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 Ontario Court of Appeal.

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

Bankruptcy, Receivership & Insolvency
Education
Insurance

Litigation & Alternative Dispute Resolution
Maritime & Transportation
Municipal

Education & Career

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- present
Vice President, Canadian Bar Association, Newfoundland and Labrador branch, September 2021 – 2022
Member, Canadian Bar Association
Member, Advocates' Society
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 – 2023

Thought Leadership

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

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

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