

WeirFoulds Acts as Co-counsel for Trillium Motor World in Class Action against GM Canada and Cassels Brock & Blackwell LLP

July 9, 2015

On Wednesday, July 8, 2015, Justice Thomas McEwen released his highly-anticipated judgment following the class action trial in *Trillium Motor World Ltd. v. General Motors of Canada Limited and Cassels Brock & Blackwell LLP*. WeirFoulds, along with Sotos LLP, acted as counsel for Trillium Motor World. The suit was launched on behalf of former Canadian General Motors dealers that signed a Wind-Down Agreement presented by General Motors Canada Limited (GMCL) at the time of GMCL's 2009 government-funded auto bailout.

In his decision, Justice McEwen ordered Cassels Brock & Blackwell LLP (Cassels) to pay C\$45 million in damages to the class members for breach of contract, professional negligence and breach of fiduciary duty.

According to Justice McEwen, Cassels breached its duties to the dealers and acted irresponsibly and unprofessionally in accepting retainers for both the GMCL dealers and the Canadian Government in relation to the GM auto bailout, and in failing to have an effective conflicts checking in place. Justice McEwen also found that Cassels had breached its duties to the dealers in acting for two groups of dealers that had divergent and adverse interests, and in adopting a "wait-and-see approach" that was both unreasonable and imprudent.

The claims against GMCL were dismissed. In the lawsuit, Trillium claimed that GMCL had breached its statutory obligations under provincial franchise legislation to the dealers.

WeirFoulds acted as counsel for the representative plaintiff, Trillium Motor World, with a team that included Bryan Finlay, Q.C., Marie-Andrée Vermette and Michael Statham. Sotos LLP also acted for Trillium Motor World with a team that included David Sterns, Allan D.J. Dick and Andy Seretis.

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