Hon Frank Newbould KC



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Mr. Newbould was appointed to the Ontario Superior Court of Justice in 2006. Until his retirement on June 1, 2017, he was from 2013 the head of the Commercial List in Toronto, the country's leading commercial court tasked with hearing a wide variety of complex cases including domestic and cross-border insolvency matters, corporate amalgamations and reorganizations, proceedings for relief under business corporation legislation, and oppression actions. In 2014, he presided over the first cross-border joint trial with the Delaware Bankruptcy Court in the Nortel insolvency litigation involving the allocation of $7.3 billion.

Prior to his appointment to the bench, Mr. Newbould was a partner at Borden Ladner Gervais in Toronto with a broad litigation and arbitration practice involving corporate and commercial disputes, banking and insolvency matters, class actions, re-insurance disputes, real estate and estate matters.

Mr. Newbould is counsel to the firm of Thornton Grout Finnigan LLP in Toronto, a panel member of Arbitration Place in Toronto, an Associate Member of South Square Chambers in London, U.K., a member of the London Court of International Arbitration User's Council, a panel member of the International Centre for Dispute Resolution (ICDR) of the American Arbitration Association, a panel member of the Singapore International Arbitration Centre, a member of the ICC Canada Arbitration Committee, a panel member of P.R.I.M.E. Finance, a member of INSOL International (International Association of Restructuring, Insolvency & Bankruptcy Professionals), a member of the International Insolvency Institute, and a fellow of the American College of Trial Lawyers. He is a director of Firm Capital Mortgage Investment Corporation, a TSX listed company.

As a judge of the Superior Court of Ontario, Justice Newbould released a large number of reported decisions. The following is a short sample of his decisions.

- Fairfield Sentry Ltd. v PricewaterhouseCoopers LLP, 2017 ONSC 3447
  Fairfield Sentry Ltd. was the largest feeder fund to the Madoff business. It claimed damages of $5 billion for auditor's negligence arising from the Madoff fraud.
- The Catalyst Capital Group Inc. v West Face Capital Inc., 2016 ONSC 5271
  Catalyst Capital claimed damages of several hundreds of million dollars against West Face Capital for alleged misuse of confidential Catalyst information in its acquisition of an interest in Wind Mobile.
- Re Nortel, 2015 ONSC 2987
  A joint hearing was held by the Superior Court of Justice (Commercial List) with the U.S. Bankruptcy Court, a first of its kind, to decide the allocation of $7.3 billion amongst the Canadian, U.S. and EMEA estates of Nortel.
- U.K. Pension Claimants v Nortel, 2014 ONSC 6973
  Claims were made by the UKPC based on the FSD provisions of the U.K. Pensions Act for in excess of $3 billion, a claim of £495.25 million under a guarantee made by Nortel and a claim of $150 million under another guarantee made by NNL.
- Stetson Oil & Gas Ltd. v. Stifel Nicolaus Canada Inc., 2013 ONSC 1300
  Claim for damages for $16 million for breach of a bought deal underwriting agreement.

- Mandeville et al v. Manufacturers Life Insurance Company, 2012 ONSC 4316
  A class action by Bahamian policy holders of Manulife claiming in excess of $80 million for negligence and breach of fiduciary duty resulting from the failure to include them in the demutualization of Manulife.
- Barclays Bank v. Metcalfe & Mansfield 2011 ONSC 5008
  Claim by Barclays for $1.2 billion arising from the collapse of the asset backed commercial paper market in Canada for an alleged breach of an ISDA agreement relating to leveraged synthetic swap credit agreements between the parties.
- Computershare Trust Co. of Canada v. Crystallex International Corp., [2009] O.J. No. 5435; Computershare Trust Co. of Canada v. Crystallex International Corp.,(No. 2), 2011 ONSC 5748
  Noteholders of Crystallex holding US$100 million of bonds twice claimed mandatory redemptions based on the inability of Crystallex to develop a gold mine project in Venezuela as a result of the takeover of the property by the Venezuelan government.
