

# Litigation and Arbitration

## SUMMARY

Business disputes arise from time to time. Resolving them is our business. BLG is one of Canada's leading dispute resolution firms with a strong tradition of excellence in commercial litigation and arbitration. Our lawyers begin by developing an understanding of your business and strategic objectives, in order to work with you to develop solutions to prevent or resolve disputes in an effective and cost sensitive way. Whether your business is local, national or international, we know that disputes can be disruptive to your business, divert you away from your core business, and result in unwanted costs. When disputes escalate into litigation or arbitration proceedings, you can count on us to aggressively represent your interests, protect your position, and pursue the remedies that are most appropriate to the case.

Our litigators are experienced in the civil and criminal courts across Canada, both federal and provincial, as well as in the Supreme Court of Canada and before virtually all regulatory and administrative tribunals. Our arbitration lawyers are experienced in arbitrations administered by all of the leading international and foreign arbitral institutions including the ICC, LCIA, SCC, ICDR, ICSID, AAA, SIAC and others, and are well-versed in all forms of domestic commercial arbitration proceedings.

Our dispute lawyers are experienced in all areas of business law, including corporate and commercial law, class actions, shareholders' disputes, officer and director liability, commercial fraud, banking, securities, bankruptcy and insolvency, real estate, intellectual property, estates and trusts, franchise and distribution disputes, administrative and public law, procurement and international trade. We are also experienced in all major industries including automotive, banking and financial services, natural resources (mining, oil and gas), power generation, pharmaceuticals, telecommunications and technology.

Ten of our trial lawyers are Fellows of the American College of Trial Lawyers, and one recently served as its President. Our litigators are highly ranked in all of the leading national and international ranking publications, including *Chambers Global – The World's Leading Lawyers for Business*, *Martindale-Hubbell*, *Who's Who Legal: Canada*, *The Best Lawyers in Canada*®, *Lexpert*®/*American Lawyer Guide to the Leading 500 Lawyers in Canada*, *Canadian Legal Lexpert*® *Directory*, and *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms and Attorneys*. Our disputes lawyers teach courses at the leading Canadian law schools and regularly speak at continuing legal education conferences and industry events as experts on dispute resolution topics.

Clients regularly call on our dispute lawyers to make representations before judicial inquiries, governmental and parliamentary bodies and to formulate legislative and regulatory proposals and policies.

Clients benefit from our exceptional document management and litigation support services. We will apply the most appropriate services to ensure the efficient and cost effective management of your case. For example, we may recommend the use of advanced early case assessment and other eDiscovery applications, and other tools to assist in the management of document intensive cases. We will work with you to provide easy access to the assembled information, with a view to facilitating our joint assessment and consideration of the optimal strategy. Our lawyers are supported by law clerks with experience in the provision of first class document management and litigation support.

## PUBLICATIONS

- "[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.
- ["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.
- ["Supreme Court of Canada Slams the Door on CRA Challenge to Common Interest Privilege,"](#) 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.
- ["Stop Here, Not There: Court of Appeal Comes to Seemingly Different Conclusions in Two Strikingly Similar Roadway Repair Cases,"](#) October 2018.
- ["British Columbia Court of Appeal orders Vancouver transit authority to reconsider selling ad space to anti-abortion group,"](#) 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.
- ["Alberta Court of Appeal Panel of Five to Hear Summary Judgment Appeals,"](#) September 2018.
- ["Ontario Court of Appeal Provides Guidance on the Interpretation of Anti-SLAPP Legislation,"](#) August 2018.
- ["Costs in \(Ontario\) Class Actions: When you Start a Fire, you May Get Burned,"](#) August 2018.
- ["Doctoring the Complaints Process? Procedural Fairness and Professional Discipline Legislation,"](#) 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.

- ["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.
- ["Who's in the Class? Court Orders Limited Pre-Certification Production of Documents Relating to Size and Scope of Class,"](#) June 2018.
- ["Where does the internet happen? The Supreme Court of Canada tackles the thorny issue of which law applies to defamation claims,"](#) June 2018.
- ["Outstanding Costs: Former Owner of Class Representative Ordered to Pay \\$1.7 million,"](#) June 2018.
- ["BLG Recognized in the 2018 Global Arbitration Review 100,"](#) April 2018.
- ["Federal Court of Appeal Reaffirms the Validity of Transactional Common Interest Privilege,"](#) March 2018.
- ["BLG Partner David Crerar Authors Canadian Guide on Mareva and Anton Piller Preservation Orders in Canada,"](#) March 2018.
- ["Wind-Downs, Retainers and Releases: The Ontario Court of Appeal Decision in Trillium Motor World,"](#) July 2017.
- ["A rejection of Charter values as a framework on judicial review?,"](#) June 2017.
- ["Former Supreme Court Justice Thomas Cromwell Joins BLG,"](#) February 2017.
- ["B.C.'s New Civil Resolution Tribunal Orders Special Levy to Fund Repairs to Strata Property,"](#) February 2017.
- ["BLG Releases Client Success Report,"](#) November 2016.
- ["Endean v. British Columbia: an opening \(but not a floodgate\) for national class proceedings,"](#) October 2016.
- ["Client Success Report — An Overview of Recent Litigation Wins,"](#) October 2016.
- ["Implications of the Brexit Vote for the CETA,"](#) August 2016.
- ["Ontario Court of Appeal Upholds Law Society's Decision to Deny Accreditation to Trinity Western University,"](#) June 2016.
- ["Third Party Funding in Arbitration,"](#) June 2016.
- ["Amendments Expressly Ban Judicial Disclosure of Information Exchange Between Financial Institutions and OFSI,"](#) February 2016.
- ["BLG Launches New Litigation Blog for Financial Institutions — "The Exchange","](#) February 2016.
- ["Court affirms deferring jurisdiction to Legislatively established specialized tribunals,"](#) February 2016.
- ["Ontario Court of Appeal Decision on Standard of Review of a Standard Form Contract,"](#) December 2015.

## RANKINGS & RECOGNITIONS

The Litigation and Arbitration Group and its members are recognized in:

- The 2019 edition of *Chambers Canada — Canada's Leading Lawyers for Business*.

- The 2019 edition of *The Best Lawyers in Canada*®.
- The 2019 edition of *The Legal 500 Canada*.
- The 2018 edition of *The Lexpert*®/*American Lawyer Guide to the Leading 500 Lawyers in Canada*.
- The 2018 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*.
- The 2018 edition of the *Lexpert*® *Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada*.
- *The 2018 edition of the Lexpert*®/*Report on Business Special Edition on Litigation*.
- The 2016 edition of *Who's Who Legal: Canada*.
- The 2016 edition of *Who's Who Legal: The International Who's Who of Business Lawyers*.

## OUR APPROACH

- Business-oriented problem solving: We will approach your case in a practical, business-oriented manner. Business disputes require effective strategic planning, budgeting and implementation. We will work for you – and with you – in solving the problem. Clients value our strategic thinking and commitment to excellence and teamwork.
- Results-driven: Whatever area of law, industry, type of litigation or representation required, we focus at the outset on understanding your strategic objectives and on understanding your business and industry. The collective know-how of the Group is then mobilized to respond rapidly, efficiently and effectively to your needs. An initial risk assessment is conducted in order to develop a winning strategy focused on optimal results and cost control.
- Innovative advice: We will recommend mediation or arbitration instead of litigation if it better suits your needs and interests. Many of our lawyers are experienced in the field of alternative dispute resolution as advisors, advocates, mediators or arbitrators.
- Responsive and energetic: Our ability to aggressively implement strategies is particularly well-suited to urgent remedies such as injunctions, asset-preservation orders and seizures before judgment. Our dispute lawyers have pioneered innovative remedies to promote and protect our clients' interests.