National Conference on Class Actions 2022

Day 1: Thursday, November 10, 2022 - 8:30 a.m. - 12:15 p.m.

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8:30 a.m. - 8:40 a.m. Welcome and introductory remarks

- Me Jean Saint-Onge, Senior Counsel, Borden Ladner Gervais, Montréal, QC
- Me Anne Merminod, Partner, Borden Ladner Gervais, Montréal, QC

8:40 a.m. - 9:50 a.m. Annual Review of Jurisprudence in Québec

The past year has been marked by several interesting judgements, both at the authorization stage and on the merits. Our presenters will provide a comprehensive review and provide comments and observations.

Moderator

- Me Shaun Finn, BCF, Montréal, QC

Panel

- Me Jean-Philippe Lincourt, Belleau Lapointe, Montréal, QC
- Me Julie Girard, Davies, Montréal, QC

9:50 a.m. - 10 a.m. Break

10 a.m. - 11:30 a.m. Recent Developments in the Common Law Provinces

The annual review of case law from the common law provinces.

Moderator

- Me Emmanuelle Rolland, Audren Rolland, Montréal, QC

Panel

- Luciana Brasil, Branch MacMaster LLP, Vancouver, BC
- Margaret Waddell, Waddell Phillips, Toronto, Ont.

11:30 a.m. - 12:15 p.m. Challenges at the merits stage of class actions

Currently, an increasing number of authorized class actions are undergoing changes at the merits stage. The rules governing this stage are not always adapted to the class action mechanism and its requirements. Our panelists will provide us with their suggestions and comments, particularly on the adducing of documentary evidence, in order to ensure that the proceedings are conducted in a “best practices” manner.

Moderator

- Me Jean-Philippe Lincourt, Belleau Lapointe, Montréal, QC

Panel

- Me Mathieu Charest-Beaudry, Trudel Johnston Lespérance, Montréal, QC
- Me Michel Gagné, McCarthy, Montréal, QC
- The Honourable Justice Sylvain Lussier, Superior Court of Québec, Montréal, QC

Day 1: Thursday, November 10, 2022 - 12:15 p.m. - 16:15 p.m.

12:15 p.m. - 1:30 p.m. Lunch

1:30 p.m. - 2:45 p.m. Issues arising from class actions involving international cartels

Panelists from Canada, the United States and the EU will discuss recent trends in class actions in the area of competition law. International cartels and investigations will be discussed, with emphasis on the following topics:

- Coordinating the overall defence of a competition law case, conceived of as a class action or class proceeding arising from the same facts but instituted in different countries.
- Ensuring that defending the case in one jurisdiction does not compromise a position in others - particularly in the US, where the financial risk is typically highest.
- Ensuring that the defence of the case in any jurisdiction does not have a negative impact on a position in regulatory investigations.
- Facing production requirements and other challenges.

Moderator

- Me Subrata Bhattacharjee, Borden Ladner Gervais, Toronto

Panel

- The Honourable Jon Tigar, US District Court, Northern District of California, U.S.A.
- Markus M. Wirtz, Glade Michel Wirtz, Dusseldorf, Germany
- Ian Simmons, O'Melveny & Myers LLP, Washington, D.C., U.S.A.
- Me Éric Lefebvre, Norton Rose Fullbright, Montréal, QC

2:45 p.m. - 3 p.m. Break

3 p.m.- 4:15 p.m. The intersection between class actions and bankruptcy and insolvency proceedings

The insolvency of the defendant can make a significant difference for the plaintiff in a class action. Our speakers will address the key issues that parties and courts are likely to face and will have to deal with.

Moderator

- Me Marianne Ignacz, INF, Montréal, QC

Panel

- Me André Lespérance, Trudel Johnston Lespérance, Montréal, QC
- Me Andrew Adessky, Richter, Montréal, QC
- Natalie Levine, Cassels Brock & Blackwell, Toronto, Ont.

4:15 p.m. Closing of the 1st day

Day 2: Friday 11 November 2022 - 8:30 a.m. - 12:45 p.m.

8:30 a.m. - 8:40 a.m. Welcome and introductory remarks

- Me Jean Saint-Onge, Ad. E., Senior Counsel, Borden Ladner Gervais, Montréal, QC
- Me Anne Merminod, partner, Borden Ladner Gervais, Montréal, QC

8:40 a.m. - 9:55 a.m. International Panel - An overview of the different group action regimes in the West and elsewhere in the world

Not all states have adopted an American-style class-action mechanism. Some regimes, particularly in Europe, are quite different from what we know here in North America, but they all have the same purpose, which is to economize on judicial resources. Our panelists will tell us more about the different group action regimes that exist in other parts of the world and what makes them different from ours.

Moderator

- Me Sylvie Rodrigue, Ad.E., Torys Law Society, Montréal, QC

Panel

- Me Maria José Azar-Baud, Ville-d'Avray, Île-de-France, France
- Andrew Morrison, Clayton Utz, Melbourne, Australia
- Jeffrey A. Holmstrand, Grove, Holmstrand & Delk, Wheeling, West Virginia, U.S.A.

9:45 a.m. - 10 a.m. Break

10 a.m. - 11 a.m. Judges' Panel

The invited judges will provide us with an overview of the latest developments in case management in their respective jurisdictions and more specifically in multi-territorial proceeding.

Moderator

- Mike Peerless, McKenzie Lake, London, Ont.

Panel

- The Honourable Justice Donald Bisson, Superior Court of Quéfbec
- The Honourable Justice Russel M. Raikes, Ontario Superior Court, London, Ont.
- The Honourable Martel D. Popescul, Chief Justice, Saskatchewan Court of Queen's Bench, Sask.

11 a.m. - 11:15 a.m. Break

11:15 a..m. - 12:45 p.m. Panel on Class Actions in the field of "Food Law"

The agri-food industry has been particularly targeted by class actions in recent years, particularly in connection with misrepresentations resulting from labeling that was considered to be incorrect, or manufacturing defects or instances of contamination requiring product recall. Our panelists will talk to us about the various issues facing this industry.

Moderator

- Mrs. Sarah Berger Richardson, Assistant Professor, Faculty of Law, Civil Law Section, University of Ottawa, Ont.

Panel

- Ms. Amélie T. Gouin, Borden Ladner Gervais, Montréal, QC
- Glenford Jameson, G. S. Jameson & Company, Toronto, Ont.

Day 2: Friday, November 11, 2022 - 12:45 p.m. - 16:15 p.m

12:45 p.m. - 2 p.m. Lunchtime presentation (topic to be advised)

2 p.m. - 3:05 p.m. Challenges in Implementing Settlements

This panel will address the impact and involvement of the FAAC in the development and implementation of settlement agreements, legal fees, compensation to the plaintiff's representative, the scope of a release and discharge and notices to class members. These are all aspects that must be properly handled in negotiating a transaction (settlement agreement), in order to avoid difficulties and pitfalls.

Moderator

- Me Joséane Chrétien, McMillan, Montréal, QC

Panel

- Me Jeffrey Orenstein, Consumer Law Group, Montréal, QC
- Me Myriam Brixi, Lavery, Montréal, QC
- Me Éric Préfontaine, Osler, Montréal, QC

3:05 p.m. - 3:15 p.m. Break

3:15 p.m. - 4:15 p.m. Practical Guide to Rules on Communications with Class Members

What happens when a significant number of class members decide to opt out? Can the defendant intervene to induce such members to abandon the proceedings and, if so, in what manner? What happens when the parties are still in a business relationship? What are the ethical considerations for counsel of record? That is precisely what this panel will be discussing.

Moderator

- Me Margaret Weltrowska, Dentons, Montréal, QC

Panel

- Me Stéphane Pitre, Borden Ladner Gervais, Montréal, QC
- Me Maxime Nasr, Belleau Lapointe, Montréal, QC
- Mr. Paul R. Bennett, Bennett | Mounteer LLP, Toronto, ON
- Me Vincent de l'Étoile, Partner, Langlois, Montréal, QC

4:15 p.m. Closing of the Conference

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