



**BRUNO
DE VITA*, QC**

Managing Partner

**Professional Law Corporation*

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EDUCATION

LL.B. 1983
University of Calgary

B.A. 1980
University of British Columbia

BAR ADMISSION

BC Bar 1984

PRACTICE PROFILE

Bruno De Vita, QC is Alexander Holburn's Managing Partner. He practises in the area of civil litigation with an emphasis on insurance law, municipal liability, class action and personal injury litigation. His clients include major insurance companies, self-insured corporations, local governments, religious associations and athletic associations. His practice involves the handling of catastrophic personal injury claims, product liability cases and the prosecution and defence of large property damage and business interruption claims. He regularly acts for both underwriters and policyholders on complex coverage issues and has successfully defended insurers in disputes involving policy interpretation, bad faith, arson and fraud. Mr. De Vita has also acted for professionals, including lawyers, real estate agents, insurance brokers and psychologists in both liability and disciplinary matters. He has acted as defence counsel in a number of civil cases dealing with allegations of sexual abuse and vicarious liability for sexual abuse and has acted for religious institutions in actions involving alleged liability of church officials.

SPORT LAW

In 2016, Mr. De Vita was appointed Deputy Chair of the Investigatory Chamber of the **Independent FIFA Ethics Committee**.

In 2015, Mr. De Vita was appointed as an arbitrator of the **Court of Arbitration for Sport**, based in Lausanne, Switzerland, where he is a member of the general panel and the football panel. He has acted for local and national football associations, as well as amateur hockey associations. His work has included the representation of hockey clubs and football players in various lawsuits, as well as the representation of professional hockey players in agency related disputes.

LEGAL INDUSTRY RECOGNITION

Since 2000, Mr. De Vita has been recognized annually by *The Canadian Lexpert Directory*® as a leading Canadian practitioner in the field of commercial insurance litigation. He has been selected by his peers for inclusion in the publication, *Best Lawyers*® in Canada, in each year since its inception in 2006 for Insurance Law. Mr. De Vita has also been recognized by *Benchmark Litigation* as one of the leading litigation lawyers in British Columbia. In 2014, Mr. De Vita was honoured by the British Columbia Branch of the Canadian Bar Association with the award of "Insurance Lawyer of the Year".

REPRESENTATIVE EXPERIENCE

- Acted as Canadian counsel in bi-national mass tort litigation regarding radiant heating and was involved in negotiation of a (US) \$320 million dollar settlement *Kelman v. The Goodyear Tire and Rubber Company and Goodyear Canada Inc. (Ontario)*; *May v. The Goodyear Tire and Rubber Company and Goodyear Canada Inc. (British Columbia)*; *LaHaie v. The Goodyear Tire and Rubber Company and Goodyear Canada Inc. (Alberta)*
- Acted as arbitrator in a dispute between top division professional football clubs regarding alleged wrongful termination of a player contract
- Represented insurers in a coverage dispute arising from a \$12 million mine fire

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REPRESENTATIVE EXPERIENCE (CONT'D)

- Represented local and national amateur hockey organizations in a claim of catastrophic brain injury occurring during the course of play
- Represented an excess professional liability insurer in a multi-million dollar coverage arbitration arising from claims brought in Canada and the U.S. against a leading law firm
- Acted as coverage counsel in securing insurance coverage for claims of historical sexual abuse dating back to 1939
- Represents local governments in a wide variety of litigation including cases involving catastrophic injuries and fatalities
- Acts as counsel to insurers in coverage matters involving allegations of bad faith, policy interpretation and disputes relating to the insurer's duty to defend
- Regularly acts for insurers in the prosecution and defence of subrogated actions
- Acts as counsel to both local and national soccer associations
- Appeared as counsel on numerous occasions in both the trial and appellate courts of British Columbia

PROFESSIONAL + COMMUNITY AFFILIATIONS

- Deputy Chair, Investigatory Chamber of the FIFA Ethics Committee, 2016 - Present
- Arbitrator, Court of Arbitration for Sport (CAS), appointed by the International Council of Arbitration for Sport (ICAS), 2015 - 2018
- Member of Editorial Board, Canadian Institute Insurance Law and Litigation Journal, 2016 - Present
- Director, Corpus Christi / St. Mark's College, Chair, Governance Committee, 2009 - Present
- Trustee, Vancouver College Limited, 2005 - Present
- Director, Vancouver College – Chair, Legal and Insurance Committee, 1997 - 2005
- Director, President and Chair, Catholic Family Services, 1996 - 2005
- Member, Archdiocesan Synod, 2002 - 2003
- Member, Canadian Bar Association (Insurance, Class Action, Civil Litigation and Municipal sub-sections)
- Executive Member, Vancouver Bar Association, 1991 - 1993
- Guest Instructor, Professional Legal Training Course
- Former Instructor, The Office of Marriage and Family Formation, Archdiocese of Vancouver
- Former Lay Auditor, Vancouver Regional Marriage Tribunal
- Honorary Alumnus, Vancouver College

PUBLICATIONS + PRESENTATIONS

- November 2017, "Is Your Cyber Coverage Providing Full Protection? The Brick Warehouse v. Chubb Insurance Co. of Canada", *Risk and Insurance Management Society (RIMS) National Newsletter*, Winter 2017 Edition, Author;

**BRUNO
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Managing Partner

PUBLICATIONS + PRESENTATIONS (CONT'D)

- September 2017, "The Power of the Waiver: Jamieson v. Whistler Mountain Resort Limited Partnership", *Risk and Insurance Management Society (RIMS) 2017 Conference Publication*, Author;
- May 2017, "Liability Waivers and the Limitation of Risk: A Refresher", *Risk and Insurance Management Society (RIMS) National Newsletter*, Spring 2017 Edition, Author;
- February 2017, "[Looking to the Future](#)", *Canadian Underwriter*, P. 34, Co-authored with H. Bromley
- June 2016, "Post Accident Investigation and Remediation", *Risk and Insurance Management Society (RIMS) National Newsletter*, Summer Edition, Author
- May 6, 2016, "The Law of Injurious Affection", *Municipal Risk Managers Conference (Vancouver)*, Speaker
- April 20, 2016, "Suing Parents for Negligent Supervision: The Family Exclusion", The Joint Meeting of the *British Columbia Risk and Insurance Managers Society* and the *Society of Fellows of the Insurance Institute (B.C.)*, Speaker
- November 2015, "Drones: Flying Privacy Law Into the Future", *RIMS National Newsletter*, Fall Edition, Author
- November 20, 2015, *Liability Insurance and the Additional Insured Endorsement*, the Canadian Bar Association, Municipal Law Section, Presenter
- September 2015, "Renewed Faith", *Canadian Underwriter*, September 2015 Edition, Co-authored with H. Bromley
- June 15, 2015, "Claims for Lost Earning Capacity: The Defence Perspective", The *Continuing Legal Education Society of B.C. (CLEBC)* and presented at the *CLEBC Personal Injury Conference*, Speaker
- April 2015, "Honesty is the Best Policy: The Duty of Good Faith and Honesty in Contract", Spring Edition, *RIMS National Newsletter*, Author
- Winter 2014, "Intrusion Upon Seclusion and Cyber Liability", *RIMS National Newsletter*, Winter 2014 Edition, Author
- November 13, 2014, "The Insurance Coverage Lawsuit and Bad Faith Claims", *The Insurance Institute of Canada, B.C. Society of Fellows*, (Vancouver, B.C.), Speaker
- October 6, 2014, "Misrepresentation and Non-Disclosure: Avoiding Pitfalls", *Canadian Association of Mutual Insurance Companies 34th Annual Convention (Whistler, B.C.)*, Speaker
- Summer 2014, "The Mortgage Clause: Insurers and adjusters shouldn't overlook the role of the standard mortgage clause in the property insurance policy", *Claims Canada*, August/ September 2014 edition, Co-authored with H. Bromley
- Spring 2014, "An Overview of Canada's Anti-Spam Legislation", *RIMS National Newsletter*, Spring 2014, Co-authored with R. Pakrul
- Spring 2014, "Misrepresentation and Material Non-Disclosure - Avoiding Pitfalls", *Canadian Underwriter*, Co-authored with H. Bromley
- Fall 2013, "A Time for Sharing: The Allocation of Defence Costs Under a Liability Policy", *RIMS National Newsletter*, Fall 2013 Edition, Author

**BRUNO
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PUBLICATIONS + PRESENTATIONS (CONT'D)

- September 26, 2013 “Professionalism in the Law”, *Canadian Defence Lawyers Conference* (Vancouver), Speaker
- December 2012, “The Power of the Waiver: Loychuk v. Cougar Mountain Adventures”, *Canadian Universities Reciprocal Insurance Exchange Newsletter*, Volume 23, Issue 3, Author
- November 2, 2012, “The New B.C. Insurance Act”, *Municipal Risk Managers Conference* (Burnaby, B.C.), Speaker
- September 7, 2012, “Additional Insureds: Developments and Controversies”, *CLEBC Conference*, Speaker
- May 10, 2012, *Canadian Defence Lawyers* “Boot Camp”: Examinations for Discovery (Vancouver), Speaker
- April 2012, “Court of Appeal Upholds Waiver of Liability”, *RIMS National Newsletter*, Spring 2012 Edition, Author
- September 2011, “The Power of the Waiver: How Far Can it be Stretched”, *RIMS National Newsletter*, Author
- September 15, 2011, “Insurance Coverage Potpourri”, *Canadian Defence Lawyers* “The Best Defence” Conference (Vancouver), Co-Presented with H. Bromley
- June 2011, “What’s Left of the CGL? A Perspective on the Effect of Progressive Homes and Bulldog Bag”, *CBA Insurance Law Section Annual General Meeting*, Speaker
- 2011, “Corporate Criminal Liability: Risk Management Meets Criminal Laws”, *RIMS National Newsletter*, Spring 2011 Edition, Author
- 2010, “Containing the Cost of Class Action Litigation”, *RIMS National Newsletter*, National Conference Edition, Fall 2010, Author
- September 2010, “Welcome to My House: Homeowners’ Policy Liability and Coverage”, *CLEBC, Insurance Law Conference*, Co-presented with S. Sangha
- 2010, “The Decision is in the Bag: A Recent Win for Insurers on CGL Coverage”, *Claims Canada June 2010 edition*, Co-authored with H. Bromley
- May 19, 2010, “Discovery of Documents Under the New Rules of Court”, *Risk and Insurance Managers Society, B.C. Chapter* (Vancouver), Speaker
- “Supreme Court of Canada Rules on Duty of Care in Giant Mine Tragedy: Fullowka v. Pinkerton’s of Canada Ltd.”, *RIMS National Newsletter*, Spring Edition, Author
- March 24, 2010, “Discovery of Electronic Documents”, for the *Lorman Education Services Seminar on Civil Discovery* (Vancouver, B.C.), Co-presented with G. Allen
- April 2009, “Social Networking Websites – New Fertile Ground for Evidence”, *RIMS National Newsletter*, Author
- April 16, 2009, “An Overview of the Health Care Costs Recovery Act”, *AHBL Lunch and Learn Seminar Series*, Co-presented with K. McLaren
- February 2009, “Overcoming the Liability Challenges of Recreational Facilities”, *The Canadian Institute’s Provincial/Municipal Liability Conference* (Toronto, Ontario), Speaker

**BRUNO
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PUBLICATIONS + PRESENTATIONS (CONT'D)

- September 2008, "Allocation of Defence Costs", *CLEBC*, Insurance Law Conference, Co-presented with H. Bromley
- April 2008, "The Electronic Trap: Discoverability of Electronically Stored Information in Litigation", *RIMS National Newsletter*, Author
- February 2008, "Reducing Exposure to Legal Risks Inherent in Publicly Owned Facilities, the *Canadian Institute Provincial/Municipal Liability Conference* (Toronto, Ontario), Co-presented with H. Bromley
- October 2007, "Class Action Certification and Containment of Litigation Cost", *ARC Group Canada 2007 Seminar* (Toronto, Ontario), Speaker
- Fall 2007, "Post-Accident Changes – 'Damned if you do; Damned if you don't?'" , *RIMS National Newsletter*, Fall 2007, Author
- March 28, 2007, "Personal Injury Damages: Some History and Recent Developments", *Insurance Institute of British Columbia, CIP Society*, Speaker
- February 15-16, 2007, "Latest Developments on Publicly Owned Facilities: Protecting Quality of Life and Guarding Against Liability", *The Canadian Institute – Provincial/Municipal Liability Conference* (Toronto, Ontario), Speaker
- February 2007, "Supreme Court of Canada Explains Foreseeability and Causation: *Resurface Corp. v. Hanke*", *RIMS National Newsletter*, Author
- Fall 2006, "Liability Insurance - Understanding the Right and Duty to Defend", published in *Adjuster's Quarterly*, Author
- October 31, 2006, "The Nuts and Bolts of Class Actions", *AHBL Lunch and Learn Seminar Series*, Co-presented with E. Stock
- September 2006, "New Developments in Social Host Liability: *Childs v. Desormeaux*" (2005-06) 7 Mun. L.R. Mgt., July 2006, Co-authored with G. Allen [also published in *RIMS National Newsletter*]
- February 2006, "Effectively Managing Risks Inherent in Publicly Owned Facilities", *The Canadian Institute – Provincial/Municipal Liability Conference* (Toronto, Ontario), Speaker
- June 28, 2006, "Understanding the Duty and Right to Defend", *AHBL Lunch and Learn Seminar Series*, Co-presented with J. Poole
- November 2005, "Using Waivers to Minimize Risk", (2005-06) 7 Mun. L.R. Mgt., Co-authored with R. Beatch
- November 2005, "Design of public trail key to liability ruling", *Insurance West*, Speaker
- October 2005, "The Use of Waivers to Avoid Liability", *Municipal Law Sub-section, Canadian Bar Association*, Speaker
- September 25, 2005, "The Law of Waivers", *International Municipal Lawyers Association Conference*, Savannah, Georgia, Presenter
- April, 2005, "Statutory Conditions: Guidelines and Practical Considerations", *AHBL Client Seminar Series*, Speaker
- February 2005, "Managing the Ongoing Challenges of Publicly Owned Facilities: An Update", *The Canadian Institute – Provincial/Municipal Liability Conference* (Toronto, Ontario), Speaker
- "Keeping the Faith: The Law of Bad Faith Post-Whiten", *AHBL Client Seminar Series*, Speaker

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PUBLICATIONS + PRESENTATIONS (CONT'D)

- February 2004, "Insurance Issues Facing Municipalities", *The Canadian Institute – Provincial/Municipal Liability Conference* (Toronto, Ontario), Speaker
- February 2004, "Public Facilities Liability – How to Play it Safe and Stay Out of Court", *The Canadian Institute – Provincial/Municipal Liability Conference* (Toronto, Ontario), Speaker
- March, 2003, "Post-Accident Remediation" and "Vicarious Liability", *Risk and Insurance Management Society, British Columbia Chapter*, Speaker
- September, 2003, "Post-Accident Remediation – The Great Catch 22", *The Canadian Institute – Provincial/Municipal Liability Conference* (Toronto, Ontario), February 2003, (2002-2003) 4 Mun. L.R. Mgt. 81, Speaker
- February 2003, "The Use of Waivers to Avoid Liability", *The Canadian Institute – Provincial/Municipal Liability Conference* (Toronto, Ontario), Speaker
- February 2003, "Vicarious Liability: The State of the Law after Curry and Griffiths", *The Canadian Institute – Western Canada Insurance Law Conference* (Calgary, Alberta), Speaker
- 2002, "Social Host Liability – The Aftermath of Hunt", *The Canadian Institute – Provincial/Municipal Liability Conference* (Toronto, Ontario), Speaker

ON A PERSONAL NOTE

Bruno is married and has three wonderful daughters. He grew up in East Vancouver where he continues to play soccer every Saturday. His other passions include sports of all kinds, music, cooking and wine. Bruno is a regular contributor to *The Advocate Wine Column*.