



hamilton duncan

Cole Rodocker

Litigator, Partner

Contact

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Practice Areas

Business

- ▶ Commercial & Business Litigation
- ▶ Shareholder & Partnership Disputes
- ▶ Real Estate Litigation
- ▶ Construction Litigation & Builders Liens
- ▶ Legal Fee Disputes (Business)

Personal

- ▶ Real Estate Litigation
- ▶ Legal Fee Disputes (Personal)

Education

- ▶
- ▶

Bar Locations

- ▶ British Columbia (2018)

Cole is a partner at Hamilton Duncan and the co-chair of our Civil & Commercial Litigation group. Cole's practice is principally focused on commercial litigation matters such as shareholder disputes and other general business disputes, though he also has substantial experience in real estate and construction litigation.

Cole's experience has led him to help his clients in multiple ways that include advising clients prior to litigation through negotiations and dispute resolution, risk analysis and assessment, and understanding potential rights, defenses, and challenges. Once engaged in litigation, Cole draws upon his extensive expertise assisting clients – ranging from small and medium-sized local businesses to large enterprises – in order to deliver a nuanced, practical, tactical and cost-effective approach. His goal is to navigate legal actions effectively, ensuring the best possible outcome for his clients.

Cole received his J.D from Thompson Rivers University in 2016 having graduated as the Law Society of B.C.'s Gold Medalist for his class. Prior to being called to the bar, Cole clerked at the Supreme Court of British Columbia, gave presentations and seminars for the Justice Education Society of B.C., was an editor of the TRU Law Review, and participated in the Law Students' Legal Advice Program which provided free legal advice to members of the community who cannot afford it. Cole continues to work with Access Pro Bono to provide further advice and guidance to under-served members of the community and is dedicated to increasing access to justice.

Cole has presented cases before all levels of courts in British Columbia, including the Provincial Court, the Supreme Court and the Court of Appeal, including on trials, summary trial, appeals and various chambers applications. In addition, Cole has experience with matters involving various administrative, regulatory and quasi-judicial bodies including the Fraser Valley Real Estate Board, BC Financial Services Administration, the Office of the Information and Privacy Commissioner and others.

Work Highlights

- ▶ Successfully opposed an application to dismiss a client's claim for want of prosecution (Kosmas v. Kosmas, 2023 BCSC 1093)
- ▶ Sought and obtained the dismissal of a claim against a sub-contractor for want of prosecution
- ▶ Obtained judgment for the full amount claimed plus interest and costs following a summary trial in an action involving a fraudulent conspiracy to orchestrate the theft of loan proceeds

- ▶ Successfully applied on short notice to remove certificates of pending litigation from significant development properties without the defendant being required to post security for the claims
- ▶ Obtained a summary dismissal of a significant claim to vary a will on the basis that the claim was time-barred (*Chartier v. Chartier*, 2022 BCSC 2155)
- ▶ Obtained an order striking out claims against corporations improperly dragged into an unrelated marital dispute (*Gill v. Samra*, 2022 BCSC 871)
- ▶ Successfully opposed a claim to full indemnity for legal costs in connection with a builder's lien that had been found to be wrongfully filed, which decision is now the seminal authority in respect claims under section 19 of the Builders Lien Act (*Century Group GP Co. Ltd. v. KRS Excavating Ltd.*, 2022 BCSC 357)
- ▶ Successfully defended two of three foreclosure proceedings against a mortgagor alleged to owe substantial amounts on certain mortgages *Padda v. Lalli*, 2021 BCSC 2088:

Associations

- ▶ Vancouver Bar Association – Member
- ▶ Canadian Bar Association – Member