



NEO J. TUYTEL

Direct office 604.643.3180
Cellular 604.307.9329
Email njt@cwilson.com

800-885 West Georgia Street
Vancouver, BC V6C 3H1 Canada
Main Tel. 604.687.5700
Fax 604.687.6314
Website www.cwilson.com

Areas of Practice

Commercial litigation and Alternative Dispute Resolution, including environmental and insurance-related claims.

Profile

Neo Tuytel is a partner with Clark Wilson LLP. He is a member of the firm's ADR, Business Litigation and Insurance practice groups, and the Chair of the Environmental Law practice group.

Mr. Tuytel obtained his LL.B. from the University of British Columbia in 1984 and was called to the bar in 1985. He was also accredited as a mediator by the Continuing Legal Education Society of BC in 1994.

In his more than 20 years of practice, Mr. Tuytel has settled countless commercial disputes, including environmental and insurance-related – particularly coverage – lawsuits. He has done so as a mediator since 1994, and as liability or insurance coverage counsel for plaintiffs, defendants and insurers alike since 1985.

Mr. Tuytel has also appeared before all levels of court, as well as administrative decision-makers in British Columbia. He was winning counsel in the Supreme Court of Canada in the landmark overlapping insurance case: *Family v. Lombard*, as well as various cases in the BC Court of Appeal.

Mr. Tuytel is a prolific author and speaker (see list of Publications & Presentations below).

Representative Work

Orchestrating a precedent-setting, multi-party settlement of one of North America's worst pollution problems – the more than \$75 million clean-up of acid rock drainage into Howe Sound from the historic Britannia mine.

Negotiating an omnibus agreement for the insurance funded defence and settlement of several leaky building claims against a prominent real estate developer.

Defending and ultimately settling a class action for rescission and fraud by investors in syndicated tax shelter investments.

Enforcing coverage on behalf of a developer, and negotiating a settlement with its insurers, for liability arising out of the collapse of a rail bed after completion of an industrial park construction project.

Settling claims both against a chemical company for soil and groundwater contamination, and by the company for payment of defence costs and settlement funds from its liability insurers.

Enforcing coverage on behalf of a financial institution, and settling a claim against its insurers, for the failure of excavation shoring during the construction of an office building.

Settling a \$3 million envelope failure claim on behalf of the project liability insurers, directly with the owner-developer, for a fraction of the amount claimed and with virtually no litigation costs.

Defending the Prince Rupert Port Authority against claims by First Nations regarding aboriginal and environmental consultation with respect to a \$170 million cargo terminal redevelopment project.

Negotiating on behalf of homeowners insurers, directly with plaintiff's counsel, a claim against one of several children and their parents for the destruction of a school by fire.

Settling numerous errors and omissions claims against insurance agents and brokers, at minimal cost.

Coordinating settlement on behalf of multiple defendant insureds, claims for traumatic injuries to a plaintiff motorist arising from a rock being dropped from a highway overpass.

Winning in the Supreme Court of Canada and setting a precedent in Canada and the Commonwealth for resolving disputes with respect to overlapping policies of liability insurance (*Family Insurance v. Lombard Canada*, 2002).

Successfully defending a landlord's claim against its tenant for fire damage to a warehouse in the BC Court of Appeal, based on insurance covenants in a lease and the doctrine of "tort immunity" (*North Newton v. Alliance Woodcraft*, 2005).

Successfully defending claims under a real estate prospectus, at a summary trial and on appeal (*Grenoble v. McNaught*).

Memberships & Associations

Member, Law Society of British Columbia (1985)

Member, Canadian Bar Association (Civil Litigation, ADR, Environmental and Insurance Law subsections)

Contributing Editor, *Canadian Journal of Insurance Law*

Publications & Presentations

In addition to numerous shorter articles on commercial litigation, environmental and insurance-related topics, Mr. Tuytel has published the following major papers:

- *Environmental Liability and Insurance Coverage in British Columbia* (updated 2006)
- *Insurance Coverage For Construction Deficiency Claims: Lessons From BC's Leaky Condo Wars* (updated 2006)
- *Design Professionals' Errors and Omissions Coverage in the 1990s* (updated 2004)
- *Who's on the Risk (and for How Much?): Allocating and Apportioning Indemnity and Defence Costs Among Insurers in Canada* (updated 2004)
- *Sexual Misconduct Claims and Insurance Coverage* (1997)
- *Relief From Forfeiture Under Insurance Policies* (1995)
- *When a Denial is Not a Denial: Waiver, Estoppel and Confirmation of Causes of Action Under Insurance Policies* (updated 1995)
- *Agents' and Brokers' Liability* (updated 1994)
- *The Prospects for Asbestos and Other Toxic Tort Litigation in Canada* (1990)

Mr. Tuytel has also presented on these and other topics at numerous seminars under the auspices of the Canadian Institute, the Pacific Business and Law Institute, Insight Education Services, the Canadian Risk and Insurance Managers Society, the BC and Northern Alberta Risk and Insurance Managers Associations, the Continuing Legal Education Society of BC, the Insurance Institutes of British Columbia, Alberta and Ontario, the Insurance Brokers' Association of BC, and the Credit Union Insurance Services Association.