

Class Actions

SUMMARY

BLG's Class Actions Group provides sophisticated class actions advice and representation on a seamless national basis through our five offices across Canada. We offer innovative approaches and considerable resources to address our clients' needs, founded on the strength of our substantive expertise and experience with the complex procedural aspects of class actions. Whether it is risk management to avoid class actions, settlements or defence of claims that is required, our Class Actions Group is able to assist with the identification and execution of strategic responses.

Service With a Difference

We put our clients first. For most potential defendants, class actions defence isn't primarily about the law. Class actions raise concerns about cost, reputational risk, customer and employee relations, diversion of management time, effective and efficient responses, as well as public relations. We understand these concerns. The BLG difference is a client-centred response: the best legal talent, combined with the greatest understanding of our clients' priorities. This includes:

- Working closely with the marketing, public relations, financial and HR professionals of our clients to understand their business priorities.
- Focusing on early and cost-effective resolution.
- Including client and customer relations as part of our defence litigation strategy.
- Obtaining the best experts.
- Providing effective and efficient response times.

Proven and Leading-Edge

With experience gained in representing our clients in more than 100 class actions commenced across Canada, our Class Actions Group is a leader in defence of these claims. Examples of our innovative approaches include:

- Making first use of bar orders in Canada to facilitate settlements.
- Negotiating first inter-provincial class actions settlement (Ontario and Québec).
- Successfully defending the first common issues summary trial in British Columbia.
- Obtaining the first reversal of a certification order by the British Columbia Court of Appeal.
- Making innovative use of cy-près settlement techniques.

Bench Strength

Our Class Actions team is comprised of lawyers across the country who have the specialized knowledge required to effectively respond to class proceedings. Your business requires an experienced team like ours.

At BLG, we take a team approach to class actions. This means that you will get the benefit not only of experts on class actions, but also of subject-matter experts who have knowledge of the specific legal area and industry at issue in your case. We have extensive experience and expertise in managing risks and defending class actions related to:

- Banking and financial services
- Consumer issues and product liability
- Cyber risks, data breaches and privacy breaches

- Insurance
- Securities and investors
- Labour and employment
- Price fixing and competition
- Environmental liability
- Health law

BLG has the practical experience and subject-matter expertise to remain at the forefront of class actions defence, including in emerging and developing areas of law.

PUBLICATIONS & PRESENTATIONS

Publications

- Jean Saint-Onge (Interviewed), "[New class action process launched in Montreal](#)," *Canadian Lawyer Magazine*, April 2018.
- Glenn M. Zakaib and Jean Saint-Onge, "[A Summary of Canadian Class Action Procedure and Developments](#)", September 2018.

Recent Client Bulletins

- "[Issue of Recovery for Pure Economic Loss Creates Barrier to Certification of Manitoba Class Action](#)," December 2018.
- "[The Sensor: Autonomous and Connected Vehicles — “Ideal” for a Class Action?](#)," December 2018.
- "[Ontario Superior Court Filters Out Proposed Medical Implant Device Class Action](#)," December 2018.
- "[Test for Certification in the Federal Court – New Guidance on Judicial Review Class Actions](#)," November 2018.
- "[Appellate Court Upholds Decision Not to Certify Proposed Motherisk Class Action](#)," November 2018.
- "[Québec Court Says “Not so fast!”, as it Dismisses a Proposed Photo Radar and Red Light Camera Class Action](#)," November 2018.
- "[A Prompt Response and Fair Compensation Package Help to Defeat Class Action Certification](#)," November 2018.
- "[Court of Appeal for Ontario Considers Availability of Damages for Pure Economic Loss in Product Recall Case](#)," November 2018.
- "[Ontario Divisional Court Confirms Parameters of Third Party Litigation Funding Agreements](#)," November 2018.
- "[Supreme Court of Canada Won’t Rule on Permissibility of Global Class Actions: Leave is Denied in Airia Brands](#)," October 2018.
- "[Court of Appeal Clarifies “Some Basis in Fact” Requirement for Common Issues in Class Actions](#)," October 2018.
- "[Class Action Settlement Administrators Need Not Go “Above and Beyond” Terms of Settlement Agreement: Court of Appeal of Alberta](#)," October 2018.

- ["Lithium-Ion Batteries and Indeterminate Liability: Ontario Extends Certification in Claims of Global Price-Fixing Conspiracy,"](#) October 2018.
- ["Court Refuses to Certify a Class Action against Halifax for the Expropriation of Africville Residents,"](#) September 2018.
- ["Notice Regime and Norwich Orders,"](#) September 2018.
- ["Technically and Substantively Unfair": The Case against Case Splitting in Secondary Market Class Actions,"](#) September 2018.
- ["Newfoundland Court of Appeal Rules that Counterclaims cannot be certified as Class Actions,"](#) September 2018.
- ["Giving a Class Action a Second Chance,"](#) September 2018.
- ["Costs in \(Ontario\) Class Actions: When you Start a Fire, you May Get Burned,"](#) August 2018.
- ["Court of Appeal Examines Res Judicata in a Class Action on the Rebound,"](#) August 2018.
- ["Complex Individual Damages Assessment Complicates Resolution of Class Action,"](#) August 2018.
- ["Court Certifies Sexual Assault Class Action Against The Royal Winnipeg Ballet and Former Instructor,"](#) August 2018.
- ["Focus on Fairness in the Face of Pre-Certification Disclosure Requests,"](#) July 2018.
- ["Will the Coffey Class Action Have a Ripple Effect?,"](#) July 2018.
- ["Court Won't Hear Gender-Discrimination Class Action Against Police Service,"](#) July 2018.
- ["In the Internet of Things, Opportunities Abound for Class Action Litigation,"](#) July 2018.
- ["Plaintiffs Permitted to Add Defendants to Foreign Exchange Class Action Based on Information Obtained from Settling Defendants,"](#) July 2018.
- ["Québec Superior Court Affirms Ignorance of the Law Does Not Delay Class Action Prescription Period,"](#) June 2018.
- ["Who's in the Class? Court Orders Limited Pre-Certification Production of Documents Relating to Size and Scope of Class,"](#) June 2018.
- ["Outstanding Costs: Former Owner of Class Representative Ordered to Pay \\$1.7 million,"](#) June 2018.
- ["Court of Appeal Affirms Punitive Damages Must Be Proportionate to Gravity of Breach,"](#) June 2018.
- ["British Columbia Government Announces Proposed Changes to Class Proceeding Act,"](#) April 2018.
- ["Top 10 Legal Risks for Business in 2018,"](#) January 2018.
- ["Product Liability Handbook,"](#) November 2017.
- ["Ontario Superior Court Released its Decision in Green v. The Hospital for Sick Children et al,"](#) November 2017.
- ["Important Changes to Password Best Practices Guidance,"](#) October 2017.

- "[B.C. Supreme Court Certifies National Class Action for Financial Institution Data Breach,](#)" October 2017.
- "[BLG Further Solidifies Leadership Position in Canadian Class Actions,](#)" September 2017.
- "[Wind-Downs, Retainers and Releases: The Ontario Court of Appeal Decision in Trillium Motor World,](#)" July 2017.
- "[Proving Mental Injury — The Supreme Court Strikes Lower Courts' Requirement for a Recognized Psychiatric Illness but Confirms Injury Must Be Serious and Prolonged,](#)" June 2017.
- "Preparing for CASL's Private Right of Action," May 2017.
- "[Superior Court of Québec Authorizes Privacy Class Action in Zuckerman v. Target Corporation,](#)" February 2017.
- "[Endean v. British Columbia: an opening \(but not a floodgate\) for national class proceedings,](#)" October 2016.
- "[Less is Not Always More: The Court of Appeal Addresses a Consortium Carriage Fight,](#)" July 2016.
- "Contribution and Causation: The IPEX Case," June 2016.
- "[Court Rejects the Position that "Factual Matrix" Should be Considered in Consumer Protection Case,](#)" April 2016.
- "[Court of Appeal Provides Guidance on Common Issues and Franchisors' Duty of Good Faith,](#)" January 2016.
- "[BC Court of Appeal overturns Class Certification in Patents Case, finding Patent Regime to be Complete Code in respect of Remedies,](#)" January 2016.

RANKINGS & RECOGNITIONS

The Class Actions Group or its members are recognized in:

- The 2019 edition of *[Chambers Canada — Canada's Leading Lawyers for Business.](#)*
- The 2017 edition of *[Chambers Global — The World's Leading Lawyers for Business.](#)*
- The 2018 edition of *[Benchmark Canada — The Definitive Guide to Canada's Leading Litigation Firms & Attorneys.](#)*
- The 2018 edition of *[The Canadian Legal Lexpert Directory.](#)*