



### Sharilyn C. Nagina

#### Counsel

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#### Calgary

T: +1 403-698-8722

Sharilyn Nagina has a general litigation practice with an emphasis on regulatory and administrative law.

Sharilyn has represented and advised clients in the oil and gas and energy industries on litigation, regulatory, and administrative matters. She has advised clients on a variety of issues, including: licensing, breach of contract, insurance, damages, standing, jurisdiction, procedure, surface rights and the presentation of evidence.

Sharilyn has also been involved with issues of First Nations' rights to participate in proceedings related to oil and gas development, the presentation of traditional evidence, and in judicial review and appellate matters.

Sharilyn has appeared before all levels of court in Alberta, the Federal Court of Canada, and participated in arbitrations and mediations. She has also appeared before a number of administrative and regulatory bodies, including the: Alberta Utilities Commission, Alberta Energy Regulator, Surface Rights Board, Natural Resources Conservation Board, Subdivision Development Appeal Board, Employment Insurance Appeals Commission, Alberta Human Rights Commission, and Employment Standards Branch. She has also prepared written applications to the National Energy Board and the Supreme Court of Canada.

Sharilyn is a member of the firm's National Diversity and Inclusion Advisory Committee and is the former Chair of the Calgary Student Recruitment Committee.

- Employment
- Litigation, Arbitration and Investigations
- Regulatory and Administrative Law
- Construction Law

English

## LANGUAGES SPOKEN

- English

## REGULATORY AND ADMINISTRATIVE LAW

- acted for a regulated utility in various facilities and rate matters, including stranded assets, facilities, preferential records sharing, and rate setting. Also involved in related Review and Variance Applications.

- advised clients on various issues relating to pipeline and facilities applications.
- acted for an international oil and gas company in defence of a claim for retroactive and ongoing surface lease payments.
- appeared before the Federal Court of Canada, Court of Queen's Bench of Alberta, and Alberta Court of Appeal in judicial review, permission to appeal, and appellate matters arising from administrative and regulatory decisions.

## COMMERCIAL LITIGATION

- acted for a cannabis company in a breach of contract claim;
- defended a client in multi-faceted claim involving allegations of fraud and forgery;
- acted for oil and gas company in defence of a claim for unpaid consulting fees and interference with economic relations;
- acted for an insurer in defence of various claims for disability and life insurance benefits.

## CREDENTIALS

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### Admissions

- Alberta, 2003

### Education

- LL.M., Natural Resources, Energy and Environmental Law, University of Calgary, 2018
- Certificate in Interpersonal Conflict Resolution, ADR Institute of Alberta, 2011
- LL.B., Queen's University, 2002
- Alternative Dispute and Conflict Resolution Certificate, Mediation Centre of Southeastern Ontario, 2001
- B.A., University of Alberta, 1999

### Memberships

- Women In Law Leadership: Board Member and Secretary (2019 to present); Alberta Awards Committee (2011 to present); and WILL Education Committee (2019 to present)
- Vivo for Healthier Generations Society: Chair (2020-present); Vice-President (2017–2020); Board Director (2014–present); Chair, Governance Committee (2017–present); Chair, Nominations Committee (2017–present)
- Member, Association of Women Lawyers Member (2002 – present) and Director (2010 – 2015)
- Member, Calgary Bar Association (2002–present)
- Member, Canadian Bar Association (2002–present)
- Member, Law Society of Alberta (2002–present)
- Instructor and Evaluator, Canadian Centre for Professional Legal Education (2013)
- Vice President, Calgary Crime Stoppers Association (2011–2013)
- Director, Calgary Crime Stoppers Association (2007–2013)
- Executive Member (Secretary, Vice-Chair, and Chair), Young Lawyers Subsection, Canadian Bar Association (2003–2006)

### Tribunal Appointments

- Appointed by the Minister of Agriculture and Forestry to the Marketing of Agricultural Products Act Appeal Tribunal, which hears appeals of orders, directions or decisions made by the regulated Marketing Boards or Commissions as outlined in enabling legislation (Tribunal Member, 2018 - 2020 and Chair, 2020 - present).

### Publications

#### Protection provided for *bona fide* purchaser for value without notice in transaction involving First Nation lands

12 February 2021

Courts have long protected the interests of *bona fide* purchasers for value without notice in land transactions. However, seeking this protection can become far more complicated in land transactions where First Nations communities assert an interest and where such lands are held in trust. Despite these complexities, a recent decision from the Alberta Court of Queen's Bench has confirmed that the interests of a *bona fide* purchaser for value without notice of a breach of trust should be protected.

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- Co-Author, "(Re)confirmation of a Fundamental Right: Four Supreme Court of Canada Solicitor-Client Privilege Decisions in 2016", *The Annual Review of Civil Litigation 2018*, Carswell, Oct 2018
- Co-Author, "Overcoming Delay", *Chambers Advocacy Seminar*, Alberta Civil Trial Lawyers Association, 2008
- Co-Author, "How to ensure your arbitration clause will be enforced", *Franchise Connection Newsletter*, DLA Piper (Canada) LLP (formerly Davis LLP), July 2008
- Co-Author, "The Employer's Dute to Accommodate", Insight Employment Law Conference, 2006

### Events

- Speaker, "Governance Principles During a Crisis," new director orientation for a charitable organization, May 2020
- Panel Member, "Business Program Day", Ambrose University, January 2019
- Speaker, "Governance Principles", Director Training, Spring 2016-2019
- Speaker, "Golden Rules for Negotiations", Junior League of Calgary, January 2018
- Speaker, "Golden Rules for Negotiations", Young Women in Energy, September 2017
- Speaker, "Recent Developments in Administrative Law and Permission to Appeal", *Energy Law Seminar Series*, DLA Piper (Canada) LLP, October 2016
- Speaker, "Recent Developments in Contractual Interpretation: *Sattva Capital Corp. v. Creston Moly Corp.*", *Energy Law Seminar Series*, DLA Piper (Canada) LLP, October 2016
- Speaker, "Just Cause: How should the Termination be Communicated?" *Calgary Employment and Labour Law Conference*, DLA Piper (Canada) LLP, May 2016
- Speaker, "Privacy Issues", *Calgary Employment and Labour Law Conference*, DLA Piper (Canada) LLP (formerly Davis LLP), May 2014
- Speaker, "Cross-Country Update: Prairie Region", *Vancouver Employment and Labour Law Conference*, DLA Piper (Canada) LLP (formerly Davis LLP), October 2011

### NEWS

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#### Rachel Hamilton and Sharilyn Nagina appointed Queen's Counsel in Alberta

13 April 2022

Congratulations to Rachel Hamilton and Sharilyn Nagina who were chosen to receive the important designation of Queen's Counsel (Q.C.) in Alberta in 2022.

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