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[LinkedIn](#)

[Class Actions](#)

[Commercial Litigation](#)

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Michelle has significant experience with highly complex commercial, banking, and corporate litigation and arbitration across a range of industries and legal subject matters.

Her practice includes defence of high-profile provincial, national, and multi-jurisdictional class actions involving credit card insurance products, foreign exchange transaction costs, Ponzi schemes, mutual fund related management fees, alleged defective products, environmental claims, consumer protection claims, privacy breaches, and price-fixing claims. The resulting decisions are well-known precedents, particularly with respect to consumer protection, privacy, and competition-related claims. She has experience with all aspects of disputes, including complex and voluminous document production, multi-day oral discovery, multi-week trials, appeals and settlements (including class proceedings settlements on the eve of common issues trials).

Michelle also has specialized knowledge in a variety of areas, including:

- competition law, including advertising, price-fixing, and bid-rigging;
- consumer protection law;
- banking law;
- corporate governance and plans of arrangement;
- privacy law, including access to information requests and compliance with privacy and data protection legislation; and
- international evidence collection (including enforcement of letters rogatory).

Michelle has appeared as counsel before the courts of British Columbia, the Alberta Court of Queen's Bench, the Alberta Court of Appeal, the Ontario Superior Court of Justice, the BC Privacy Commissioner, the Federal Privacy Commissioner, Consumer Protection BC, the Youth Justice (Criminal) Court, and in leave to appeal proceedings before the Supreme Court of Canada. She has also appeared as counsel before both domestic and international arbitration tribunals.

Michelle is a regional lead for BLG's Appellate Advocacy group and a key contact for BLG's Class Actions and Arbitration groups. She is the co-chair of BLG's national disputes training program for associates. She is a leader in technology-assisted and virtual hearings, and in 2012, was one of the first counsel in British Columbia to conduct a trial with electronically presented evidence. She is a member of BLG's virtual disputes task force. Prior to beginning her articles at BLG, Michelle completed a one-year judicial clerkship at the BC Court of Appeal.

During law school, she completed Osgoode Hall's Intensive Program in Aboriginal Lands, Resources and Government. As part of that program, Michelle spent two months in New Zealand developing a legally focused rehabilitation program for maximum-security prisoners who were about to be released from custody. She also received Osgoode Hall's class prize for constitutional litigation.

Experience

- Defended HSBC Bank Canada and obtained dismissal of a certification application in a proposed class action respecting management fees of certain mutual funds: *Gibbs v. HSBC Global Asset Management (Canada) Limited*, [2022 BCSC 1291](#), [2023 BCSC 1152](#) and [2024 BCSC 324](#)
- Defended hotel management company in respect of proposed class action for claims for liability to customers whose personal information may have been compromised in a criminal cyber breach of a customer database. Plaintiff's application for certification dismissed: *K.W. v. Accor Management (Canada) Inc.*, [2023 BCSC 1149](#)
- Defended TransLink and obtained dismissal of a certification application in an action advancing claims on behalf of a proposed class whose personal information may have been subject to access by criminals in a ransomware cyber breach: *G.D. v. South Coast British Columbia Transportation Authority*, [2023 BCSC 958](#)
- Defending a video game publisher in a proposed class action relating to consumer claims – ongoing: *Sutherland v. Electronic Arts*, [2023 BCSC 372](#)
- Defending Loblaw Companies Limited and George Weston Limited (and related corporate entities) in proposed class actions across Canada, including in British Columbia, Alberta, and Ontario, in which price-fixing allegations in respect of wholesale and retail sales of fresh commercial bread are made. Recent decisions include *David v. Loblaw*, [2021 ONSC 7331](#), *Ravvin v. Canada Bread Company, Limited*, [2020 ABCA 424](#), and *Fantov v. Canada Bread Company, Limited*, [2019 BCCA 447](#).
- Defended Coast Capital Savings Credit Union in a class action that alleged breaches of consumer protection legislation relating to an alleged failure to disclose foreign exchange conversion surcharges for withdrawing foreign currency from ATMs located outside of Canada. Settlement reached on eve of common issues trial; application to approve settlement granted in fall 2022.
- Defending HSBC Bank Canada in a class action alleging a duty to warn non-customers and other third parties: *Jastram Properties Ltd. v. HSBC Bank Canada*, [2021 BCSC 2204](#).
- Defended Mitsubishi Materials Corporation and other companies, successfully defeating certification of claim by indirect purchasers of components and materials used in the automotive supply chain, involving claims under consumer protection legislation, *Kett v. Mitsubishi Materials Corporation*, [2020 BCSC 1879](#).
- Acted for one of three siblings in shareholder dispute, *Dais v. Virvilis*, [2020 BCSC 35](#).

- Acted for BC Hydro and Power authority in a judicial review arising from a freedom of information request: *British Columbia Hydro and Power Authority v. British Columbia (Information and Privacy Commissioner)*, [2019 BCSC 2128](#).
- Defending Purdue Pharma, the manufacturer of OxyContin, in the proposed class action in which the government of British Columbia seeks to represent the federal government and the governments of other provinces and territories to recover damages and health care costs from some 40 defendants who are manufacturers, distributors or retailers of opioid pain medications. Matter has settled, and application to approve settlement pending. Recent decisions include *Paladin Labs Inc. v. British Columbia*, [2022 BCCA 365](#).
- Defending Danny LaSante in an ongoing environmental class action, including successfully overturning the majority of the certification order on appeal: *Kirk v. Executive Flight Centre Fuel Services Ltd.*, [2019 BCCA 111](#), leave to appeal to Supreme Court of Canada denied (October 17, 2019). Other recent decisions include [2023 BCCA 28](#).
- Acted as litigation counsel to Pan American Silver in an arrangement involving a \$1.1 billion transaction with Tahoe Resources.
- Defended the Bank of Nova Scotia against a consumer class action relating to sales of credit card balance protection insurance, resulting in the certification being dismissed: *Sekhon v. Royal Bank of Canada*, [2017 BCSC 497](#).
- Defended The Bank of Nova Scotia in a dispute regarding responsibility for forged cheques. Successfully defended on appeal the lower court decision dismissing the action. *D2 Contracting Ltd. v. The Bank of Nova Scotia*, [2016 BCCA 366](#).
- Acted as litigation counsel to Pan American Silver Corp. in an arrangement involving the sale of a royalty, stream and payment agreement portfolio to Maverix Metals Inc.
- Defended United Furniture Warehouse against a consumer class action. Certification application dismissed. Result affirmed on appeal. *Marshall v. United Furniture Warehouse Limited Partnership*, [2013 BCSC 2050](#), affirmed [2015 BCCA 252](#), leave to appeal to Supreme Court of Canada denied with costs (March 17, 2016).
- Acted as litigation counsel to Almaden Minerals Ltd. in an arrangement to spin-out royalty assets and create of Almadex Minerals Limited.
- Successfully resisted pre-certification document production for Monessen Canada. *Cantlie v. Canadian Heating Products Inc.*, [2014 BCSC 228](#).
- Successfully defended RBC Royal Bank in a complex contractual, banking and secured transaction/priority dispute (Personal Property Security Act) in five-week trial. *CFI Trust v. Royal Bank of Canada*, [2013 BCSC 1715](#), and costs outcome [2014 BCSC 53](#). Notably, this trial was the first in B.C. to be conducted almost exclusively with electronically-presented evidence.
- Defended Mazda Canada and its authorized B.C. dealers against a consumer class action seeking disgorgement of profits based on waiver of tort. Successfully obtained reversal on appeal of certification; proceeding dismissed as disclosing no cause of action: *Koubi v. Mazda Canada*, [2010 BCSC 650](#) and [2011 BCSC 59](#), rev'd [2012 BCCA 310](#), leave to appeal to Supreme Court of Canada denied with costs (January 17, 2013).
- Acted for clients in domestic and international arbitrations involving complex contractual interpretation.
- Acted for clients in breach of contract claims.
- Acted for clients in a variety of procedural matters, including striking pleadings, obtaining interpleader relief, and contesting pre-judgment garnishments.
- Acted for clients in privacy-related matters, including dealing with access to information requests and compliance with privacy and data protection legislation.
- Acted for shareholder clients in shareholder oppression claims.
- Acted for company client in directors' liability claim.
- Acted for clients to obtain approval of corporate plans of arrangement.
- Acted for clients to rectify past corporate mistakes or omissions.

- Acted for clients to enforce foreign Letters Rogatory in B.C., to obtain evidence from witnesses in the province.
- Acted for clients to obtain Letter of Request from British Columbia courts, to obtain evidence from witnesses in the U.S.

Insights & Events

- Author, "B.C. introduces Bill 12: sweeping health care cost recovery legislation", BLG Article, March 2024
- Featured, "[High bar for class actions](#)", Lexpert Canada, November 2023
- Panelist, "Privacy Class Action Update", BLG Class Action Seminar, November 2023
- Author, "Jurisdictional jenga: Understanding the challenges of multi-jurisdictional proceedings", BLG Article, October 2023
- Co-Author, "Jurisdictional Jenga: Understanding the Challenges of Multi-Jurisdictional Proceedings," Class Action Defence Quarterly, September 2023
- Panelist, "Class Action Updates: Ontario and BC", CBA BC, Class Action Subsection Meeting, February 2023
- Moderator, "Where to File, Where to Defend?: Strategic Implications for Class Actions", Advocates Society, January 2023
- Presenter, "Risk Mitigation for Class Actions," BLG Class Action Seminar, November 2022
- Presenter, "Regional Update," BLG Class Action Seminar, November 2022
- Presenter, "Avoiding Class Action Risk", BLG U Webinar, April 2022
- Panelist, "Tips and Tricks for Preparing for Electronic Trials", The Advocates Society Virtual Conference, September 2021
- Panelist, "Best Practices for Virtual Hearings," CBA BC Prince George Connects Virtual Conference, November 2020
- Panelist, "Update on Multijurisdictional Coordination," BLG Class Action Seminar, November 2020
- Panelist, "New Business of Litigation: Class Actions, Dispute Funding and Insurance," Benchmark Women in Litigation Conference, October 2020
- Panelist, The Advocates Society, "Multijurisdictional Coordination of Class Proceedings," October 2020
- Coffee Break with BLG : Session 1, BLG Video, September 2020
- Author, "A summary of Canadian class action procedure and developments", BLG Article, June 2020
- Author, "Virtual Disputes: Best Practice and Benefits," May 2020
- Panelist, "COVID-19 Legal Perspectives: Virtual Disputes: Changes, Options and Best Practices," BLG Webinar, May 2020
- Panelist, "Under 40: Barriers and Opportunities," ADRIIC National Conference, Victoria, November 2019
- Presenter, "Environmental and Climate Change Litigation: Common Law Provinces", BLG Class Action Seminar, Toronto, November 2019
- Moderator, "Electronic Presentation of Evidence: A Fireside Chat with Mr. Justice Myers", CBA, Vancouver Civil Litigation Sub-Section Meeting, February 2019
- Author, "Resolving Disputes," Advising British Columbia Businesses, CLEBC, updated 2019
- Panelist, "Next Generation of Arbitration", ADRIIC National Conference, Montreal, November 2018
- Presenter, "Class Action Update", BLG University, November 2018

Beyond Our Walls

Professional Involvement

- Member and former executive leader, Class Action Practice Group, The Advocates' Society, 2022-2023 Chair (2022-2023); Vice Chair (2021-2022); Secretary (2020-2021), and Member at Large (2019-2020))
- Director, ADR Institute of Canada (ADRIC) 2016 - 2019
- Chair, ADRIC Under 40 Forum 2018 - 2019
- Chair, ADRIC Corporate Advisory Board 2018 - 2019
- Treasurer (2018-2019) and Member at Large (2016-2018), Canadian Bar Association, Civil Litigation Executive (Vancouver)
- Member, Law Society of British Columbia
- Member, Canadian Bar Association
- Member, Vancouver Bar Association
- Member, Young Canadian Arbitration Practitioners
- Member, Young International Arbitration Group
- Member, International Bar Association

Community Involvement

- Volunteer, BLG Reads to Kids Program
- Chair, BLG Reads to Kids (Vancouver Committee)
- Member, Sea to Sky Wind Ensemble

Awards & Recognitions

- Recognized in the 2024 edition of the *Canadian Legal Lexpert Directory*: Class Actions (since 2023); Litigation – Corporate Commercial; and Data Protection and Privacy
- Recognized in the 2024 edition (and since 2022) of *The Best Lawyers in Canada* (Class Action Litigation, Corporate and Commercial Litigation) and in the 2024 edition (International Arbitration)
- Recognized in the 2024 edition of *Chambers Canada – Canada's Leading Lawyers for Business* (Dispute Resolution: Class Action (Defence)).
- Recognized in the 2024 edition (and since 2020) of *Benchmark Canada — The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Litigation Star" in class actions, commercial and competition/antitrust disputes
- Recognized in the 2023 edition of *Lexpert Special Edition: Litigation*
- Recognized in the 2023 edition of the *Canadian Legal Lexpert Directory* (Class Actions)
- Recognized in the 2023 edition (and since 2022) of *Benchmark Litigation's — Top 100 Women in Canada*
- Recognized for six consecutive years in the *Benchmark Litigation's* 40 and Under Hotlist (2017 to 2022)
- Recognized in 2022 as a *Lexpert Rising Star: Leading Lawyer Under 40*
- Recognized in the 2021 edition (and since 2020) of Expert Guides®'s Commercial Arbitration as a "confirmed Expert" in Commercial Arbitration
- Recognized in the 2019 edition (and since 2017) of *Benchmark Canada — The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Future Star"
- Recognized by the ADR Institute of Canada, for dedication and contribution to the dispute resolution efforts of ADRIC, November 2019

- Recognized in the 2018 edition (and since 2015) of *Expert Guides®'s Rising Stars* as a "Rising Star" in Commercial Arbitration

Bar Admission & Education

- British Columbia, 2008
- LLB, Osgoode Hall Law School, 2007
- BA (History and Political Science, First-Class Distinction), University of British Columbia, 2004

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As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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