

# CLASS ACTIONS



Class action litigation is on the rise in Canada. We are your trusted advisors and advocates in all aspects of the defence of class action proceedings, whether before the Courts in civil matters, or tribunals including the BC Human Rights Tribunal.

Our lawyers have extensive experience in representing entities involved in class action lawsuits, involving both national and bi-national issues. We have expertise in defending class actions throughout preliminary motions, certification, and post-certification stages, in negotiating and implementing complex class settlements, and in defending such proceedings on their merits, where so required.

We have successfully defended numerous class action proceedings, including actions against national airlines, manufacturers in product liability litigation and local governments for claims involving trespass and alleged Charter breaches. Through these successful challenges to certification, we have been able to eliminate or significantly limit our clients' exposure to damages.

Our firm is actively involved in defending class action proceedings against businesses in the retail, pharmaceutical, hospitality, labour and employment and aviation sectors.

In addition to defending class action proceedings, our lawyers regularly advise insurers on coverage matters arising from their insureds' involvement in such proceedings.

We recognize that class actions require a special set of skills to ensure that our clients receive the very best in legal representation in the most cost-effective manner. Our lawyers work hard to deliver services that meet these competing objectives.

## REPRESENTATIVE EXPERIENCE

Some of our notable class action experience includes:

- *Donaldson v. Swoop Inc. et al.*, 2020 FC 1089. Our lawyers acted for Swoop, Westjet and Sunwing Airlines in a Federal Court class action which was struck out for lack of jurisdiction by the Court.
- *Bergen v. WestJet*, 2021 BCSC 12. We represented Westjet entities through a certification hearing on a class action relating to the charging of baggage fees.

## TEAM LEADER



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- *Sharifi v. WestJet*, 2020 BCSC 1996. We have represented Westjet Airlines in a certification hearing on a class action based on travel bank credits.
- *Campbell v. Flexwatt Corp.*, 1996 CanLII 3556 (BC SC). Our firm acted for the Canadian Standards Association in BC's very first class action certification case, brought pursuant to the *Class Proceedings Act*.
- *Warren Sadler and Thomas Hart v. Watson Wyatt & Company, Royal Trust Corporation of Canada et al*, 2001 BCSC 246. We represented the Royal Trust Corporation of Canada through certification, followed by settlement and settlement approval.
- *Royster v. 3584747 Canada Inc. (dba K-Mart Canada Ltd., Zellers Inc. and Hudson's Bay Company)* (19 January 2001) Vancouver A992095 (B.C.S.C.) We acted for K-Mart Canada Ltd., leading to a dismissal of the action before certification.
- *Williams v. College Pension Board of Trustees et al*, 2005 BCSC 788, also 25 DLR (4th) 536 (B.C.S.C.) Our lawyers acted for a trustee through a certification hearing at the BC Supreme Court, followed by its representation before the Court of Appeal. Certification was defeated on appeal.
- *Monaco v. Coquitlam (City)*, 2015 BCSC 2421. Our lawyers acted for the municipal government, successfully defending certification.
- *Gracia Tracy (Represented ad litem by Michelle Grant) and Lexine Phillips v. Instalogs Financial Solution Centres (BC) Ltd. et al* (SCBC No. L051076, Vancouver Registry). Acted as British Columbia counsel for Alberta-based counsel for Instalogs in class action proceedings and certification hearings.
- *Joel v. Menu Foods Genpar Limited*, 2007 BCSC 1248. Acted as British Columbia counsel to Menu Foods. The action was conditionally certified for purposes of a settlement agreement.
- *Sharbern Holding Ltd. v. Vancouver Airport Centre Ltd. et al*, 2005 BCSC 681. Acted for a real estate appraiser in a matter brought by the strata owners of the Richmond Sheraton Hotel.
- *Strata Plan LMS 3851 v. Homer Street Development Ltd. et al*, 2005 BCSC 1526. We acted for a defendant in the proceeding by the owners of 131 strata lots in a Vancouver hotel development. The action was not certified as a class proceeding.
- *Kelman v. The Goodyear Tire and Rubber Company and Goodyear Canada Inc. (Ontario); May v. The Goodyear Tire and Rubber Company and Goodyear Canada Inc. (British Columbia); LaHaie v. The Goodyear Tire and Rubber Company and Goodyear Canada Inc. (Alberta)*. Acted for class members in bi-national class action proceedings involving defective radiant heating tubing.
- *Cantlie v. Canadian Heating Products Inc.*, 2015 BCSC 1225. We acted as defence counsel in class action proceedings relating to alleged hazardous glass-fronted fireplaces.

Alexander Holburn is also a member of Legalign Global, the Law Firm



Alliance as well as the ARC Group of Canada. For more information about our networks and affiliations, please click [here](#).

