

# Michelle T. Maniago

## Partner

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Class Action Defence
Commercial Litigation
Commercial Arbitration
Appellate Advocacy
Banking Litigation
International Arbitration
Cybersecurity, Privacy & Data Protection
Disputes
Competition/Antitrust and Foreign Investment

Recognized nationally as a leading dispute resolution lawyer by Chambers, Benchmark, Lexpert and more – including the Top 100 Women in Canada since 2022 – Vancouver-based Michelle Maniago is a go-to for complex commercial litigation, class actions, appeals and arbitration.

Michelle is known for her highly personable, intellectually rigorous and unfailingly practical approach to novel, complicated and high stakes disputes. She has experience across a range of industries, practice areas, claims and jurisdictions, including defence of national and global brands in high-profile provincial, national and multi-jurisdictional class actions.

The resulting decisions are well-known precedents, particularly in consumer protection, privacy and competition. She has experience with all aspects of litigation, from early resolution through to multi-week trials and high-stakes appeal. She works closely with in-house client teams to find solutions to their disputes in a timely and cost-efficient way.

Michelle's specialized knowledge covers:

- Competition law, including advertising, price-fixing and bid-rigging.

- Consumer protection law, including class actions related to alleged defective products and alleged misleading representations.
- Financial services and investment management, including credit card insurance products, foreign exchange transaction costs, Ponzi schemes and mutual fund-related management fees.
- Corporate governance and plans of arrangement.
- Privacy law, including access to information requests, compliance with privacy and data protection legislation and privacy breach class actions.
- International evidence collection (including enforcement of letters rogatory).

She has appeared as counsel before courts across Canada in both trial level and appellate proceedings; regulatory proceedings before privacy and consumer protection regulators; and in arbitration proceedings before domestic and international tribunals.

Michelle is the Regional Group Manager for the Commercial and Construction Disputes group in Vancouver; a Regional Lead for BLG's Appellate Litigation group; a key contact for BLG's Class Actions group. For several years, she acted as the co-chair of BLG's national disputes training program for associates and partners. She is a leader in technology-assisted and virtual hearings, and, in 2012, was one of the first counsel in British Columbia to conduct an e-trial. Michelle completed a one-year judicial clerkship at the BC Court of Appeal. She also received Osgoode Hall's prize for constitutional litigation.

## Experience

- **Class Proceedings**
  - Defending Peoples Trust and related companies in a certified class proceeding involving pre-paid purchase cards, with common issues trial anticipated in fall 2026. Recent decisions include: Jiang v. Peoples Trust Company, 2026 BCSC 259 and 2025 BCSC 2559.
  - Successfully resisted certification on behalf of generic drug manufacturer in alleged price-fixing conspiracy of generic drugs in Canada: *Eaton v. Teva Canada Limited*, 2026 FC 239.
  - Defending Bell Mobility in a certified class proceeding involving cellular system access fees, including successfully sequencing an application to dismiss in advance of other motions in the claim. See for example, *Chatfield v. Bell Mobility*, 2025 SKKB 124, leave to appeal refused December 31, 2026.
  - Defending HSBC Bank Canada in a certified class proceeding respecting management fees and alleged securities misrepresentations respecting certain mutual funds. See for example, *Gibbs v. HSBC Global Asset Management (Canada) Limited*, 2022 BCSC 1291, 2023 BCSC 1152 and 2024 BCSC 324, reversed 2025 BCCA 31.
  - Defending a data custodian 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 rev'd 2024 BCCA 252.
  - Defending a video game publisher in a proposed class action relating to consumer claims – ongoing: *Sutherland v. Electronic Arts*, 2023 BCSC 372 and 2024 BCSC 2022 (appeal under reserve).
  - Defended non-party retailers against non-party document production application and obtained costs for abandoned application: 2024 BCSC 1975.
  - 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 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 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 approved. Recent decisions include *Paladin Labs Inc. v. British Columbia*, 2022 BCCA 365.
- 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.
- Defended 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. Settlement approved prior to common issues trial: 2024 BCSC 1833.
- Defended Danny LaSante in an 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. Matter has now settled.
- 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.
- 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 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).
- Successfully resisted application for pre-certification document production on behalf of Monessen Canada. *Cantlie v. Canadian Heating Products Inc.*, 2014 BCSC 228.
- 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).

- **Constitutional Litigation and Regulatory Dispute Resolution**
  - Representing the Intervenor Canadian Civil Liberties Association in a constitutional Charter of Rights and Freedoms challenge to the BC heath care regime in permitting religious organizations who operate certain medical facilities to opt out of providing Medical Assistance in Dying (or MAiD).
  - Representing an interprovincial railway company in a constitutional challenge to the *Railway Safety Act* and the railways' police services.

- Representing interprovincial and international railway companies in a constitutional division of powers dispute involving regulation of spill-response planning. See for example: *Canadian National Railway Company v. British Columbia (Environmental Management Act)*, 2025 BCCA 156.

- **Commercial and Corporate Litigation and Arbitration**
  - Successfully defended against three leave to appeal applications to the BC Court of Appeal, arising from an arbitral award, a decision to set aside that arbitral award, and a decision enforcing that arbitral award.
  - Acted for clients in domestic and international arbitrations involving complex contractual interpretation.
  - 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.
  - 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.
  - 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 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.
  - Acted as litigation counsel to Almaden Minerals Ltd. in an arrangement to spin-out royalty assets and create of Almadex Minerals Limited.
  - 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.

## Insights & Events

- Co-Chair, “Class Action Advocacy” (half day seminar), The Advocates Society, April 2026
- Panelist, “BC Update”, BLG Class Action Seminar, November 2025
- Author, “Resolving Business Disputes” (Chapter 15), Advising British Columbia Businesses, Looseleaf published by BC Continuing Legal Education, 2024 Update
- Moderator, “Common Law Caselaw Update,” Colloque Sur L’Action Collective”, Barreau de Québec, November 2024

- Panelist, “Privacy Class Action Update,” Western Canada Class Action Conference, BC Continuing Legal Education, November 2024
- Panelist, “Cross-Country Checkup” and “Privacy Class Action Update”, BLG Class Action Seminar, November 2024
- 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

## 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, Institute for Transnational Arbitration (ITA)
- Member, Law Society of British Columbia
- Member, Canadian Bar Association
- Member, Vancouver Bar Association
- Member, International Bar Association

- Former Member, Young Canadian Arbitration Practitioners
- Former Member, Young International Arbitration Group

### Community Involvement

- Volunteer and Coach, Mt. Seymour Little League
- Volunteer and Chair (Vancouver Committee), BLG Reads to Kids Program
- Member, Sea to Sky Wind Ensemble

## Awards & Recognition

- Fellow of the Litigation Counsel of America
- Finalist, 2026 Canadian Class Action Litigator of the Year, *Benchmark Canada Awards*
- Recognized in the 2027 edition (and since 2024) of *Chambers Canada* (Dispute Resolution: Class Action (Defence) (Nationwide - Canada)) and in the 2027 edition (Litigation: General Commercial (British Columbia)).
- Recognized in the 2027 edition (and since 2022) of *The Best Lawyers in Canada* (Class Action Litigation, Corporate and Commercial Litigation) and since 2024 (International Arbitration)
- Recognized in the 2026 edition of the *Canadian Legal Lexpert Directory*: Class Actions (since 2023); Litigation – Corporate Commercial (since 2024); and Commercial Arbitration and in the 2024 edition Data Protection and Privacy
- Recognized in the 2026 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 2026 edition (and since 2022) of *Benchmark Litigation's — Top 100 Women in Canada*
- Recognized in the 2025 edition (and since 2023) of *Lexpert Special Edition: Canada's Leading Litigation Lawyers*
- Recognized in the 2026 edition (and since 2024) of *Lexpert Special Edition: Technology*
- Recognized in the 2026 and 2024 editions of *Lexpert Special Edition: Health Sciences*
- 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

## 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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