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[Class Actions](#)

[Commercial Litigation](#)

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[Disputes](#)

Michelle has a robust litigation practice, with significant expertise in the areas of **class actions**, civil litigation, arbitration and appeals. She focuses on complex **commercial** and **corporate disputes**.

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

- corporate governance;
- advertising and competition law;
- consumer protection law;
- plans of arrangement; and
- privacy law, including access to information requests and compliance with privacy and data protection legislation

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, and the Youth Justice (Criminal) Court. She also has appeared as counsel before both domestic and international arbitration tribunals. She has extensive experience in defending provincial and national class proceedings.

Michelle is a regional lead for BLG's Appellate Advocacy Group and active with BLG's Class Actions and Arbitration groups. She is a leader in technology-assisted and virtual hearings, and was one of the first counsel in British Columbia to conduct a trial with electronically-presented evidence in 2012. Prior to beginning her articles at BLG, Michelle completed a one-year judicial clerkship at the BCCA.

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

- Defending 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 the Business Practices and Consumer Protection Act, *Kett v. Mitsubishi Materials Corporation*, [2020 BCSC 1879](#).
- Defending KEMET Corporation and KEMET Electronics Corporation in multiple proposed class actions that allege price fixing of sales of capacitors.
- 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 *Ravvin v. Canada Bread Company, Limited*, [2020 ABCA 424](#).
- 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.
- Defended Danny LaSante in an environmental class action, 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).
- 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 (17 March 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 BC 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 (17 January 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

- 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
- A summary of Canadian class action procedure and developments
- 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," ADRIC 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", ADRIC National Conference, Montreal, November 2018
- Presenter, "Class Action Update", BLG University, November 2018
- Presenter, "Environmental Class Proceedings", BLG Class Action Seminar, Toronto, November 2018

- Generous Approach to Certification Taken by BC Court of Appeal in Basyal
- Interesting Overdraft Charge Decision – Criminal Rates of Interest Class Action Successful at Summary Trial
- Author, "British Columbia Aligns International Commercial Arbitration Legislation with UNCITRAL Model Law 2006," International Law Office Newsletter, May 2018
- British Columbia Proposes Amendments to its Class Actions Legislation
- Panelist, "Class Action," Benchmark Women in Litigation Vancouver Forum, May 2018
- British Columbia Government Announces Proposed Changes to Class Proceeding Act
- Regulators Turn Eye to AI, Data Analytics and Robo-Advice
- "A Changing Landscape in Consumer Class Actions in British Columbia (and Beyond)," Class Action Defence Quarterly, Vol.10, No. 2, (LexisNexis) December 2015.
- "Arbitral Institutions," Continuing Legal Education Society Of B.C. (CLEBC)
- Presenter and panelist, "Arbitral Institutions," Continuing Legal Education Society of B.C. (CLEBC), April 2017

Beyond Our Walls

Professional Involvement

- Secretary, Class Action Practice Group, The Advocates Society (2020-2021)
- Member-at-Large, Class Action Practice Group, The Advocates Society (2019-2020)
- Director, ADR Institute of Canada (ADRIC) 2016 - 2019
- Chair, ADRIC Under 40 Forum 2018 - 2019
- Chair, ADRIC Corporate Advisory Board 2018 - 2019
- Member, Law Society of British Columbia
- Member, Vancouver Bar Association
- Member, Young Canadian Arbitration Practitioners
- Member, Young International Arbitration Group
- Member, International Bar Association

Community Involvement

- Member, Sea-to-Sky Wind Ensemble
- Volunteer, BLG Reads to Kids Program

Awards & Recognitions

- Recognized in the 2021 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 2019 edition (and since 2017) of *Benchmark Canada* — The Definitive Guide to Canada's Leading Litigation Firms & Attorneys as a "Future Star."
- Recognized in the 2020, 2019, 2018 and inaugural 2017 editions of the *Benchmark Canada 40 and Under Hotlist*.
- 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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