NATIONAL CONFERENCE ON CLASS ACTIONS – RECENT DEVELOPMENTS IN QUÉBEC, IN CANADA AND IN THE U.S. (2020)

Date: April 2-3, 2020, 8:30 a.m. – 5:30 p.m.

Place: Palais des congrès de Montréal (Room 520)
       1001 place Jean-Paul Riopelle
       Montréal, QC H2Z 1H2

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PROGRAM FOR THIS 17TH EDITION

(Some presentations will be in French but simultaneous translation will be provided.)
Thanks to the collaborative efforts of

Mᵉ Jean Saint-Onge, Ad. E.
Senior Counsel, Borden Ladner Gervais

WE WISH TO THANK OUR SPONSORS
DAY 1: Thursday, April 2, 2020

8:30 a.m.  Opening remarks from the Conference’s Chair

Mme Jean Saint-Onge, Ad. E., Senior Counsel, Borden Ladner Gervais, Montréal, QC

8:35 a.m.  Annual review of the jurisprudence from Québec

Mme Julie Girard, Davies, Montréal, QC
Mme Josée Cavalancia, Belleau Lapointe, Montréal, QC

9:45 a.m.  Break

10:00 a.m.  Recent developments in the common law provinces
11:00 a.m. **Competition class actions**

**Moderator:** Me Davit Akman, Borden Ladner Gervais, Toronto, ON

Me Caroline Perreault, Siskinds, Québec, QC  
Me Simon Seida, Blakes, Montréal, QC  
Me David R. Wingfield, Strosberg Sasso Sutts LLP, Toronto, ON  
Me Lara Jackson, Cassels Brock, Toronto, ON

12:15 p.m. **Lunch – 517D**

1:15 p.m. **The authorization stage in Québec: still useful or a mere formality?**

**Moderator:** Me Sylvie Rodrigue, Torys, Montréal, QC

Hon. Sylvain Lussier, Juge à la Cour supérieure, Montréal, QC  
Me Maxime Nasr, Belleau Lapointe, Montréal, QC  
Me Éric Préfontaine, Osler, Montréal, QC  
P Daniel Jutras, Université McGill, Montréal, QC

2:15 p.m. **Issues and incidents at the post-authorization stage**

**Moderator:** Me Emmanuelle Rolland, Audren Rolland, Montréal, QC

Me Mathieu Charest-Beaudry, Trudel Johnston Lespérance, Montréal, QC  
Me Catherine McKenzie, IMK, Montréal, QC  
Me David Sterns, Sotos LLP, Toronto, ON  
Me Vincent de l’Étoile, Langlois, Montréal, QC

- Examination of class members  
- Amendments and modifications to the plaintiff pleadings  
- Class size modification  
- Motions to dismiss

3:15 p.m. **Break**

3:30 p.m. **Privacy and data breach class actions**

**Moderator:** Me Mason Poplaw, McCarthy Tétrault, Montréal, QC
4:30 p.m.  Adjourment (Day 1)

DAY 2: April 3, 2020

8:30 a.m.  Opening remarks from the Conference’s Chair

M° Jean Saint-Onge, Ad. E., Senior Counsel, Borden Ladner Gervais, Montréal, QC

8:35 a.m.  Recent developments in US class actions

Moderator: Me Eliot N. Kolers Stikeman Elliott, Toronto, ON

Mike R. Pennington, Bradley, Birmingham, Alabama.
Adam Moskowitz, Moskowitz Law Firm, Coral Gables, FL

9:30 a.m.  Break

9:45 p.m.  Judges’ panel

Moderator: Me Mike Peerless, McKenzie Lake, London, ON

The Honourable Chantal Chatelain, J.C.S., Superior Court of Québec, Montréal, QC
The Honourable Justice Paul M. Perell, Ontario Superior Court of Justice, Toronto, ON
The Honourable Justice David M. Masuhara, British Columbia Superior Court

11:00 a.m.  Media coverage of class actions and management of reputational risks

Moderator: Me André Ryan, BCF, Montréal, QC

M° Marie Cossette, Norton Rose, Québec City, QC
M. Brian Myles, directeur journal Le Devoir, Montréal, QC
Guy Veillette, journalist, Le Nouvelliste, Trois-Rivières, QC
Julius Melnitzer, journalist, Toronto, ON
12:15 p.m. Lunch conference – 517D

**Speaker: HARVEY RISHIKOF**, Center for Strategic and International Studies (CSIS). Chair of the Advisory Committee for the ABA Standing Committee on Law and National Security, Washington, D.C

*Beyond the Ballot - HOW OUR ENNEMIES WORK TO UNDERMINE THE U.S. JUSTICE SYSTEM*

The United States legal system is under attack as part of a long-term effort by adversaries to undermine the appeal of democracy and weaken the interests of the West. Using multi-platform disinformation operations, adversaries work to exacerbate existent divisions within populations and increase overall mistrust and paranoia against democratic institutions. In the process, justice systems are portrayed as corrupt, inept, and hypocritical. Enemies use social media to feed and amplify domestic voices to weaken public confidence in the rule of law.

13h30 Product liability class actions & product recalls

*Moderator: Mº Noah Boudreau, Fasken, Montréal, QC*

* Mº Brad W. Dixon, Borden Ladner Gervais, Vancouver, BC
* Mº Jeff Orenstein, Consumer Law Group, Montreal, QC
* Mº James Sullivan, Q.C., Blakes, Vancouver, BC
* Mº Nicola Hartigan, Klein Lawyers, Vancouver, BC

2h30 p.m. Break

2h45 p.m. Judgment on the merits: a practical guide to the 3rd step of class actions

*Moderator: Mº Shaun Finn, BCF, Montréal, QC*

* Mº Marie-Anais Sauvé, Sylvéstre, Painchaud et Associés, Montréal, QC
* Mº Karine Chénévert, Borden Ladner Gervais, Montréal, QC
* Mº Josée Chrétien, McMillan, Montréal, QC
* Mº Gabrielle Gagné, Trudel Johnston Lespérance, Montréal, QC

3h45 p.m. Constitutional class actions

*Moderator: Mº Vincent Rochette, Norton Rose, Québec City, QC*

* Mº Kirk M. Baert, Koskie Minsky, Toronto, ON
* Mº Laurence Bich-Carrière, Lavery, Montréal, QC
* Mº Nancy Bonsaint, Ministère de la Justice Canada, Montréal, QC
4:45 p.m.  Adjournment