Brad Dixon K.C.

Partner and National Co-leader, Class Actions Group

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Class Action Defence
Contract Disputes
Products Law
Appellate Advocacy
Competition/Antitrust and Foreign Investment

Brad Dixon is sought after nationally and in British Columbia as counsel in class action defence and complex commercial litigation matters for his “strategic approach,” “excellent results” and “pragmatic,” “business-minded” and “creative” mindset. He is highly ranked by *Chambers Canada* and has been recognized by *Benchmark Litigation, Best Lawyers*, *Lexpert*, *Lexology Index* and was twice-named Lawyer of the Year for class action litigation in Vancouver.

Brad has achieved precedent-setting results through his successful defence of class actions against leading Canadian businesses and financial institutions, as well as multinational corporations. He has obtained dismissal of class actions before certification, obtained dismissal of certification applications and taken class actions to common issues trials.

Appearing at all levels of court and acting as counsel in arbitrations, Brad has dealt with a broad range of disputes, including consumer and statutory claims, product liability and competition law claims, novel environmental class actions and privacy breach matters. His experience includes litigation of commercial and constitutional or other public law issues.

Brad co-leads the firm's Class Actions Group, providing strategic direction and co-ordination of the group across Canada.

Experience

- *Larsen v. ZF TRW Automotive Holdings Corp. and others*, British Columbia Supreme Court, defence of FCA Canada and FCA US in a proposed products liability class action relating to alleged defects in airbag control units. Plaintiff's certification application dismissed.
- *K.W. v. Accor Management (Canada) Inc.*, British Columbia Supreme Court, defence of a hotel management company in respect of 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.
- *G.D. v. South Coast British Columbia Transportation Authority*, British Columbia Supreme Court, defended Translink and obtained dismissal of a certification application 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; plaintiffs' appeal allowed with case remitted for continuation of the certification application, subject to pending application for leave to appeal to the Supreme Court of Canada.
- *Aura Ventures Corp. v. City of Vancouver*, Court of Appeal for British Columbia, represented the City of Vancouver in obtaining dismissal of a proposed class action on the merits in a claim in respect of ownership of a public parking lot developed as a local improvement project and successfully opposed the plaintiff's appeal.
- *Sutherland v. Electronic Arts*, British Columbia Supreme Court, defending a video game publisher in a proposed class action relating to consumer claims - ongoing.
- *Liptrot v. Vancouver College Limited*, British Columbia Supreme Court, defending a private school in a certified class action - ongoing.
- *Pantusa v. Parkland Fuel Corporation and others*, British Columbia Supreme Court, acting for a refiner/marketer in the wholesale gasoline market in British Columbia, successful defence of a certification application in an action claiming unconscionable pricing practices, obtained summary judgment dismissing the action.
- *Spring v. Goodyear Canada Inc. and The Goodyear Tire & Rubber Company,* Alberta Court of Appeal, successful reversal of a certification order in a products liability claim that reinforces the importance of meaningful scrutiny and the evidentiary threshold required for certification, as well as setting limits on the extent to which restitution and disgorgement claims may be available in products liability actions.
- *Kett v. Mitsubishi Materials Corporation et al,* British Columbia Supreme Court, successful defence of a certification application in a claim by indirect purchasers of components and materials used in the automotive supply chain – judgment sets important limits on claims under the *Business Practices and Consumer Protection Act*.
- *Farrish et al v. Delta Hospice Society*, British Columbia Court of Appeal, pro bono representation of concerned community members – judgment obtained reversing improper bulk rejection by the board of directors of applications for membership and confirming that directors' lack discretion not provided to them under the bylaws; affirmed on appeal.
- *Kirk v. Executive Flight Centre Fuel Services Ltd. et al,* British Columbia Court of Appeal, appeal taken from the certification of claims relating to a fuel spill into waterways; certification order set aside, potential common issues limited and remitted for reconsideration as to whether a class action is the preferable procedure.
- *Simsek v. United Airlines, Inc.*(*sub nom Ozturkler v. British Airways PLC*), British Columbia Court of Appeal, successful defence of a certification application and appeal in a claim brought against British Airways PLC alleging that British Airways (and other airlines) had misrepresented fuel surcharges as taxes in their passenger ticketing practices.
- *Sekhon v. Royal Bank and others*, defended The Bank of Nova Scotia in a consumer class action claim relating to sales of balance protection insurance. Certification application dismissed.

- *Tangerine Financial Products Limited Partnership v. The Reeves Family Trust*, British Columbia Court of Appeal. Successful appeal on behalf of Scotiabank and Tangerine Bank, obtaining dismissal of an application to enjoin use of the name Tangerine Bank.
- *Watson v. Bank of America Corporation et al*, British Columbia Court of Appeal. Represented Scotiabank on appeal from certification of class action. Judgment varied.
- *Marshall v. United Furniture Warehouse Limited Partnership, et al*, British Columbia Court of Appeal. Defended a national retailer against a consumer class action. Certification application dismissed. Result affirmed on appeal. Leave to appeal to Supreme Court of Canada denied.
- *Koubi v Mazda Canada Inc. et al*, British Columbia Court of Appeal. Defended a distributor and its authorized BC 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. Leave to appeal to Supreme Court of Canada denied.
- *Gary Jackson Holdings Ltd. v. Eden and others*, British Columbia Supreme Court. Acted for lenders in successfully opposing certification of claim by investors in failed development company.
- *Chartrand v. General Motors Corporation*, British Columbia Supreme Court. Dismissal of application for certification of a proposed class action.
- *CareVest Capital Inc. v. Chychrun and others*, British Columbia Supreme Court. Obtained dismissal of negligence claims by pre-sale strata lot purchasers against project lender on developer's failure to complete development of a subdivision; subsequently obtained dismissal of claims to priority interest by pre-sale purchasers). Please also see: http://www.courts.gov.bc.ca/Jdb-txt/SC/08/11/2008BCSC1138.htm.
- *Benning v. Volkswagen Canada*, British Columbia Supreme Court. Obtained dismissal of application for certification of a proposed class action.
- *Dahl v. Royal Bank and others*, Court of Appeal for British Columbia. Affirming pre-certification dismissal of a proposed class action.
- *Ernewein v. General Motors*, Court of Appeal for British Columbia. Reversal of certification order, application for leave to appeal dismissed by Supreme Court of Canada.
- *Nanaimo Immigrant Settlement Society v. Province of British Columbia*, Court of Appeal for British Columbia. Affirming dismissal of a class action on summary trial of common issues; application for leave to appeal dismissed by Supreme Court of Canada.
- *Aura Ventures Corp. v. City of Vancouver*, British Columbia Supreme Court. Successful pre-certification application for dismissal of a proposed class action against the City of Vancouver in respect of ownership of a public parking lot developed as a local improvement project.
- *Pantusa v. Parkland Fuel Corporation and others.* British Columbia Supreme Court. Acting for a refiner/marketer in the wholesale gasoline market in British Columbia. Successfully defended a certification application in an action claiming unconscionable pricing practices, obtained summary judgment dismissing the action.

Insights & Events

- Author, "British Columbia Government Announces Proposed Changes to Class Proceeding Act", BLG Article, April 2018
- Author, "B.C. legislature signals major shift to consumer protection legislation", BLG Article, March 2025
- Co-Chair, Western Canada Class Actions Conference 2024
- Panelist, Civil Litigation Basics 2021 (CLEBC)
- Panelist, Class Action Ethics, Western Canada Class Actions Conference (CLEBC), 2021
- Moderator, Product Liability Class Actions and Product Recalls, Colloque national sur l'action collective du Barreau du Québec, October 2020

- Co-Author, "Class and Collective Actions in Canada," Lexology Guide, November, 2018.
- Author, "Generous Approach to Certification Taken by BC Court of Appeal in Basyal", BLG Article, June 2018
- Author, "British Columbia Proposes Amendments to its Class Actions Legislation ", BLG Article, May 2018
- "A Changing Landscape in Consumer Class Actions in British Columbia (and Beyond)," Class Action Defence Quarterly, Vol.10, No. 2, (LexisNexis) December 2015.
- Speaker, "Post Certification but Pre-Trial...," 14th National Symposium on Class Actions, Osgoode Hall Professional Development, Toronto April 6-7, 2017.
- Co-author, "Lack of Commonality Precludes Consumer Class Certification Says B.C. Court of Appeal," June 2015.

Beyond Our Walls

Professional Involvement

- Member, The Law Society of British Columbia
- Member, Canadian Bar Association, BC Branch, Civil Litigation and Class Action Subsections
- Associate Member, American Bar Association, Civil Litigation Section and International Class Actions Subcommittee

Community Involvement

- Past Chair, National Board of Directors of MADD Canada, Mothers Against Drunk Driving
- Former Member, National Board of Directors of MADD Canada, Mothers Against Drunk Driving

Awards & Recognition

- Appointed King's Counsel 2023
- Fellow, Litigation Counsel of America
- Recognized in:
    - *The Best Lawyers in Canada* (2006 – 2027) for Class Action Litigation, Competition Antitrust Law, Corporate and Commercial Litigation, and Product Liability Law; (2015; 2020) as "Lawyer of Year: Class Action Litigation – Vancouver"
    - Band 2 by *Chambers Canada* (2016 – 2026) for Class Action (Defence). and Band 3 (2017 – 2026) Litigation: General Commercial (British Columbia)
    - *The Canadian Legal Lexpert Directory* (2013 – 2026) for Class Actions; (2024 – 2026) for Litigation - Corporate Commercial, Litigation - Product Liability; and (2024) for Litigation - Regulatory & Public Law.
    - *Benchmark Litigation Canada* (2011 – 2026) "Local Litigation Star: British Columbia" and a "Litigation Star: Class Actions, Commercial, Product Liability and Recall."
    - *Lexpert Special Edition: Litigation* (2022 – 2024)
    - *Lexpert Special Edition: Technology* (2026)
    - Shortlisted for "Class Actions Litigator of the Year" at the 2023 *Benchmark Litigation Canada* Awards.
    - *Lexology Index* (2015 – 2024) for Product Liability Defence.
    - *Chambers Global* (2012 – 2016)

- *Chambers Canada:* “Brad Dixon is recognised for his extensive expertise in class actions. He regularly assists clients with breach of privacy, competition and consumer claims disputes.”
- *Chambers Canada:* “Vancouver-based national co-chair Brad Dixon has a wealth of class action expertise covering product liability and competition cases. He has additional experience featuring in novel environmental class actions. He has acted for a number of high-profile corporates, including banks and pharmaceutical companies.
- *Chambers Canada:* “I am impressed with Brad's strategic approach and ability to quickly grasp complex facts and law. He's able to pinpoint key issues and develop a strategy to provide the greatest likelihood of success.”
- *Chambers Canada:* “I particularly appreciate Brad's strategic approach to litigation and his understanding of our business and our particular legal interests.”
- *Chambers Canada:* “He has delivered excellent results and has had a lot of significant successes in respect of class actions.”
- *Chambers Canada:* "Brad Dixon has a very good reputation in class action proceedings and is a very good lawyer."
- *Chambers Canada:* “He is a standout lawyer who is experienced and talented.”

Bar Admission & Education

- British Columbia, 1990

- LLB, University of British Columbia, 1989
- B.Comm., University of British Columbia, 1989

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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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