

The Ontario Deputy Judges Association (ODJA)



Freight Claims: A Primer

February 20, 2018

Marvin J. Huberman LL.B., LL.M.

Barrister, Mediator, Chartered Arbitrator

Certified Specialist in Civil Litigation

mhuberman@marvinhuberman.com

www.marvinhuberman.com

Marvin J. Huberman: Background

Marvin J. Huberman, LL.B., LL.M., C. Arb., C.S. (Civil Litigation)

- * Senior lawyer, commercial arbitrator, mediator
- * Adjunct law professor
- * Former administrative judge
- * Over 30 years experience
- * Represents individual/ business clients, financial institutions, insurers and governments in Toronto, Ontario
- * Acted in cases in the U.S., Europe and internationally.
- * Prolific author, speaker, legal instructor, counsel on numerous reported cases
- * Member, chair, and director of various legal committees, task forces and associations

Awards

- * M& A Today Global Awards 2016 recognized as top commercial arbitration law firm in Canada
- * 2017 Corporate International Magazine Global Award: Partnership Disputes Mediator of the Year in Canada
- * The Lawyer International – Global Award – 2017 Law Firm of the Year – Commercial Arbitration - Canada
- * 2017 Global Excellence Awards Canada's Leading Adviser in Litigation - 2017



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Freight Claims: A Primer

- * What are “freight claims”?
- * Important terms
- * General Rules
 - * Common law
 - * Statutory provisions
 - * *Highway Traffic Act*, R.S.O. 1990, c. H.8, s. 191.0.1
 - * *Mercantile Law Amendment Act*, R.S.O. 1990, c. M.10, s. 7
 - * *Bills of Lading Act*, R.S.C. 1985, c. B-5, s. 2

Freight Claims: A Primer

- * Bills of lading
- * Contracts of carriage
- * Carrier liability

Freight Claims: A Primer

- * Who is liable to pay freight charges?

Freight Claims: A Primer

- * Defences
 - * Contract modification
 - * Limitation of liability
 - * exclusion of liability
 - * liquidated damages/penalty clauses
 - * Waiver and estoppel

Freight Claims: A Primer

- * Statute of limitations
- * Meaning of “freight prepaid”
- * Jurisdiction

Freight Claims: A Primer

- * Governing law
- * Mitigation
- * Bankruptcy

Q & A



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20 Dundas Street W., Suite 1039

Toronto, Ontario, M5G 2C2

Tel: (416) 646-1372

Fax: (416) 946-1961

Email: mhuberman@marvinhuberman.com

Website: www.marvinhuberman.com