

Patrick D. Fitzpatrick

Partner

Calgary

OFFICE

403.298.2437

pfitzpatrick@millerthomson.com



Industries & Expertise

INDUSTRIES

Energy & Natural Resources | Franchising & Distribution | Intellectual Property

EXPERTISE

IP Litigation | Administrative & Public Law | Commercial Litigation | Insurance Defence

Biography

BAR ADMISSION

Manitoba, 1991

Alberta, 2001

EDUCATION

- B.A. (Hons.), University of Winnipeg
- LL.B., University of Manitoba

Patrick Fitzpatrick practices in dispute resolution and business law. He skillfully handles contractual disputes, intellectual property litigation, insurance defence, and more. With a rich legal background, including time as a law clerk at the Supreme Court of Canada, Mr. Fitzpatrick brings a wealth of experience to the table.

Patrick has shared his knowledge and experience as an Instructor at the Canadian Centre for Professional Legal Education and as a Speaker and Panelist at various Canadian Bar Association events. Outside of the

office, he is former president of a local golf club and a former director of several organizations, including Winnipeg Crime Stoppers and the Autism Calgary Association.

A proud member of the Canadian Bar Association, Patrick has been recognized as a Litigation Star by Benchmark Canada for his outstanding legal abilities. He has a long track record of excellence, dating back to his time at the University of Manitoba Faculty of Law, when he was named gold medallist in his graduating class. He returned to the school as a part-time Sessional Instructor, prior to relocating to Alberta.

Industry involvement

Recognition

- *Benchmark Canada*, Litigation Star, 2023 – 2024

Thought leadership

- Instructor, Motions chapter, Canadian Centre for Professional Legal Education (CPLED) Bar Admission Course, on various occasions
- Speaker, “Corporate and Partnership Divorces: Techniques & Tips,” Canadian Bar Association Continuing Legal Education seminar, September 30, 2014
- Panelist, “Opening the Closed Mind: Effective Advocacy Tools for Savvy Litigators,” Canadian Bar Association Continuing Legal Education, May 26, 2016

Notable matters

Commercial Litigation

- *3058354 Nova Scotia Co. v. On*Site Equipment Ltd.*, 2009 ABQB 741, affirmed 2011 ABCA 168, leave to appeal refused [2011] S.C.C.A. No. 373. Represented minority partner in successful litigation with majority partner;
- Acted, and presently act, as counsel in numerous other partnership disputes and shareholder disputes;
- Part of counsel team for contractor in a lengthy commercial arbitration regarding an industrial plant expansion;
- Acted, and presently act, as counsel in a number of oil and gas disputes;
- Acted as defence counsel in a claim for alleged patent infringement in certain oil and gas operations;
- Acted as counsel in trademarks disputes;
- Part of counsel team for Apotex in *Apotex v. Novopharm* litigation regarding lovastatin;
- Presently act as counsel for former contract staff in complex litigation with a major pipeline company.

Employment Law

- Have acted for numerous employees, and for numerous employers, in various employment termination matters, including: advising employers on just cause for termination and reasonable notice in absence of just cause; drafting termination documents; drafting resignation agreements; drafting or negotiating terms of releases; acting for employees or for employers in wrongful dismissal court actions as well as in human rights complaints; advising employees on proposed termination packages or resignation packages;
- Advising employers on discipline other than termination, and on progressive discipline, as well as drafting disciplinary letters;
- Drafting employment agreements and restrictive covenants;
- Advising and/or litigating as to numerous alleged post-employment breaches of confidence or breach of fiduciary duty. These engagements have at times involved acting for a former employer, or for a new employer, or for the employee in question;
- Advising on employment law matters in purchase and sale of corporations or business assets, and drafting related documents;

Professional Liability

- Acted for underwriters in claim by investors for alleged negligence and misrepresentations in a corporate financing;
- Acted as defence counsel for a television network and journalists, in a claim by a lawyer for defamation;
- Acted as counsel in a dispute between professional regulatory bodies;

Insurance Litigation

- Acted as defence counsel in a number of Alberta personal injury occupier's liability claims, and have recently been engaged for defence of new claims;
- Acted as defence counsel in a defamation action against an elected official, via a defence funding program provided by the elected official's level of government;
- Acted as defence counsel in a number of Alberta motor vehicle personal injury claims;
- Acted as defence counsel in a number of commercial litigation matters, pursuant to general liability insurance coverage;
- Acted as counsel for a security company in defence of an action alleging assault and false imprisonment;

Insolvency and Restructuring

- Acted as counsel to secured creditor Rothwell Development Corporation, in relation to the receivership of Sydco Energy Inc.;
- Acted as counsel for creditors in numerous bankruptcy and insolvency matters;
- Acted as counsel for a debtor in bankruptcy protection proceedings.

Community roles

- President, McCall Lake Men's Club. (MLMC is a men's golf club, whose members play Sunday mornings at a City of Calgary public golf course in Calgary.)
- Former Chair of the Board of Directors of the CanLearn Society for Persons with Learning Difficulties
- Former Director of Autism Calgary Association
- Former Director of Winnipeg Crime Stoppers
- Former Director, Treasurer and Honorary President of the Manitoba Youth Parliament

Memberships & affiliations

- Member, Canadian Bar Association