v. Toyota Canada Inc., B.C.J.* 1496, 2008 BCSC 1063
- *British Columbia Ferry Services Inc. v. Canadian Transportation Accident Investigation and Safety Board*, 2008 BCCA 40
- *British Columbia Ferry Services Inc. v. Canadian Transportation Accident Investigation and Safety Board*, 2007 BCSC 1434
- *Johnny v. ICBC*, 2007 BCCA 43
- *Sun Life Assurance Co. of Canada v. Fidler* [2006] S.C.J. No. 30, [2006] 8 W.W.R. 1 (S.C.C.)
- *Ennis v. Allenby*, [2007] BCCA 80
- *Ennis v. Allenby*, 2006 BCCA 213
- *Insurance Corporation of British Columbia v. Pohl's Bakery & Pastry*, 2006 BCCA 51
- *Roussin v. Bouzenad*, [2005] B.C.J. No. 2682, 2005 BCSC 1719 (unreported)
- *Sabourin Estate v. Watterodt Estate* [2005]
- *Johnny v. Palmantier et al*, 2005 BCSC 799
- *Rowe v. Bobell* [2005] BCCA 141
- *Peters v. Kay*, [2004] B.C.S.C. 1160 (unreported)
- *Fidler v. Sun Life Assurance Company of Canada*, [2004] 239 D.L.R. (4th) 547 (B.C.C.A.) (leave to appeal to the S.C.C. granted January 20, 2005)
- *Araujo v. Read*, [2004] S.C.C.A. No. 346 (leave to appeal to S.C.C. denied)
- *Gurniak v. Nordquist*, [2003] 2 S.C.R. 652, 2003 SCC 59
- *Unifund Assurance Co. v. Insurance Corp. of British Columbia* [2003] 2 S.C.R. 63, 2003 SCC 40
- *Reilly v. Lynn*, [2003] B.C.J. No. 133 (S.C.C.)
- *Love v. Pai*, [2003] B.C.J. No. 1397 (S.C.)
- *Wright v. Sealnes (The)*, [2002] B.C.J. No. 645 (S.C.)
- *Webber v. Canadian Aviation Insurance Managers Ltd.*, [2002] B.C.J. No. 2270 (S.C.)

- *Netupsky v. Assn. Of Professional Engineers and Geoscientists of British Columbia*, [2001] B.C.J. No. 1443 (S.C.)
- *Gurniak (Guardian ad litem of) v. Nordquist and Domo Gasoline*, (2001), 93 B.C.L.R. (3d) 199, 156 B.C.A.C. 149 (B.C.C.A.)
- *Axa Pacific Insurance Co. v. Elwood*, [2000] B.C.J. No. 1738 (S.C.)
- *Diotte (Guardian ad litem of) v. Insurance Corp. of British Columbia*, [2000] B.C.J. No. 2476 (S.C.)
- *Thompson v. Sun Life Assurance Co. of Canada*, [2000] B.C.J. No. 78 (S.C.)
- *Mclsaac v. Sun Life Assurance Co. of Canada*, [1999] B.C.J. No. 1120 (S.C.C.)
- *Wong et al v. Wei*, [1999] B.C.J. No. 768 (S.C.)
- *Knox v. Eastman*, [1999] B.C.J. No. 586 (S.C.)
- *Mathers v. Sun Life Assurance Co. of Canada*, [1999] B.C.J. No. 1023 (S.C.C.)
- *Banks v. Sun Life Assurance Co. of Canada*, [1999] B.C.J. No. 1771 (S.C.)
- *Coles v. Spriggs*, [1998] B.C.J. No. 2753 (C.A.)
- *Green v. Wilson*, [1998] B.C.J. No. 67 (S.C.)
- *Park v. Insurance Corp. of British Columbia*, [1998] B.C.J. No. 2638 (S.C.)
- *Bakker v. Van Adrichem*, [1997] B.C.J. No. 637 (C.A.)
- *Leighton v. Simpson*, [1997] B.C.J. No. 386 (C.A.)
- *Gurniak v. Nordquist* (1997), 34 B.C.L.R. (3d) 206 (B.C.S.C.)
- *Grant v. Sun Life Assurance Co. of Canada*, [1997] B.C.J. No. 1492 (S.C.)
- Counsel to Sun Life Assurance Company of Canada
- *Yoshikawa v. Yu*, [1996] B.C.J. No. 623 (C.A.)
- *Amos v. Insurance Corp. of British Columbia*, [1995] 3 S.C.R. 405 (S.C.C.)
- *Galaske v. O'Donnell*, [1994] 1 S.C.R. 670 (S.C.C.)
- *Tolofson v. Jensen*, [1994] 3 S.C.R. 1022 (S.C.C.)
- *Wong v. Taylor*, [1994] B.C.J. No. 1517 (S.C.)
- *Simcoe & Erie General Insurance Co. v. Kansa General Insurance Co.*, [1994] B.C.J. No. 1442 (S.C.C.)
- *Court v. Alberta Motor Assn. Insurance Co.*, [1994] B.C.J. No. 948 (S.C.)
- *Hunt v. T&N plc*, [1993] 4 S.C.R. 289 (S.C.C.)
- *Duncan v. Aldis*, [1993] B.C.J. No. 260 (C.A.)
- *Hayre v. Walz*, [1992] B.C.J. No. 985 (C.A.)
- *Dorsey v. Austrian Chalet Ltd.*, [1992] B.C.J. No. 1766 (S.C.)
- *Cloutier v. Wong*, [1992] B.C.J. No. 2940 (S.C.)
- *Thorpe v. College of Pharmacists of British Columbia*, [1992] B.C.J. No. 2166 (C.A.)
- *Chung Estate v. King*, [1992] B.C.J. No. 1830 (S.C.)
- *Canadian Pacific Forest Products Ltd. v. Gold River Newsprint*, [1992] B.C.J. No. 1970 (S.C.)
- *Primrose v. Arrow Transportation Inc.*, [1991] B.C.J. No. 3022 (S.C.)
- *Mung v. Zellinski*, [1991] B.C.J. No. 4066 (C.A.)
- *MacDonald (Guardian ad litem of) v. Peek-Philpott*, [1991] B.C.J. No. 928 (S.C.)
- *Jang v. Jang* (1991), 54 B.C.L.R. (2d) 121 (C.A.)
- *Whatley v. Badshah*, [1991] B.C.J. No. 3497 (S.C.)
- *Foster v. 1075 West Georgia Ltd.*, [1991] B.C.J. No. 2419 (S.C.)
- *Etter v. Trent*, [1991] B.C.J. No. 237 (C.A.)
- *Seymour v. Guptell*, [1990] B.C.J. No. 1278 (S.C.)
- *Hutchison v. Betts*, [1990] B.C.J. No. 782 (S.C.)
- *Prenor Trust Co. of Canada v. Montreal Trust Co.*, [1990] B.C.J. No. 2781 (S.C.)
- *Bugden v. Sun Life Assurance Co. of Canada*, [1990] B.C.J. No. 2936 (S.C.)
- *Brar (Guardian ad litem of) v. Hall*, [1990] B.C.J. No. 2505 (S.C.)
- *Scarff (Next friend of) v. Wilson*, [1989] 2 S.C.R. 776 (S.C.C.)

– *Mantelli v. Johnston Terminals Ltd.*, [1989] B.C.J. No. 1047 (C.A.)

– *Jackson v. Anderson*, [1989] B.C.J. No. 852 (S.C.)

– *Czarnuch v. Devon Transport Ltd.*, [1989] B.C.J. No. 230 (C.A.)

– *Mochinski v. Spalding*, [1988] B.C.J. No. 1267 (S.C.)

– *Kalke v. Kalke*, [1988] B.C.J. No. 2577 (C.A.)

– *Cope v. Taylor*, [1988] B.C.J. No. 2118 (S.C.)

– *Fraser v. Kelowna Motorcycle Club*, [1988] B.C.J. No. 343 (S.C.)

– *Gilmore v. Richmond School District No. 38*, [1988] B.C.J. No. 2604 (S.C.)

– *Yorkshire Trust Co. v. Laurentian Pacific Insurance Co.*, [1987] B.C.J. No. 4 (S.C.)

– *Millar v. Emerson*, [1987] B.C.J. No. 791 (S.C.)

– *Favelle v. Favelle*, [1987] B.C.J. No. 330 (S.C.)

– *Sinn v. Arena Developments Ltd.*, [1986] B.C.J. No. 2252 (S.C.)

– *Woodchuck Manufacturing Ltd. v. Georgia Pacific Corp.*, [1986] B.C.J. No. 1628 (S.C.)

– *Kartsonas v. Brownrigg*, [1986] B.C.J. No. 1815 (S.C.)

– *Jarrett v. Campbell*, [1986] B.C.J. No. 1595 (S.C.)

– *Tolman v. Gearmatic Co.*, [1986] B.C.J. No. 481 (C.A.)

– *Juric-Orlic v. Adam*, [1985] B.C.J. No. 2318 (C.A.)

– *Sayle v. Kansa Insurance Co.*, [1985] B.C.J. No. 2574 (C.A.)

– *Tuschek v. Buxmann*, [1985] B.C.J. No. 1 (S.C.)

– *Morguard Bank of Canada v. Eagle Management Services Ltd.*, [1985] B.C.J. No. 723 (S.C.)

– *Goldberg v. Western Approaches Ltd.*, [1985] B.C.J. No. 937 (S.C.)

– *Gulbranson v. Gulbranson*, [1985] B.C.J. No. 359 (S.C.)

– *Beckwith v. Insurance Corp. of British Columbia*, [1985] B.C.J. No. 772 (S.C.)

– *Bangle Estate v. D.W. Coates Enterprises Ltd.*, [1985] B.C.J. No. 8 (C.A.)

– *Pybus v. Houston Shoe In Ltd.*, [1985] B.C.J. No. 1068 (S.C.)

– *Syncrude Canada Ltd. v. Hunter Engineering Co.*, [1984] W.W.R. 231 (B.C.S.C.)

– *North Canadian Trust Co. v. Prochaska*, [1983] B.C.J. No. 2325 (C.A.)

– *Antunes v. Lance's Auto Service Ltd.*, [1983] B.C.J. No. 1430 (S.C.)

– *Harrison v. Harrison*, [1982] B.C.J. No. 188 (S.C.)

– *Lakhani (Guardian ad litem of) v. Samson*, [1982] B.C.J. No. 397 (S.C.)

– *Fuller v. Fuller*, [1982] B.C.J. No. 1627 (S.C.)

– *Fergusson v. Harrison*, [1981] B.C.J. No. 1291 (S.C.)

– *Bank of Montreal v. Pioneer Meat Packers Ltd.*, [1981] B.C.J. No. 1639 (C.A.)

– *Tanu v. Ray*, [1981] B.C.J. No. 86 (S.C.)

– *Lafaille v. Lafaille*, [1980] B.C.J. No. 1521 (S.C.)

– *Reed v. Wright*, [1980] B.C.J. No. 580 (S.C.)

– *R. v. Abramson*, [1980] B.C.J. No. 658 (C.A.)

– *Damberger v. Damberger*, [1980] B.C.J. No. 855 (S.C.)

– *Hutt v. Hutchinson*, [1980] B.C.J. No. 418 (S.C.)

– *British Columbia (Provincial Agricultural Land Commission) v. Pickell*, [1980] B.C.J. No. 145 (S.C.)

– *Nash v. Dick Munn Pro Shop Ltd.*, [1979] B.C.J. No. 699 (S.C.)

– *Highfield Holdings (B.C.) Ltd. v. Canaveral Investments Ltd.*, [1979] B.C.J. No. 510 (S.C.)

– *Vancouver Fire Prevention Service Co. v. Insurance Corp. of British Columbia*, [1978] B.C.J. No. 48 (S.C.)

– *Blackburn v. Blackburn*, [1977] B.C.J. No. 16 (S.C.)

PUBLICATIONS

- Co-author, "[Counsel Comments – Neufeldt v. Insurance Corporation of British Columbia, 2021 BCCA 327](#)," Take Five, British Columbia Edition, October, 2021
- Kennedy V. Coe: a Look at an Unconventional Defendant
- Author, "Chapter 10 – Defences, B.C. Motor Vehicle Accident Claims Practice Manual," Continuing Legal Education Society of B.C.
- Co-author, "Supreme Court of Canada Confirms Application of Limitation Laws of Place of the Accident," Insurance Law, Vol. IX, No. 2
- Co-author, "ICBC v. Unifund – Limitations on the Extraterritorial Application of Provincial Legislation," Insurance Law, Vol. VIII, No. 2
- Author, "Extending Limitation Periods after Tolofson," Insurance Law, Vol. III, No. 2
- Co-author, "Proof of Disability: Objective or Subjective Evidence?," Insurance Law, Vol. IV, No. 3
- Co-author, "Conflict of Laws in Canada – A Change in Direction," Insurance Law, Vol. II, No. 1
- "Supreme Court Reviews Test for Determining Tort Choice of Law," Insurance Law Journal

PRESENTATIONS

- Clients and Risk First, Insurance Seminar, October 23, 2012
- Defending Personal Injury – Cost of Care at Trial, Continuing Legal Education Society of British Columbia, February 24, 2012
- Medical and Legal Issues in Brain Injury: Cost of Care, Trial Lawyers Association Seminar, April 1-2, 2011
- The *Canada Consumer Product Safety Act* – Let the Seller Beware!, Insurance and Product Liability Group Seminar (Fasken Martineau Institute), September 29, 2010
- 3rd Annual Disability Claims Management and Litigation: Handling Non-Visible Disability Claims, Insight Seminar, April 26-27, 2010
- Emerging Trends in Canadian Law, Seminar at Lloyds of London, June 25, 2008
- Follow the Money: Damages in Product Liability and Insurance Lawsuits – Recent Developments, Fasken Martineau Seminar, November 21, 2006
- Mitigating Disability and Auto Insurance Claims Seminar, Insight Information Co., April, September, 2005
- Reigning Victorious: Product Liability Class Actions – Law and Strategies for Successful Defence, Fasken Martineau Product Liability Class Actions Seminar, May 25, 2005
- Punitive and Aggravated Damages Seminar, The Canadian Institute, November, 2004
- Litigating and Defending against Personal Injury and Disability Claims Seminar, Insight Information Co., April, 2004
- Experts – From Retainer to Trial Seminar, Trial Lawyers Association of B.C., December, 2003
- Injurisdictional Issues, Part 7 Benefits, Continuing Legal Education Seminar, March, 2003
- Recent Developments in the Conflict of Laws – Torts, Continuing Legal Education Seminar, February, 2003
- 2002 Western Forum on Litigating Disability Insurance Claims Seminar, Insight Information Co, October, 2002
- Canadian Conflict of Laws – A Change in Direction, International Pacific Bar Association, 2000

NEWS + INSIGHTS

- [Singleton Reynolds welcome three new lawyers](#) - Aug 11, 2016 • Co-authored