



Stephen Gleave

Partner

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Stephen Gleave is a senior trial and arbitration lawyer with experience across Canada. In his 30 years of practice, he has completed over 50 trials, 300 labour and commercial arbitrations and 50 labour and civil injunctions.

Stephen represents companies in commercial and employment disputes, with emphasis on wrongful competition matters ranging from restrictive covenants, breach of confidence, breach of fiduciary duties, all types of commercial and employee disputes in the financial, insurance and retail sectors, Charter challenges to retirement and benefit issues, class actions and complex shareholder and employment disputes.

Stephen has litigated the leading cases in Canada involving wrongful competition, including developing an expertise in forensic inspection of computers and other media devices to obtain evidence and prove spoiling of evidence. He also has represented companies in commercial litigation ranging from earn out disputes, expulsion of shareholders, valuation of shares disputes, oppression claims by minority shareholders, rights of first refusal, disputes over ownership of books of business in the financial sector, and a whole host of cases dealing with competitors lifting out teams of employees or a business.

Recent court decisions include dismissing a class action over retiree benefits on behalf of a major Canadian insurance company, dismissing a claim of forfeiture brought by an insurance advisor who lost his retirement payments for wrongfully competing after leaving an insurance company, upholding of forfeiture of executive compensation plans on behalf of a Canadian bank, getting advanced payments for minority shareholders in sale of shares disputes, a leading case on how to value shares in an insurance brokerage dispute, significant damages awarded to a minority shareholder for oppression in which the court set aside the restrictive covenants for bad faith dealings, and two cases discussing situations in which the seller of a business is entitled to higher earn out payments due to oppression in the insurance sector.

Stephen lives on a farm with his family, dogs and Highland cattle, and he enjoys running and fly fishing.

- Litigation, Arbitration and Investigations
- Employment

English

LANGUAGES SPOKEN

- English

- Successfully argued on a motion that it is improper to vary a consent order granting an interlocutory injunction to trial.
- Won an injunction to prevent a competitor from soliciting and hiring employees of a competitor in the case of the competitor lifting out a team of employees.
- Successfully argued that an advanced payment of millions of dollars to a shareholder was improper such that the shareholder was forced to sell to agree to a commercial closing in order to be paid for the shares. The Court also agreed that due to the shareholders' wrongful competition against the company, the court would hold back a portion of the purchase price, until trial when the court could value the shares and calculate damages owed to the company.

CREDENTIALS

Admissions

- Ontario, 1990

Recognitions

- *Best Lawyers in Canada* (Labour and Employment), 2014-2022
- *Canadian Legal Lexpert® Directory* (Employment Law), 2015-2020; (Labour Management), 2020
- *Best Lawyers Global Business Edition* (Labour and Employment), 2018

Education

- LL.B., Queens University
- Oxford University graduate work in law

Memberships

- Law Society of Ontario
- Canadian Bar Association

INSIGHTS

Events

- Speaker, "Restrictive Covenants and Injunctions: The Latest on the Law and Practice" CCCA Webinar, March 29, 2018
- Speaker, Don't Spoil Your Case! Preservation of Evidence for Litigation Success, In-house seminar, Hicks Morley, October 28, 2015

NEWS

DLA Piper (Canada) LLP recognized in the 2022 *Best Lawyers in Canada* guide

26 August 2021

DLA Piper (Canada) LLP is thrilled to see 84 of our lawyers across 35 practice areas recognized in the 2022 Best Lawyers in Canada guide.

DLA Piper Canada increases rankings in 2021 edition of *Best Lawyers in Canada*

28 AUG 2020

DLA Piper (Canada) LLP is pleased to see 79 of our lawyers across 35 practice areas recognized in the 2021 *Best Lawyers in Canada* guide, resulting in our best showing with the guide since its inception.
