

Class Actions

Creative and strategic thinking is key for clients facing class action litigation. Our lawyers combine a deep understanding of class action law and available options with a pragmatic strategy based on each client's risk tolerance and business objectives.

Our lawyers' track record reflects our initiative and creativity, such as bringing the first reverse class action in Canada for copyright infringement; successfully having a \$100 million class action dismissed on its merits on a summary judgment motion; and settling cases early within insurance limits before certification.

Members of our team have been recognized for their litigation acumen, including defence of class actions, by renowned legal publishers, such as Chambers and Partners, Lexpert, Benchmark Litigation and Best Lawyers.

Our lawyers have acted on class actions in the following subject areas:

- > Condominiums
- > Consumer Law
- > Copyright
- > Financial Services
- > Product Liability
- > Privacy
- > Securities

Besides having acted on numerous class actions across a broad range of areas, including before the Supreme Court of Canada, our team draws upon the subject matter and industry specific expertise across our firm at large. With over 180 lawyers, Aird & Berlis is one of Canada's premier business law firms based in Toronto.

For multijurisdictional class actions in the United States and Quebec, we work seamlessly with each client's preferred local counsel or our established contacts as a single, coordinated team.

Our client-centred approach ensures that you receive experienced, cost-effective, strategic representation that is tailored to your business.

Representative Matters

Representative matters our lawyers have acted on or are presently engaged in include:

- > Representing a Canadian discount brokerage in proposed national class proceedings in Ontario and British Columbia concerning trailing commission fees.
- > Representing a pharmaceutical company alleging industry wide breaches of the *Competition Act* in a proposed class proceeding before the Federal Court of Canada.
- > Representing a cannabis company in a proposed national class proceeding in Alberta alleging mislabelling of the THC content of products sold to consumers.
- > Representing a condominium developer in an Ontario class proceeding brought by pre-construction condominium units purchasers in a cancelled development for loss of bargain damages.

- Representing architects in an Ontario class action arising from incidents of falling glass from the balconies of a condominium complex.
- Defending a global manufacturer and a Canadian mining company in a \$1 billion shareholder class action suit arising from the takeover of the mining company.
- Defending a mutual fund company in a proposed class action by investors asserting multiple causes of action concerning alleged undisclosed referral arrangements and conflicts of interest.
- Acting for multiple movie production companies in bringing a proposed reverse class action before the Federal Court of Canada for illegal downloading of copyright-protected movies.
- Defending an individual defendant in a proposed privacy class action asserting the tort of intrusion upon seclusion against multiple defendants in the health-care sector.
- Defending a financial institution in class action proceedings in multiple jurisdictions over interchange fees that merchants pay credit card companies and credit card-issuing banks.
- Co-counsel representing a putative class on behalf of families of deceased individuals in bringing a copyright infringement class action against a defendant company which reproduced without permission obituaries and photographs posted by funeral homes and families for commercial purposes.
- Defending a Canadian telecommunications company in successfully defeating a consumer class action asserting breach of contract and breaches of consumer protection legislation.
- Defending a manufacturer in multijurisdictional class actions alleging conspiracy to fix prices of polyurethane foam.
- Defending a global professional services and project management company and its outside directors in defending multiple shareholder class actions. One of the class actions raised allegations of breaches of the *Corruption of Foreign Public Officials Act* and sought damages of \$1 billion.
- Defending a foreign based air carrier in a class action alleging price fixing in air cargo rates.
- Representing a global pharmaceutical company in having a proposed consumer class action dismissed on appeal raising claims of interference with economic relations and unjust enrichment following a declaration of invalidity of the company's patent for one of its most prescribed medicines.
- Representing a consumer gas company in a consumer class action in relation to interest fees charged on late payments, including before the Supreme Court of Canada in a leading decision on unjust enrichment and available defenses.
- Defending a gas utility in a product liability class action concerning furnaces, boilers and hot water heaters.

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