

TDS lawyer Jeff Pniowsky Wins First of its Kind Tax Court Decision Against CRA

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Winnipeg, MB: Thompson Dorfman Sweatman LLP Partner **Jeff Pniowsky** has successfully argued a landmark case before The Tax Court of Canada with the court issuing a scathing 52-page decision. The decision allows the appeals of three TDS clients facing millions of dollars worth of gross negligence penalties, in full with costs against the Canada Revenue Agency (CRA), without having a trial on the merits of the case. The court fully accepted Pniowsky's position that the CRA egregiously breached multiple court orders and intentionally denied taxpayers their basic rights to know the Crown's case in discovery, via a litany of wrongful and evasive tactics.



"This is an important decision and a reminder to one of Canada's most powerful government Agencies that its power is not absolute, and it will be held to account when it wrongly flexes its muscle against Canadians," said Jeff Pniowsky. "As a former Crown attorney who acted for the CRA, I never imagined when I left in 2009 for private practice that I would one day have to defend basic principles of fairness and justice against the Department of Justice."

Drawing on the extensive evidence Pniowsky assembled for the motion, the Tax Court Judge made numerous findings including that the Crown's conduct was "deeply, deeply disturbing", "highly inappropriate", and possibly "contemptuous".

Pniowsky says that "taxpayers face a daunting enough task challenging the CRA in court. It is unacceptable that they have to deal with the type of chicanery shown by the CRA in this case. The court agreeing with our request to issue the ultimate sanction - dismissing the Crown's case in its entirety before the matter even proceeded to trial - was the only way to ensure taxpayers' rights are protected. We are very pleased with this decision and will continue our vigilant defense of taxpayers across Canada."

For more information and to arrange an interview, please contact:

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About Jeff Pniowsky

Jeff is a partner with TDS who focuses his practice in the areas of tax litigation and dispute resolution in the tax audit and appeals process, tax advisory services, as well as complex commercial litigation. Formerly a senior Tax Litigator with the Federal Department of Justice acting on behalf of the Canada Revenue Agency (CRA) for almost 10 years, Jeff now serves local and national clients with a wealth of experience in litigating at all levels of both the Provincial and Federal courts, including the Supreme Court of Canada.

About Thompson Dorfman Sweatman

With Manitoba roots that run more than 130 years deep, Thompson Dorfman Sweatman LLP (TDS) has long been recognized as a leading full-service law firm dedicated to serving clients and delivering high quality work.

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