

14th Annual Class Actions Colloquium

Class Actions



In Person Webcast

Date: Thursday, December 1, 2022 | 9:00 am – 5:00 pm
Reception to follow

Location: OBA Conference Centre
20 Toronto Street, 2nd Floor, Toronto

Co-Chairs: **Adil Abdulla**, Sotos LLP
Sarah E. Whitmore, Torys LLP



This program contains:

Professionalism Hours: This program contains 1h

Substantive Hours: This program is eligible for up to 6h 30m

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.

Here we are in our 14th year and still going strong! Join our outstanding faculty of speakers from the bench and bar as they highlight important developments in class actions, provide critical insights and discuss practical strategies and tips to help you stay current and ahead of emerging issues. Whether you represent plaintiffs or defendants in class actions, you won't want to miss this opportunity to benefit from the collective lessons learned in this highly specialized practice area.

8:30 am **Registration and Coffee**

9:00 am **Welcome and Opening Remarks**

9:05 am **Strategic Considerations for National Class Actions**

Moderator: **Garth Myers**, Kalloghlian Myers LLP
Andrew Borrell, Fasken (BC)
Celeste Poltak, Koskie Minsky LLP
David Sterns, Sotos LLP

Karine Chênevert, Borden Ladner Gervais (QC)
Hear from practitioners from across Canada on managing national class actions, including:

- Plaintiffs' considerations on how to address duplicative and overlapping claims: fight, flight, or join?
- Defendants' toolbox: should I stay or should I go?
- The impact of Québec's unique approach to carriage, stays and authorization; and
- How legislatures and courts across Canada are managing challenges presented by national classes.

10:05 am **Managing Stakeholders in Class Actions**

Moderator: **Mirilyn Sharp**, Sharp Legal
Jasminka Kalajdzic, University of Windsor Faculty of Law
Margaret Waddell, Waddell Phillips
Paul-Erik Veel, Lenczner Slaght LLP

Hear from class action experts about pre- and post-certification communications with class members, including when defendants can contact class members to make settlement offers or encourage opt-outs, tips for class counsel and claims administrators when communicating with class members, the role of intervenors and *amicus* in dealing with class members seeking to object to settlement or fees, or seeking to opt-out late, and when honoraria are appropriate.

11:00 am **Health Break**

11:15 am **Litigating Class Actions Against the Crown**

Moderator: **Tina Yang**, Waddell Phillips P.C.
Alana Robert, McCarthy Tétrault LLP
Alisa Lombard, University of Ottawa / Lombard Law
Kevin Hille, Olthuis, Kleer, Townshend (BC)

Class action claims against the Crown have become more frequent. This panel will discuss unique issues that have arisen in these cases, focusing on claims by Indigenous communities and claimants.

12:10 pm **Lunch**

12:30 pm **Presentation of Award of Excellence in Class Actions**

Recipient: **Margaret Waddell**, Waddell Phillips P.C.

12:40 pm **Keynote Address**

Moderator: **Jeremy Martin**, Cassels Brock & Blackwell LLP
The Honourable Doug Downey, Attorney General of Ontario

1:35 pm **Update from the Bench and Bar Committee**

Mirilyn Sharp, Sharp Legal

Hear from the chair of the Ontario Class Action Bench Bar Liaison Committee about the latest projects completed by the committee as well as future projects to be undertaken.

1:50 pm **Health Break**

2:00 pm **Evidence at Certification**

Moderator: **Andrew Monkhouse**, Monkhouse Law
Caleb Edwards, Charney Lawyers
Samantha Gordon, McMillan LLP
Rob Carson, Osler, Hoskin & Harcourt LLP
Linda Visser, Siskinds LLP

This panel will discuss how the "some basis in fact" test for certification has been interpreted over time and the impact of those changes on plaintiffs and defendants' decision-making about what evidence to lead at certification. It will explore the use of expert evidence, particularly as it relates to certifying aggregate damages, and Ontario's legislative "predominance" change and how this might impact the "some basis in fact" test going forward.

3:00 pm **Class Actions on Trial: Litigating the Merits**

Moderator: **Golnaz Nayerahmadi**, Rochon Genova LLP
Professor Suzanne Chiodo, Osgoode Hall Law School
Sabrina Lombardi, McKenzie Lake Lawyers (London)
Peter Jervis, Rochon Genova LLP
Gillian Dingle, Torys LLP
Kirsten Crain, Borden Ladner Gervais LLP

The past few years have seen a rise in common issues trials in Canada. Our panel will discuss strategies for marshalling expert evidence, avoiding common pitfalls, and navigating the uncharted territory of individual issues determinations.

3:55 pm **Health Break**

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Questions? pd@oba.org



4:05 pm **Views from the Bench**

Moderator: Sarah Whitmore, Torys LLP

Moderator: Adil Abdulla, Sotos LLP

The Honourable Ann Marie McDonald, Federal Court
(Ottawa)

The Honourable Edward M. Morgan, Ontario Superior Court
of Justice

The Honourable Katherine van Rensburg, Court of Appeal
for Ontario

The Honourable Ward Branch, Supreme Court of British
Columbia (BC)

Benefit from a discussion with the Bench about a broad
range of issues regarding class action proceedings from coast
to coast.

4:55 pm **Closing Remarks**

5:00 pm **Program Concludes, Reception to follow**

Sponsored by:



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