Banking Litigation

Banking litigation is inherently multifaceted. It's crucial to have a collaborative, vigilant, future-minded team of trial and appellate advocates who have litigated disputes before all levels of court and in national and international forums.

With roots dating back almost 100 years, our Banking Litigation Group has played a role in some of the most preeminent cases in Canadian history, setting precedents that continue to govern banking and commerce.

We represent clients in a range of disputes, including:

- bills of exchange
- letters of credit and guarantee
- credit and debit card fraud
- mortgage and other security enforcement
- fraud
- breach of fiduciary duty
- negligent misrepresentation, business or lending practices
- employment issues
- breach of confidentiality
- transactional errors
- lender liability for environmental contamination
- credit references
- investment advice
- receiverships
- wrongful receiverships and improvident realizations
- creditor arrangements
- construction financing

As a collaborative, multidisciplinary firm, our team offers comprehensive service by working with related areas, including:

- financial services
- insolvency and restructuring
- commercial fraud
- corporate
- commercial transactions
- technology
- environmental law

We serve banks and financial institutions across Canada.

Experience

- Scotiabank in the leading Supreme Court of Canada decision on bills of exchange and cheque fraud (Teva Canada v. TD Canada Trust et al).
- BMO in defence of a claim for prospectus misrepresentation and breach of trust concerning trailing commissions paid from mutual funds. BLG acts for two of the seven financial institutions that are defendants in similar actions (*Gilani v. BMO Investments Inc*).
- Deutsche Bank in numerous class actions in Ontario and Québec alleging price fixing and market manipulation related to securities benchmarks (*Mancinelli v. Royal Bank*).
- Scotia Capital, Scotiabank's IIROC dealer, in a regulatory proceeding concerning exempt market funds.
- Scotiabank and Tangerine Bank in an overlimit spending credit card class action (*Pilon vs AMEX et al*).
- Laurentian Bank of Canada and BMO in an NSF fees class action (*Defrance vs Bank of Montreal et al*).
- Scotiabank in a registration fee class action (*Meilleur and Automobile Protection Ass. vs Bank of Nova Scotia et al*).
- Scotiabank and Tangerine Bank in a mortgage prepayment charge class action (*Haroch vs TD Bank et al*).
- Scotiabank in a number of Visa/MasterCard merchant interchange fee class actions (*Watson v. Bank of America et al*).
- A Canadian chartered bank in a data breach crisis, avoiding potential litigation and recovering all damages and costs.
- Scotiabank in an overtime class action (*Fulawka v. Bank of Nova Scotia*).
- A commercial lender in the leading decision considering the *Interest Act* (*Solar Power Network v. ClearFlow Energy Finance*).
- A third party defendant director in defence of class actions proceedings relating to the demise of Philip Services Corporation (*CIBC et al. v. Deloitte & Touche*).
- BMO in a class action concerning a fraud perpetrated by a customer (*Pardhan v. Bank of Montreal*).

BLG | Canada's Law Firm

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 800 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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