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<b>Nationality/ Date of Birth</b>	Canadian June 20, 1943

### Educational/Professional Memberships

B.A. Queen's University  
LL.B. University of Toronto

Member Arbitrator, Arbitration Place, Toronto  
Member of the ICC Canada Arbitration Committee  
Member of INSOL International (International Association of Restructuring, Insolvency & Bankruptcy Professionals)  
Member of III (International Insolvency Institute)  
Fellow of the American College of Trial Lawyers

### Current Position

Member Arbitrator, Arbitration Place, Toronto  
Counsel to Thornton Grout Finnigan LLP

### Professional Experience

Ontario Superior Court of Justice 2006 to 2017 (Head of the Commercial List 2013 to 2017)  
-See list of sample judgments below  
Borden Ladner Gervais LLP (previously Borden and Elliott) 1988 to 2006  
Tilley Carson & Findlay 1969 to 1988

### Sample Judgments

As a judge of the Superior Court of Ontario, Justice Newbould released over 500 reported decisions. The following is a short sample of his decisions.

- 1. 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.
- 2. Re Nortel**, 2015 ONSC 2987; 27 C.B.R. (6th) 175  
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 determine the allocation of \$7.3 billion amongst the Canadian, U.S. and EMEA estates of Nortel.
- 3. U.K. Pension Claimants v Nortel**, 2014 ONSC 6973; 20 C.B.R. (6th) 171  
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.
- 4. 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.
- 5. Mandeville et al v. Manufacturers Life Insurance Company**, 2012 ONSC 4316; 6 B.L.R. (5th) 132  
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

6. **Barclays Bank v. Metcalfe & Mansfield** 2011 ONSC 5008; 93 B.L.R. (4th) 205; 82 C.B.R. (5th) 159  
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.

7. **Computershare Trust Co. of Canada v. Crystallex International Corp.**, [2009] O.J. No. 5435; 65 B.L.R. (4th) 281; Computershare Trust Co. of Canada v. Crystallex International Corp.,(No. 2), 2011 ONSC 5748; 97 B.L.R. (4th) 303

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.

### **Arbitration Experience**

Mr. Newbould was an arbitrator for a number of years prior to his appointment as a judge, during which time he was a chartered arbitrator with the ADR Institute of Canada and a member arbitrator of the Canadian Roster of the ICC International Court of Arbitration and sat on approximately 10 cases. He also acted as counsel on numerous arbitration cases.

### **Publications**

No relevant articles on arbitration.

### **Languages**

English