



# Hillel David

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During the past 35-plus years, Hillel's practice has largely consisted of insurance and appellate work (much of that being outside the area of insurance law). He has also provided opinions on various other issues of law. He has been involved in approximately 150 appeals to the Court of Appeal for Ontario, where he has personally argued approximately 80 to 90 of them.

In 1986, Hillel was certified by the Law Society as a specialist in civil litigation, and has since acted as counsel at trials, both jury and non-jury, on numerous occasions.

Hillel assisted a leading insurance co., servicing municipalities, in drafting and revising language for their municipal liability and E&O policies. As well, he drafted a liability policy for another prominent insurance company almost from scratch. While at McCague Borlack, he has either written or revised policy language for several other insurer clients.

Hillel's work has involved a large number of insurance coverage issues, including third party liability and first party property. He has provided opinions both to insurers and insureds, and has argued numerous insurance-related matters in court. Many of the cases argued are unreported. Some of the decisions involving insurance issues are featured below.

## Associate

*Bar Admission: 1973*

### Practice Areas

Appeals  
Class Actions  
Directors & Officers Liability  
General Casualty & Special Risks  
Insurance Coverage  
Malpractice & Health Care Litigation  
Municipal Liability  
Product Liability  
Professional Liability  
Property Insurance  
Subrogation

### Professional & Business Affiliations

Law Society of Upper Canada  
Canadian Bar Association

### Education

- Bachelor of Arts, McGill University - 1967
- Bachelor of Civil Laws, McGill University – 1970
- Bachelor of Laws, McGill University - 1971

### Featured Cases

- Brookfield v Continental 2017 ONSC 5978
- Ernst & Young v Chartis 2014 ONCA 78 (Ont. C.A.)
- Sanofi Pasteur v UPS 2015 ONCA 88 (Ont. C.A.)
- Cabell v The Personal Insurance Company 2011 ONCA 105 (Ont. C.A.)
- Gostick v Squance Estate 55 C.C.L.I. (4th) 14 (Ont. C.A.)
- Fresh Taste Produce v Sovereign General 2005 CarswellOnt 4795 (Ont. S.C.J.), 27 C.C.L.I. (4th) 7 (Ont. C.A.)
- ING Insurance v AML Painting 2006 NSSC 203 (Nova Scotia Supreme Court)
- Monachino v Liberty Mutual 47 O.R. (3d) 481 (Ont. C.A.)
- Opoku v Pal 49 O.R. (3d) 97 (Ont. C.A.)

TORONTO

OTTAWA

KITCHENER

BARRIE

## **Publications & Speeches (See web bio for full list)**

Hillel is the co-author of two legal texts and has had approximately 25 articles on various topics published in law journals.

- Injunctions to Restrain Breach of Contract - Stipulated Remedy Clauses - Old Habits Die Hard, First published in the Advocates' Quarterly
- Carriage and Control of the Action and Independent Settlement of the Subrogated Claim, Reproduced by permission of Canada Law Book
- Hot Pursuit, First published with Canadian Underwriter
- Serial and Independent Concurrent Causes in Insurance Law, Advocates Quarterly



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