

David Edinger

Partner

PROFESSIONAL BACKGROUND

H. David Edinger is a Partner and a member of our Commercial Litigation, Construction and Professional Liability Law Groups.

David helps clients resolve their disputes 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 in resolving commercial disputes and providing advice in these areas includes:

- Film, television and music-related commercial, copyright and intellectual property disputes, including employment matters and advising film and television producers and the Public Guardian and Trustee in respect of film, television and music related matters involving minors
- Advising on film, television, music and publishing related agreements, including personal services, investment and financing
- Defending claims and class actions involving competition law and product liability
- Advancing and defending construction industry related claims, including acting for owners, sureties, general contractors and consultants in relation to builders lien claims, claims for extras, delay, deficiencies and professional liability
- Providing advice to owners, general contractors and consultants in respect of the negotiation and amendment of construction industry contracts
- Advancing and defending employment claims, including regularly acting for employers 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
- Providing advice to employers and employees in respect of employment contracts
- Defending claims against directors and officers in respect of their statutory obligations and their obligations to investors, creditors and under the applicable securities law
- Advising individual and corporate shareholders and partners in relation to disputes arising under the Business Corporations Act, shareholders agreements and partnership agreements
- Advising individuals and corporate entities in relation to defamation and media related matters
- Defending professional liability claims against lawyers
- Acting for individuals in estates and trust-related disputes
- Advising corporate entities and businesses on cybersecurity and e-commerce matters such as payment cards, payment systems and reward programs
- Advising in respect of e-commerce and internet-based or related issues, including online copyright breach and defamation
- Advising individuals and corporations seeking to collect or resist the collection of contractual debts and judgments

In the context of these matters, David regularly handles conflict of laws issues, including jurisdictional matters, the recognition and enforcement of judgments and the securing of evidence across borders. As part of handling such issues, David has regularly been involved with advancing or defending letters rogatory applications. He is experienced working with United States-based counsel on such matters and applications to secure and the handling of electronic evidence for use in court proceedings.



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

(604) 673-7515
dedinger@singleton.com

Assistant:

Ildiko Grizer
igrizer@singleton.com

EDUCATION

- B.A., University of British Columbia: 1987
- LL.B., University of British Columbia: 1990
- Called to the British Columbia Bar: 1991
- LL.M., University College London: 1992

MEMBERSHIPS

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

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

- 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
- Lifting the curtain on bitcoins and other virtual currencies
- Courts' Potent Tools Can Protect E-Commerce Rights
- Why a "Lord of the Wings" Trademark Could Confuse Consumers
- Google's Appeal of the Worldwide De-Indexing Order
- The Puzzles of Partial Settlements in Complex Litigation

NEWS + INSIGHTS

- [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