



## Daniel Paperny

Associate

Business Litigation  
Insurance  
Estates & Trusts

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### Profile

When facing litigation, people are at an important crossroads in their lives. Decisions made at this crucial time need to be weighed carefully in consideration of emotions, objectives and consequences so that the most appropriate course of action is taken and people, businesses and interests are protected.

Daniel understands this need, and by identifying with our client's position on a personal and professional level, he attacks their issues with the same verve and urgency that our clients feel in facing their personal and business challenges.

### Work Highlights

#### Insurance company and its insured

- > Assisted in successful and complete defense of clients at trial; the insured was sued for fire-related damages in the British Columbia Supreme Court. The lawsuit against our client's insured was dismissed in its entirety (Boon v. Mann 2015 BCSC 990)

#### Insurance companies and their insureds

- > Assisted in the creation, implementation and execution of Clark Wilson's insurance

"Subrogation Program," which has seen many subrogated claims against third parties resolved in favour of insurers as subrogee of their insureds

- > Provide comprehensive insurance coverage opinions, which advance legal opinion on whether insurance coverage attaches to a claimed loss, including major environmental, commercial and industrial losses

### **Commercial real estate disputes**

- > Assisted in achieving victory on behalf of client at the BC Court of Appeal level in a dispute involving the property taxes rightfully payable on a large commercial real estate complex in Kelowna, BC. Successfully had the appeal dismissed in its entirety (Staburn Westbank Holdings Ltd. v. Home Depot of Canada Inc., 2015 BCCA 510)

*Additional work highlights below*

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Daniel breaks legal complexities down into levels that are easy to understand and work through so that our clients are well-informed, engaged and can make strategic decisions based on his workable advice.

### **General Business Litigation Services**

- > Contractual disputes and other litigation in construction, real estate and commercial contexts

### **Insurance Litigation Services**

- > Insurance policy coverage disputes
- > Coverage opinions
- > Insurance coverage claims
- > General liability claims
- > Professional indemnity claims
- > Subrogated claims against third parties

### **Estate Litigation Services**

- > Validity of a will and/or the legitimacy of individual terms of a will
- > Estate administration
- > Estate administrative duties and functions;
- > Estate administration process and the appropriate actions or omissions of an administrator or executor
- > Adequacy or sufficiency of the provisions left by a deceased to their surviving family members.

Daniel's ability to understand people and their individual circumstances allows him to reach lucrative solutions that make sense legally and economically. He appreciates the human element of helping people at their most vulnerable, whether they are grieving loss, facing legal ramifications or disputing with family or business partners.

Daniel appreciates that litigation is a personal and vital time in peoples' lives, and that the issues that arise during litigation are some of the most difficult problems individuals will face in their lifetime. He is able to guide clients through the litigation process with as little cost, turmoil and loss as possible, using the law to unlock solutions that bring peace and restore

order to peoples' lives.

## Credentials

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### Industry Involvement

- > Canadian Bar Association

### Education & Call to Bar

- > Call to Bar: British Columbia, 2015
- > Bachelor of Laws, University of British Columbia, 2014
- > Bachelor of Arts (History and Political Science) with Honours, University of Toronto, 2011

## Additional Work Highlights

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### Private individuals, charities and trust companies on various estate litigation matters, including:

- > Litigated and resolved dispute regarding the overall validity and/or individual terms of a will
- > Provided assistance and legal advice to executors in carrying out the administration of an estate
- > Litigated and resolved disputes between the beneficiaries and executor of an Estate during the Estate administration process
- > Litigated and resolved disputes between beneficiaries regarding the sufficiency and adequacy of provisions left by a deceased to their surviving family members
- > Ensured that individual beneficiaries (including both private individuals and charitable organizations) receive the inheritances rightfully owing to them under Wills and other testamentary instruments