



Date of this version	October 8, 2019
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Last name	Newbould
Middle initial	J.C.
Honorifics	The Honourable
Professional title	
Firm name	Arbitration Place
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Other social media links	
Region of residence	Ontario



<p>Willingness to travel within and to other provinces? Please specify provinces.</p>	<p><input checked="" type="checkbox"/> All provinces <input type="checkbox"/> British Columbia <input type="checkbox"/> Alberta <input type="checkbox"/> Saskatchewan <input type="checkbox"/> Manitoba <input type="checkbox"/> Ontario <input type="checkbox"/> Quebec <input type="checkbox"/> New Brunswick <input type="checkbox"/> Nova Scotia <input type="checkbox"/> Newfoundland and Labrador <input type="checkbox"/> Prince Edward Island <input type="checkbox"/> Yukon <input type="checkbox"/> Northwest Territories <input type="checkbox"/> Nunavut</p>
<p>Languages spoken</p>	<p><input checked="" type="checkbox"/> English <input type="checkbox"/> French</p>

Education

Please list degree(s), institution(s) attended and year degree(s) conferred below.

Degree	Institution attended	Year degree conferred
B.A	Queen's University	1964
L.L.B	University of Toronto	1967

Please list courses or degrees in **Economics**, if any.

Courses	Institution attended	Year
Several	Queen's University	1961-1964



Please list courses or degrees in **Finance and Accounting**, if any.

Courses	Institution attended	Year
Accounting	Queen's University	1963-64

Please list courses relating to **logistics, transportation or transportation law**, if any.

Courses	Institution attended	Year

Arbitration Designation

Please list below the designation(s), certification(s) or accreditation(s) in arbitration received from any recognized institution(s) and the year(s) conferred.

Designation	Organization	Year conferred
Member	London Court of International Arbitration User's Council	2017
Panel member	Arbitration Place	2017
Panel member	Singapore International Arbitration Centre	2017
Member	ICC Canada Arbitration Committee	2017
Panel Member	P.R.I.M.E. Finance	2018
Panel Member	International Centre for Dispute Resolution (ICDR) of the American Arbitration Association	2018



Arbitration Training

Please list below the **arbitration training** or course(s), if any, along with the institution providing the training and the year that you received this training.

Course	Institutions	Year

Commercial Litigation Experience

Please specify approximate number of commercial cases in which you have acted as counsel.

100+

Please list range of years over which these cases occurred.

1069-2006

Please list law firms with which you were associated, according to years.

Firm name	Duration
Tilley, Carson & Findlay	1969-1988
Borden & Elliott	1988-2000
Borden Ladner Gervais LLP	2000-2007

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	40% (estimate)
Respondent	60% (estimate)



Please list by subject area, the three most complex commercial cases with which you have been involved as counsel in arbitrations or litigation, the kind of evidence presented, what experts were involved, quantum in issue and duration of case.

Area of commercial litigation (e.g. patent infringement)	Kind of evidence presented	What type of experts were involved	Quantum (value of claim)	Duration (time in court)
Oppression and valuation See Ford v. Omers [2004] O.J. No. 191	Transactional evidence and transfer pricing and valuation evidence	Transfer pricing and valuation experts	\$300 million +	50 days
Oppression regarding leased railway lines. See Wotherspoon v. CPL (1979), 22 O.R. (2d) 385	Transactional evidence and railway accounting evidence for leased assets	Historical evidence and leased railway line accounting	\$400 million	45 days
Transfer of investment instrument at undervalue and oppression See OYDL v. OY Realty Corp, [2001] O.J. No. 3394	Transactional evidence and valuation evidence	Valuation experts	\$22 million plus \$5 million interest	11 days

Experience as an Arbitrator, Adjudicator or Judge

Please specify approximate number of cases in which you have acted as an arbitrator, judge or tribunal adjudicator. Please note that there are cells, in the table below, in which you are asked to provide the court level and tribunal.

	Arbitrator	Judge	Tribunal Adjudicator
Number of cases	10+	500+	
Over what period of years	Prior to October 2007 and since July 2017	2006-2017	
Number of commercial cases	10+	200+	
Over what period of years	Prior to October 2007 and since July 2017	2006-2017	



Level of court		Ontario Superior Court of Justice	
Please specify tribunal			

Please list by subject area the three most complex commercial cases in which you acted as arbitrator, judge or adjudicator, the kind of evidence presented, experts involved, quantum in issue and duration of hearing.

Please specify your role	Area of commercial litigation	Evidence presented	Experts included	Quantum (value of claim)	Duration (time in court)
Judge	International insolvency asset allocation See Re Nortel 2015 ONSC 2987	Historical, transfer pricing, valuation	Transfer pricing experts, valuation experts	U.S.\$7.3 billion	24 days
Judge	U.K. pension claim and claim on promissory notes See U.K. Pension Claimants v Nortel 2014 ONSC 6973	U.K. pension law, pension valuation evidence, actuarial evidence	U.K. pension law experts, valuation of pension deficiency experts, actuarial experts	\$3 billion plus U.S.\$ 150 plus £495	15 days
Judge	Brach of as ISDA (International Swaps and Derivatives Association) contract involving cross-default obligations in the derivative asset back commercial paper market See Barclays Bank v. Metcalfe & Mansfield 2011 ONSC 5008	Negotiating history of the ISDA agreements, derivative market practices, valuation evidence and insolvency evidence	ABCP market expert evidence, derivatives experts, valuation experts	\$1.2 billion	44 days



Work Samples

Please provide a written award (redacted) or decision that you have written. Files should be attached to this submission. Only .pdf or .doc files are accepted.

See attached files

Transportation Specific Legislation

FOR RAIL SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar".	Response
<i>Railway Costing Regulations – SOR/80-310</i>	Not familiar
<i>Railway Third Party Liability Insurance Coverage Regulations – SOR/96-337</i>	Not familiar
<i>Railway Traffic Liability Regulations – SOR/91-488</i>	Not familiar
<i>Carriers and Transportation and Grain Handling Undertakings Information Regulations – SOR/96-334</i>	Not familiar
<i>Railway Interswitching Regulations – SOR/88-41</i>	Not familiar

Please provide details explaining how you became familiar with this material.

FOR MARINE SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Canada Marine Act – S.C. 1998, c. 10</i>	Not familiar
<i>Coasting Trade Act – S.C. 1992, c. 31</i>	Not familiar
<i>Pilotage Act – R.S.C. 1985, c. P-14</i>	Not familiar
<i>Shipping Conferences Exemption Act, 1987 – R.S.C., 1985, c. 17 (3rd Supp.)</i>	Not familiar



Please provide details explaining how you became familiar with this material.

FOR AIR SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Air Transportation Regulations – SOR/88-58</i>	Not familiar

Please provide details explaining how you became familiar with this material.

Familiarity with Transportation and Transportation Law

Please describe your background involvement in the transportation industry or transportation law, if any.

In the 1970s I acted for Conrail before the Transportation Board in connection with the transfer of Canadian rail assets to Conrail.

Disclosure

If you have ever worked for, been associated with, or have a current or past interest in a transportation carrier or shipper in rail, marine or air, please provide details below:

Besides Conrail, I acted as counsel to Canadian Pacific Limited in an action against CPL - Wotherspoon v. CPL (1979), 22 O.R. (2d) 385.

Conflict

If you OR YOUR FIRM currently represent, or have in the past represented, a carrier please advise.

N/A

If you OR YOUR FIRM currently represent, or have ever represented, a company in a matter relating to shipment of goods, please advise.

N/A



Fees

Please provide daily and hourly rates	Response
Daily	\$7500
Hourly	\$850

Availability

How many months in advance are you booked for?

1-18

Signed Agreement

PLEASE NOTE THAT YOUR APPLICATION IS NOT COMPLETE WITHOUT PROOF OF INSURANCE AND THE SIGNED AGREEMENT THAT YOU WILL FIND BELOW.

The information I have provided describes accurately my qualifications and experience.

I understand that:

- Roster members will be selected based on the criteria set out in this request for biographical information.
- The biographical information provided by me in this request for biographical information will appear online ON the Agency's Web site.
- Rosters and roster members may be reviewed every two years.
- Being accepted as a roster member does not guarantee that I will receive work under the *Canada Transportation Act*.
- The Canada Transportation Agency is in no way responsible for any fees, expenses or outstanding payments, all of which shall be billed by the arbitrator to the parties to any proceeding under the *Canada Transportation Act*.

If my request is accepted, I will comply with all the conditions of the program, including but not limited to the following:

- Compliance with the Canadian Transportation Agency's Code of Values and Ethics.
- Maintenance of insurance at the required level.



Please provide proof of insurance	Response
Policy number #	MCL1966PL-8 / MCL1966GL-8
Issuer	Lloyd's

Signed on	
in the province of	
Signature (Please sign the form digitally by typing your first and last name.)	* Signed on original copy