

17TH NATIONAL SYMPOSIUM ON CLASS ACTIONS

THE *must-attend* annual symposium for the
Class Actions bar.

Join a truly exceptional faculty of experts as they take on the most
challenging current and emerging issues, including:

- Palliative Care For Class Actions: How and When Should
Class Actions Die by Discontinuance or Decertification?
- The FANG Companies Get FANGED
- COVID-19 Class Actions Update
- Settlements Under Siege

PLUS: Don't miss *"A View from the Bench"*

Register today at:

osgoodepd.ca/class-actions

Planning Committee

Marie Audren

Audren Rolland LLP, Montreal

The Hon. Justice Ward K. Branch
Supreme Court of British Columbia,
Vancouver

Celeste Poltak

Koskie Minsky LLP, Toronto

H. Michael Rosenberg

McCarthy Tétrault LLP, Toronto

Dates and Times

April 22, 2021

9:00 a.m. – 5:00 p.m. EDT

ONLINE REPLAY: May 20, 2021

Format

Online – Live, Interactive

*You will have online access
to the program for 120 days.*

Join us for a pre-program virtual cooking class and networking event with Lisa Bolton!

Lisa is a Canadian (British Columbia) food stylist, multi-cookbook author and a culinary
content creator.

April 21, 6:00 p.m. – 7:30 p.m. EDT

Sponsored by:



17th National Symposium on Class Actions

Class actions continue to explode, with a never-ending list of high-profile new cases. These complex litigation files foster old and create new challenges.

Now in its 17th year, this truly national program is Canada's premier forum for class actions debate.

Designed for online, you will have the chance to engage with the leading judges, counsel and other experts who will take you through the most critical current and emerging issues in this constantly changing field.

**Thank you
to this year's sponsors**



Drill down on:

- Climate Harm Class Actions
- (Not) Getting to Government Money – Guidance for Accessing Aggregate and *Charter* Damages
- Cross-Country Check-Up
- When will a Court not approve a settlement (and how to avoid this)?

And back by popular demand –
The Great Debate!

Who Should Attend

- Plaintiff and Defence Counsel practicing in class actions
- In-house counsel
- Government litigators
- Liability insurers
- Notice and settlement specialists

Agenda

9:00 a.m.

Welcome and Introduction from the Chairs

Marie Audren

Audren Rolland LLP (Montreal)

Celeste Poltak

Koskie Minsky LLP (Toronto)

9:05 a.m.

Cross-Country Check-Up

The Hon. John D. Rooke

Court of Queen's Bench of Alberta

Gordon McKee

Blake, Cassels & Graydon LLP (Toronto)

John McKiggan, QC

McKiggan Hebert Lawyers (Halifax)

Jeff Orenstein

Consumer Law Group P.C. (Montréal)

- Review of some of the key cases in different jurisdictions and their impact on the national practice
- New and emerging issues across the country, including discovery after certification
- Developments under Ontario's new class actions regime

9:45 a.m.

Settlements Under Siege

Barry Glaspell

Glaspell Class Actions (Toronto)

Catharine Moore

Senior General Counsel, Department of Justice Canada (Ottawa)

Jonathan Ptak

Koskie Minsky LLP

In what circumstances will a Court refuse to approve a settlement (and how to avoid this)?

10:15 a.m.

Health Break

10:30 a.m.

Class Actions In and After the Time of COVID

Don Anthony, QC

Civil Litigation Unit, Dept. of Justice and Public Safety, Government of Newfoundland and Labrador

Kirk Baert

Koskie Minsky LLP (Toronto)

Michael A. Eizenga, LSM
Bennett Jones (Toronto)

Join our experts for an update on some of the key class actions emerging from the pandemic, including:

- Business interruption insurance claims
- Airlines
- Ticketmaster
- Inter-provincial mobility restrictions

11:15 a.m.

(Not) Getting to Government Money – Guidance for Accessing Aggregate and Charter Damages

Moderator:

H. Michael Rosenberg
McCarthy Tétrault LLP (Toronto)

Panelists:

James Sayce
Koskie Minsky (Toronto)

Gregory S. Tzemenakis
General Counsel, Department of Justice Canada (Ottawa)

- Strategies for how to access aggregate and Charter damages
- What you need to make the case
- Review of some of the key cases including *Brazeau v A.G. (Canada)* and *Reddock v. Canada (A.G.)*

12:00 p.m.

Lunch Break
(with optional networking break-outs)

1:00 p.m.

Palliative Care For Class Actions: How and When Should Class Actions Die by Discontinuance or Decertification?

Erica J. Baron
McCarthy Tétrault LLP (Toronto)

Noah Boudreau
Fasken (Montreal)

Charles Wright
Siskinds LLP (London, ON)

- Creative strategies for ending a Class Action
- Impact of the new Class Actions legislation
- Critical case law review
- What is the Court is looking for in applications for decertification and discontinuance?

1:45 p.m.

The FANG Companies get FANGED: Suing Facebook, Amazon, Netflix and Google in Class Actions

Moderator:

Marie Audren
Audren Rolland LLP (Montreal)

Panelists:

Sidney Elbaz
McMillan LLP (Montreal)

Christopher Rhone
Branch MacMaster LLP (Vancouver)

Kyle Taylor
Orr Taylor LLP

Class actions engaging some of the most high profile technology giants have dominated the headlines. These complex actions raise many challenging legal and strategic issues. Join experienced counsel as they guide you through some the key cases against Facebook, Amazon, Netflix and Google.

2:30 p.m.

Health Break
(with optional networking break-outs)

2:45 p.m.

Climate Harm Class Action Claims

Jasminka Kalajdzic
Associate Professor, Class Action Clinic Director, Faculty of Law, University of Windsor

Justin Safayeni
Stockwoods LLP (Toronto)

James M. Sullivan, QC
Blakes (Vancouver)

The climate crisis has dominated both the headlines and courtrooms in the past year. Join our distinguished panel of experts as they grapple with the issues that arise in the class actions arena, including:

- Climate crisis case law – what’s new and what’s on the horizon
- When (and why) a class action is (and isn’t) the best option
- Strategies for who to target and how best to address these challenges in the court room

3:30 p.m.

View from the Bench

Moderator:

The Hon. Justice Ward K. Branch
Supreme Court of British Columbia, Vancouver

Panelists:

The Hon. Justice Thomas M. Davis
Cour supérieure du Québec

The Hon. Justice John D. Rooke
Court of Queen’s Bench of Alberta

The Hon. Justice Jasmine Akbarali
Superior Court of Justice (Ontario)

Insights from some of Canada’s leading Class Actions judges on some of the key issues before the courts, including:

- What is the Court looking for from counsel?
- How does a case go wrong and what can and should counsel do to prevent this?
- Balancing the zealous advocate with civility – where’s the line?
- Effective ZOOM advocacy

4:15 p.m.

The Great Debate: “Unsung Heroes: What Is the Most Underrated Class Action Case?”

Moderator:

Celeste Poltak
Koskie Minsky LLP (Toronto)

The Debaters:

Kent E. Thomson
Davies (Toronto)

Cheryl M. Woodin
Bennet Jones LLP (Toronto)

Luciana Brasil
Branch MacMaster (Vancouver)

André Lespérance
Trudel Johnston & Lespérance (Montreal)

This interactive session will put four of Canada’s most outspoken class action counsel in the fray. Counsel will vigorously debate what is the most underrated class action case of all time. Counsel will each be given 10 minutes to argue for their favourite case and debate arguments posed by other candidates. The only rule – counsel cannot argue for a case they were counsel on.

5:00 p.m.

Program Concludes

Planning Committee:

Marie Audren
Audren Rolland LLP, Montreal

The Hon. Justice Ward K. Branch
Supreme Court of British Columbia,
Vancouver

Celeste Poltak
Koskie Minsky LLP, Toronto

H. Michael Rosenberg
McCarthy Tétrault LLP, Toronto

Judges:

The Hon. Justice Jasmine Akbarali
Superior Court of Justice (Ontario)

The Hon. Justice Ward K. Branch
Supreme Court of British Columbia,
Vancouver

The Hon. Justice Thomas M. Davis
Cour supérieure du Québec

The Hon. Justice John D. Rooke
Court of Queen's Bench of Alberta

Faculty:

Don Anthony, QC
Civil Litigation Unit, Dept. of Justice
and Public Safety, Government of
Newfoundland and Labrador

Kirk Baert
Koskie Minsky LLP (Toronto)

Erica J. Baron
McCarthy Tétrault LLP (Toronto)

Noah Boudreau
Fasken (Montreal)

Luciana Brasil
Branch MacMaster (Vancouver)

Michael A. Eizenga, LSM
Bennett Jones (Toronto)

Sidney Elbaz
McMillan LLP (Montreal)

Barry Glaspell
Glaspell Class Actions (Toronto)

Jasminka Kalajdzic
Associate Professor, Class Action Clinic
Director, Faculty of Law, University of
Windsor

André Lespérance
Trudel Johnston & Lespérance (Montreal)

Gordon McKee
Blake, Cassels & Graydon LLP (Toronto)

John McKiggan, QC
McKiggan Hebert Lawyers (Halifax)

Catharine Moore
Senior General Counsel, Department
of Justice Canada (Ottawa)

Jeff Orenstein
Consumer Law Group P.C. (Montreal)

Jonathan Ptak
Koskie Minsky LLP

Christopher Rhone
Branch MacMaster LLP (Vancouver)

James Sayce
Koskie Minsky LLP (Toronto)

Justin Safayeni
Stockwoods LLP (Toronto)

James M. Sullivan, QC
Blakes (Vancouver)

Kyle Taylor
Orr Taylor LLP

Kent E. Thomson
Davies (Toronto)

Gregory S. Tzemenakis
General Counsel, Department of
Justice Canada (Ottawa)

Cheryl M. Woodin
Bennett Jones (Toronto)

Charles Wright
Siskinds LLP (London, ON)

Registration Details

Fee per Delegate: \$795 plus HST

Newly Licensed Rate (2018 – Present): \$397.50 plus HST

Fees include online attendance and electronic program materials. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.



Eligible CPD/MCLE Hours – LSO (ON): 6h 55m CPD (5h 35m Substantive, 1h 5m Professionalism, 15m EDI).



This program is approved for LAWPRO Risk Management Credit.

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.



osgoodepd.ca

Osgoode Professional Development



416.597.9724

1 Dundas Street West, Suite 2600



@OsgoodePD

Toronto, ON Canada M5G 1Z3



17th National Symposium on Class Actions

Register today at:

osgoodepd.ca/class-actions