

Class Actions

Class actions have become a top concern for Canadian businesses as the law has evolved to make it easier for stakeholders to bring claims. Class actions can be triggered over a range of issues, including assertions of product liability, professional negligence, securities fraud or anti-competitive behavior, or damaging events such as product recalls or data breaches.

Our team of class action lawyers advises clients on how to proactively minimize their risk of exposure to multi-million dollar lawsuits, and defends clients that are the target of class actions. We provide efficient and cost-effective case-management solutions by, among other things, drawing on our sophisticated e-discovery team, pursuing alternative dispute resolution options, adopting strategic litigation strategies and negotiating settlements. Our deep dive and understanding of our clients and the industries in which they do business are vital to our process and allow us to provide pointed and valuable advice.

We take a multi-disciplinary approach to class action files, engaging our corporate, life sciences, securities, labour and employment, competition and privacy law experts as necessary to ensure clients receive the best possible advice and defence.

Lawyers and professionals in this area



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Areas of Expertise

- Alternative Dispute Resolution
- Class action defence
- Crisis communications
- Document management

- Due Diligence
- E-Discovery
- Mediation
- Negotiation
- Proactive advice
- Settlements

Representative Experience

Among the firm's many significant cases in this area are the following:

- WeirFoulds acted as counsel for the representative plaintiff, Trillium Motor World, during an eight week trial. 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. *Trillium Motor World Ltd. v. General Motors of Canada Ltd.* (2015), 48 B.L.R. (5th) 142 (Ont. S.C.J.)
- We defended a major retailer in a multi-billion dollar class action lawsuit relating to claims that plastic mini-blinds contained a lead stabilizer allegedly constituting a health hazard. Our lawyers were successful in having the action dismissed at a relatively early stage of the litigation. *Ewaskiw v. Zellers Inc.* (1998), 40 O.R. (3d) 795 (Gen. Div.).
- We acted for a defendant in two separate multi-million dollar class action lawsuits commenced on behalf of persons who dealt in shares of an issuer, either under a public offering or in the secondary market. One of the cases was the first in Canada where there was a settlement of a class action relating to trading in the secondary market. *CC&L Dedicated Enterprise Fund (Trustee of) v. Fisherman* (2002), 26 B.L.R. (3d) 281 (Ont. S.C.J.).
- We acted in connection with a motion to disqualify for conflict of interest a member of the legal team representing the plaintiff class who had previously been the federal Minister of Health, leading a Department that had been responsible for certain regulatory matters at issue in the class action. *Tiboni v. Merck Frosst Canada Ltd.* (2008), 89 O.R. (3d) 439 (S.C.J.).
- We acted in a case for class counsel on a motion for the approval of fees, a proposed cy pres distribution and other issues. *Garland v. Enbridge Gas Distribution Inc.*, 2006 CanLII 41291 (Ont. S.C.J.).
- We acted in successfully resisting a motion brought by the defendant to have class counsel found in contempt of court for communicating with various media outlets in the course of the lawsuit. *Bywater v. Toronto Transit Commission* (1999), 43 O.R. (3d) 367 (Gen. Div.).

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