

David Edinger

Partner

PROFESSIONAL BACKGROUND

David Edinger is a Partner in Singleton Urquhart Reynolds Vogel LLP's Commercial Litigation, Construction and Professional Liability Law Groups. He is also Co-Chair of the firm's Conflicts and the Strategic Planning Committees, and a Member of the Management Committee.

David helps clients through uniquely tailored and effective approaches which include resolving matters through negotiation, mediation, arbitration and litigation at all levels of court in British Columbia.

His broad range of expertise and experience includes resolving commercial disputes and providing advice for film, television, music and book publishing related commercial and intellectual property issues, employment and infant matters, and personal services, investment and financing agreements; competition law and product liability class actions; owners, sureties, general contractors and consultants in relation to builders lien claims, claims for extras, delay, deficiencies and professional liability; employers and employees in relation to hiring, termination, severance, confidentiality, non-competition and non-solicitation and providing related advice on Human Rights Code and Employment Standards Act matters; directors and officers in respect of their statutory obligations and their obligations to investors, creditors and under applicable securities law; shareholders and partners in relation to disputes arising under shareholders and partnership agreements; professional liability claims against lawyers; e-commerce and internet-based or related issues, including online copyright breach and defamation.

David also regularly handles cross-border litigation and conflict of laws issues, including jurisdictional matters, the recognition and enforcement of judgments and the securing of evidence across borders and is very experienced working with United States-based counsel on such matters.

He has been recognized as Entertainment Lawyer of the Year (Vancouver) by *Best Lawyers Canada*®. David is also top ranked by *Chambers Global* and has been named a "Litigation Star" by *Benchmark Canada*.

RANKINGS + RECOGNITION

- Recognized as Entertainment Lawyer of the Year (Vancouver) by *Best Lawyers Canada*®.
- Ranked in the areas of Entertainment Law, Class Action Litigation, Corporate and Commercial Litigation by *Best Lawyers Canada*®
- Recognized in *Chambers Canada — Canada's Leading Lawyers for Business*
- Recognized in *Benchmark Canada* – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys as a "Litigation Star"

MEMBERSHIPS

- Member, Advocates' Society
- Member, Canadian Bar Association



Commercial and Business Litigation
Construction and Infrastructure
Law
Directors and Officers Liability
Entertainment Law
Professional Liability
Employment and Labour

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EDUCATION

- Master of Law, University College London, 1992
- Called to the British Columbia Bar, 1991
- Bachelor of Laws, University of British Columbia, 1990
- Bachelor of Arts, University of British Columbia, 1987

EXPERIENCE

General Representative Experience

- Acted for a general contractor in relation to litigation which arose from a project to install a turbine, generator, switchgear, and new control systems at a hydro plant in Yukon Territory owned by a crown corporation. The litigation has proceeded to trial, an appeal and a second trial is scheduled for the fall of 2019
- Acted for a general contractor in relation to a \$40 million multi-unit residential tower project substantially completed 9 months late, where responsibility for the delays are in issue
- Acted for a joint venture developing a 44-storey residential tower in a dispute with its initial curtain wall contractor arising from the contractor's decision to abandon the project
- Acted for a developer in relation to the formation of its contract with a general contractor for a 3 phase, 6 tower mixed commercial and residential development
- Acted for a surety in relation to a suite of bonds totaling over \$250 million, including labour and material payment, performance and advance payments bonds, provided to an insolvent civil contractor involved in projects across Western Canada, including a large power project in BC
- Acted for an Alaskan engineer in relation to her professional liability on a steam metering project conducted on three US Army bases in Alaska
- Defended the directors, officers, and trustees of a real estate investment trust which consisted of 170 interrelated companies and limited partnerships, against representative action by investors seeking over \$230 million in damages for breach of trust, breach of fiduciary duty, breach of duty of care, and negligence
- Defended the directors of a company against an oppression claim arising from consecutive private placements of shares by a TSXV listed company, followed by a takeover bid and going private transaction
- Acted for the shareholders of a fertilizer company with business dealings in BC and Pakistan in a dispute concerning the ownership, control and appropriate financing of the business
- Defended a large Japan-based auto parts manufacturer in three related competition law class actions involving three different auto parts
- Advanced claims fueled by Vancouver's rising housing market for two strata lot owners in disputes with the same developer who sought to purchase the clients' properties following alleged misrepresentations
- Acted for a law firm which was alleged to have failed to properly protect a patent claim related to sporting equipment which became the de facto standard for the sport
- Acted for an educational institution in relation to various matters, including the development of new buildings on its campus, its leasing of property from third party and of its own space, its cybersecurity; and its process for tendering for its new enterprise software system
- Acted as litigation and transactional counsel for a company developing and carrying on the business of coffee supplier to large BC retailers

Entertainment Industry Representative Experience

- Defended a California-based film production company pursuant to its errors and omissions insurance against claims of copyright infringement with respect to a series of four thematically related films shot in BC
- Defended a BC film production company against a fraudulent preference and conveyance claims arising out of the alleged improper use of tax credit receipts
- Defended a BC film production company against various contractual claims related to a co-production agreement contemplating certification as a Canadian-German co-production, as well as financing and distribution agreements
- Provided advice to a BC animation film producer on its disputes and potential disputes in multiple areas, including borrowing and financing, rights acquisition, errors and omissions insurance, and software licensing
- Advanced a claim on behalf of an Ontario-based secured lender against a BC film production company which failed to repay a loan intended to be repayable by a tax credit refund
- Represented two prominent musical artists in separate and contractual disputes with their respective managers and management companies, in one case in concert with the artist's New York based litigation counsel.

PUBLICATIONS

- Co-author, ["Employers' Use of Social Media to Monitor and Evaluate Employees,"](#) PeopleTalk Magazine, Spring, 2022
- Quoted in Canadian HR Reporter article, ["Temporary layoff not dismissal when worker agrees,"](#) February, 2022
- Co-author, ["A Whole New World during and post COVID? Virtual Examination Discovery in B.C.,"](#) July, 2020

- Author, "Uber v Heller – Who Gets to Decide?," July, 2020
- Co-author, "Virtual Series – Virtual Oral Advocacy in British Columbia," July, 2020
- Co-author, "UPDATE: Government of British Columbia Issues New Ministerial Order Confirming All BC Builders Lien Act Limitation Periods Continue to Apply," April, 2020
- Co-author, "Government of British Columbia Issues Order Suspending Limitation Periods," March, 2020
- Author, "L&M Payment Bonds: You May Have New Obligations," December, 2017
- Co-author, "Putting the Content Cat Back in the Bag," Letter of the Law, Winter, 2017
- Author, "How Far Can a Court Reach Across the Internet?," July, 2017
- Author, "Choice of Law & Today's Employment Contracts," March, 2017
- Author, "Non-Competition Clauses in the Age of E-Commerce," December, 2016
- Author, "The Autonomous Car – Self-Driving but Not Self-Regulating," December, 2016
- Author, "Lifting the curtain on bitcoins and other virtual currencies," Martindale, January, 2016
- Author, "Courts' Potent Tools Can Protect E-Commerce Rights," Martindale, October, 2015
- Author, "Why a "Lord of the Wings" Trademark Could Confuse Consumers," Martindale, March, 2015
- Author, "How Far Can a Court Reach Across the Internet?," Letter of the Law, Fall, 2014
- Co-author, "Chapter 15, Canadian Law and Procedure," Robert W. Grant, H. David Edinger, Melanie Ash and Christina Bulbrook, in Entertainment Litigation, ed. Charles J. Harder, Oxford University Press, 2011, 2014
- Google's Appeal of the Worldwide De-Indexing Order
- The Puzzles of Partial Settlements in Complex Litigation

NEWS + INSIGHTS

- Canadian Employment Class Actions in the Gig Economy - Jul 27, 2020 • Co-authored
- Uber v Heller – Who Gets to Decide? - Jul 16, 2020
- Virtual Series – Virtual Oral Advocacy in British Columbia - Jul 15, 2020 • Co-authored
- Extensions to Maximum Length for Temporary Layoff: What Federally Regulated and British Columbia Employers Need to Know to Avoid Deemed Terminations - Jun 29, 2020 • Co-authored
- Companies' Creditors Arrangement Act: An Overview for Canadian Creditors - May 25, 2020 • Co-authored
- Ministerial Order Confirms All BC Builders Lien Act Limitation Periods Continue to Apply - Apr 14, 2020 • Co-authored
- Putting the Content Cat Back in the Bag - Jan 6, 2018 • Co-authored
- L&M Payment Bonds: You May Have New Obligations - Dec 21, 2017
- How Far Can a Court Reach Across the Internet - Jul 4, 2017
- Choice of Law & Today's Employment Contracts - Mar 24, 2017
- Non-Competition Clauses in the Age of E-Commerce - Dec 7, 2016 • Co-authored
- The Autonomous Car - Self-Driving but Not Self-Regulating - Dec 7, 2016
- New Associate Counsel On Board! - Mar 20, 2014

COMMUNITY + VOLUNTEERING

Pro Bono Advisor, Arts Club Theatre