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PRACTICE AREAS

Personal Injury
Wills, Trusts & Estates
Estate Dispute Resolution
Guardianship & Trusteeship

Great advocacy is only possible after honest and open discussion with the client.

Austin is a highly skilled litigator with extensive experience representing both individual and institutional clients. As part of McLeod Law's Personal Injury and Wills, Trusts & Estates Groups, he advocates for clients in complex civil litigation, including:

- Personal Injury claims – Fatal accidents, motor vehicle, pedestrian, and bicycle accidents, civil battery and assault, and product/manufacturer liability.
- Estate litigation – Executor misconduct, mental incapacity, undue influence, and other contentious estate disputes.
- Health law disputes – Guardianship and trusteeship matters, including cases involving Medical Assistance in Dying (MAiD).
- Insurance disputes – Disability claims, commercial downtime, life insurance, commercial and residential fire and water loss, travel insurance, and business interruption.
- Defamation claims – Reputation-related disputes, including libel

and slander in professional, corporate, and social media contexts.

- Personal privacy torts – Intrusion upon seclusion and public disclosure of private facts.

Austin prioritizes a client-first approach, believing that effective advocacy begins with a deep understanding of his client's goals. While records and documents may be helpful, they rarely tell the full story. He engages in frequent and fulsome discussions to develop a tailored litigation strategy, assess costs and risks, and determine the best course of action to achieve a successful outcome.

Austin has a proven track record of success at both trial and appellate levels, having appeared as lead counsel at all levels in Alberta and British Columbia's superior courts. Some of the reported reasons for decision/judgments where Austin was counsel are summarized below.

Education

2014 Thomson Rivers University, JD

2009 University of Calgary, BA

Admissions

2015 Alberta

Experience

Personal Injury

Dunn v Heise, 2021 BCSC 754

Lead counsel on a multi-week personal injury motor vehicle accident claim. The plaintiff, a 24-year-old at the time of his accident, was involved in a highway collision with a logging truck. He suffered life-altering physical and psychiatric injuries. He was awarded \$834,631 in damages plus costs and disbursements, which was subsequently altered on appeal.

Hollingshead v O'Reilly, 2020 ABQB 538

Lead counsel on a summary trial on damages arising from a battery, assault, and unlawful confinement perpetrated against a 23-year-old woman. Judgment was awarded to the plaintiff in the amount of \$493,650 plus costs, pre-judgment interest, and disbursements. Alberta Health Services was also awarded damages for its provision of health care services.

Cullen v Kao, 2019 ABQB 799

Second counsel on a single issue trial over the applicability of the “inevitable accident” doctrine. The plaintiff was successful in resisting the defence and the defendant was found liable to Cullen.

Jones v Stepanenko, 2016 ABQB 295

Second counsel on a multi-week personal injury motor vehicle accident claim. The plaintiff, a 19-year-old nursing student at the time of her accident, succeeded in establishing causation and resisting a “Minor Injury” defence, resulting in a judgment of \$282,683 plus costs, pre-judgment interest, and disbursements.

Villezcás v Mann et al, 2024 ABKB 752

Lead counsel on a personal injury accident claim. The plaintiff was riding his bicycle when he struck by a motor vehicle. The plaintiff suffered several injuries, most of which he made a good recovery from. The Plaintiff was awarded damages pursuant to the *Minor Injury Regulation* and common law, resulting in a judgment of \$21,459.85 plus pre-judgment interest, costs, and disbursements.

Insurance

Catala v Intact Insurance Company, 2021 ABQB 655

Lead counsel on an application for an advance payment pursuant to the Fair Practices Regulation and Insurance Act. Catala sought an advance payment to permit her to access necessary dental work prior to a trial of her tort action. The application was successful and the applicant was awarded a \$10,000 advance payment plus her court costs.

Health Law

WV v MV, 2024 ABKB 174

Lead counsel representing MV, who was approved for medical assistance in dying in 2023. On the eve of her accessing MAiD, MV's father obtained an emergency injunction preventing Alberta Health Services and MV from proceeding with the MAiD procedure. MV applied to set aside the emergency injunction on the basis of justiciability, standing, medical autonomy and on the merits of the injunction. MV was successful and the emergency injunction was set aside.

Procedural Decisions

AF v Alberta, 2025 ABKB 10

Co-counsel on a dispute over costs arising from an action alleging historic sexual abuse of minors in foster care. The Court concluded that minors represented by litigation representatives are not personally liable for costs while under the age of 18, and that costs should be borne jointly and severally by all plaintiffs after reaching the age of majority.

Kennedy v Swientach, 2022 ABCA 161

Lead appellate counsel for Swientach, who successfully resisted the introduction of his medical records and records created during his participation in the Alternative Measures Program.

Dunn v Heise, 2021 BCSC 1209

Lead counsel for Dunn, who successfully resisted an in-trial application brought by the defendant to block his treating psychologist testifying as a fact witness.

Dunn v Heise, 2021 BCSC 2215

Second counsel for Dunn, who successfully obtained double costs against the defendant after obtaining judgment in excess of his Formal Offer to Settle.

Estate Litigation

O'Reilly v O'Reilly, 2025 ABKB 103

Co-counsel on a multi-issue special application to determine entitlement and priority to the property of an estate. The application included the determination of entitlement to a family maintenance and support Order under the *Wills and Succession Act*, the priority of estate creditors and residual beneficiaries, and the entitlement to a property division Order under the Matrimonial/Family Property Act in the context of a spouse/widow seeking a division of property after filing for divorce while lacking capacity.

Memberships

- Law Society of Alberta
- Canadian Bar Association
- Synaptic Spinal Cord Injury & Neuro Rehabilitation Centre
Board of Directors

Community

- Classic Charity Events Ltd.
Former chairman and CEO
- Elizabeth Fry Society
Former volunteer