

Markus Kremer

Partner

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Class Action Defence
Appellate Advocacy
Contract Disputes
Banking Litigation
Pensions & Benefits
International Business & Human Rights

Markus has dedicated his practice to class actions, commercial litigation and public law.

His class actions practice includes defending the country's largest financial institutions and corporations in actions involving breaches of contract, privacy breaches, regulatory compliance, consumer protection and mass tort issues, arising in the financial services, pension and retail industries.

Markus also practices commercial litigation and public law. He is regularly retained by employers and administrators of single- and multi-employer pension plans with respect to plan administration issues. He has particular expertise with respect to difficult religious rights issues in the education system.

Markus has appeared as counsel before all levels of Court in Ontario, the Saskatchewan Court of Queen's Bench, the Federal Court and the Supreme Court of Canada, as well as the Financial Services Tribunal and other administrative tribunals.

Markus is fluent in English, French and German.

Experience

- Successfully represented **Canada's largest retailer** in the Ontario Court of Appeal and below in a proposed international mass tort class action arising out of the 2013 collapse of a building in Bangladesh, obtaining a dismissal of the action at certification.

- Successfully represented a **public hospital** in a privacy breach class action, obtaining a dismissal of the action at certification.
- Successfully represented the defendant in a proposed class action alleging misleading advertising of soft drink products, obtaining a dismissal of the action at certification.
- Represented **Weyerhaeuser Canada** in a dispute involving the interpretation of an environmental indemnity, currently on appeal to the Supreme Court of Canada.
- Acted as counsel for a **major Canadian bank** in proposed class actions relating to the use of VISA cards for foreign exchange transactions, overtime pay, breach of privacy, the process for clearing cheques and the fees paid by merchants who accept VISA cards.
- Acted as counsel to the plaintiffs in a class action over the pension benefit entitlements of members of the clinical faculty of **McMaster University**.
- Acted as counsel to **Monsanto** at the Supreme Court of Canada and all levels of court below. (Monsanto is the leading pension case regarding distribution of actuarial surplus on the partial wind-up of a pension plan).
- Successfully represented the **Bank of Canada** in the Ontario Court of Appeal and below in a class action related to the charging of administrative expenses to its pension plan, resulting in a discontinuance of the action.
- Acted as counsel for German, Russian and American companies in proceedings to enforce foreign judgments and arbitral awards in Ontario.
- Acted as counsel to a human resources consulting firm in litigation regarding actuarial services provided to a pension plan, appearing in the Ontario Court of Appeal and below, as well as defending quasi-criminal charges in Provincial Court.
- Acted as counsel to a school board with respect to litigation arising out of ownership of a surplus and demutualization funds remaining after the wind-up of an employee group benefits trust.
- Represented a not-for-profit healthcare provider before the Financial Services Tribunal and the Divisional Court with respect to its funding obligations with respect to a pension plan.
- Negotiated with the Government of Canada for the implementation of special funding arrangements for pension plans.

Insights & Events

- Author, "Litigation plans matter: Players’ appeal denied in Ontario junior hockey league class action", BLG Article, December 2025
- Author, "Appeal court upholds decision limiting intrusion upon seclusion tort to significant privacy breaches", BLG Article, February 2023
- Author, "Failing to prevent a cyber attack is not intrusion upon seclusion", BLG Article, June 2021
- Author, "Bill 161: Sweeping changes to Ontario's Class Proceedings Act take effect October 1", BLG Article, September 2020
- Author, "Uber v. Heller: Supreme Court applies the law of unconscionability to arbitration agreements and identifies a new role for the Court", BLG Article, June 2020
- Author, "Ontario Announces Significant Proposed Changes to the Class Proceedings Act, 1992", BLG Article, December 2019
- Co-Host, BLG Class Actions Update, November, 2019.
- Author, "Law Commission of Ontario Report on Class Actions — Key Recommendations", BLG Article, July 2019
- Speaker, “Managing Third Party Claims in Class Proceedings”, 16th National Symposium on Class Actions, April, 2019.

- Speaker, “Pitfalls in Multi-jurisdictional Class Actions Settlement,” BLG Class Actions Update, November 20, 2018.
- Co-Author, "Class and Collective Actions in Canada," Lexology Guide, November, 2018.
- Author, "Supreme Court of Canada Won’t Rule on Permissibility of Global Class Actions: Leave is Denied in Airia Brands", BLG Article, October 2018
- Author, "Where Does The Internet Happen? The Supreme Court Of Canada Tackles The Thorny Issue Of Which Law Applies To Defamation Claims", BLG Article, June 2018
- Discussion Leader, “Multi-Jurisdictional Developments in Class Actions”, Northwind’s 2018 Class Actions Invitational Forum, Certification and Beyond, June 11 – 13, 2018.
- Speaker, “Class of Absent Foreign Claimants – Constitutional and Jurisdiction Simpliciter Issues”, Colloque National Sur L’Action Collective, Barreau du Québec, March 22 – 23, 2018.
- Panel Member, “Emerging Issues in Jurisdiction”, Class Actions Advocacy, Advocates’ Society, February 12, 2018.
- Co-author, “Reaching Beyond its Grasp? The Ontario Court of Appeal Asserts Jurisdiction Over Absent Foreign Claimants in Class Actions,” Colloque national sur l’action collective, Développements récents au Québec, au Canada et aux États-Unis, 2018.
- Speaker, “Borders, Barriers and Bureaucracy”, BLG Class Actions Update, November 20, 2017.
- Author, "Wind-downs, Retainers And Releases: The Ontario Court Of Appeal Decision In Trillium Motor World", BLG Article, July 2017
- Co-Author, “Not Merely the Transmission of Knowledge: Constitutional Protection for Denominational Education in Canada,” 26 Education and Law Journal 93, Thomson Reuters, 2017
- Author, "Litigation Risks of De-Risking," Pension and Benefits Alert, September 2016.
- Co-Chair, panel discussion on "Restructuring Distressed Businesses: Strategies for Saving Healthy Assets, Carve-Out and Divestment of Losing Assets and Recognizing the Difference", International Bar Association Conference, Washington D.C., September 2016.
- Author, "Ontario Court Rules Putting Students First Act Unconstitutional", BLG Article, May 2016
- Author, "Nipping the Class Action in the Bud: Saskatchewan Court Dismisses Claim Pre-Certification," Class Actions Bulletin, November, 2015.
- Co-Author, "Securities Class Action Trilogy Heard by the Supreme Court," Class Actions Bulletin, February, 2015.

Beyond Our Walls

Professional Involvement

- Former Member, Financial Services Tribunal legal advisory committee, 2012-2018
- Member (pension and benefits section) and member of the executive, Ontario Bar Association
- Member, Canadian Bar Association, Commercial Litigation Section
- Member, Ontario Bar Association, Class Actions Section
- Member, The Advocates’ Society

Awards & Recognition

- Recognized in the 2027 edition (and since 2010) of *The Best Lawyers in Canada* (Employee Benefits Law since 2021, Class Action Litigation and Corporate and Commercial Litigation since 2022)

- Recognized in the 2026 edition (and since 2022) of *The Canadian Legal Lexpert® Directory* (Class Actions)
- Recognized in the 2026 edition (and since 2022) of *Benchmark Canada - The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Litigation Star" (Commercial; Class Action; Public Law) and from 2016 to 2021as a "Future Star: Ontario"
- Recognized in the 2023 edition (and since 2021) of *Lexpert Special Edition: Litigation*

Bar Admission & Education

- Ontario, 1999

- LLB, York University, 1997
- BA (Hons.), University of Guelph, 1994, (One year at University of Mannheim, Germany)

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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 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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