

# 18<sup>TH</sup> NATIONAL SYMPOSIUM ON CLASS ACTIONS

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recorded program

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

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

- “Let’s Give Them Something to Talk About”: Strategies for navigating interprovincial judicial communication
- Death of the Certification First?
- Cross-Country check-up and legislative update
- Carving up the cash, including guidance for allocating settlement amongst a diverse class

**PLUS:** Get insights and guidance from senior Class Actions judges in *“A View From the Bench”*

Register today at:

[osgoodepd.ca/class-actions](https://osgoodepd.ca/class-actions)

## PLANNING COMMITTEE

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

**Céline Legendre**  
Osler, Hoskin and Harcourt LLP

**Celeste Poltak**  
Koskie Minsky LLP

**H. Michael Rosenberg**  
McCarthy Tétrault LLP

## REGISTRATION OPTIONS

April 29, 2022:  
Online, Live  
9:00 a.m. – 4:30 p.m. ET

OR

May 30, 2022:  
Online Replay  
9:00 a.m. – 4:30 p.m. ET



# 18<sup>th</sup> National Symposium on Class Actions

Class actions continue to explode, with an ever-expanding list of high-profile cases, new procedures and legislative updates. These complex litigation files demand counsel be on top of their game.

Now in its 18<sup>th</sup> year, this truly national program is Canada's premier forum for class actions debate. Designed to be an engaging online experience, you will have the chance to connect 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:

- Why can't we all just get along? How to manage conflicts between class counsel and the representative plaintiffs
- Can (and should) class actions be used to facilitate reconciliation?
- Navigating (and coordinating) individual claims with the class action
- Post-common Issues: What Happens Next?
- Pre-certification dispositive motions

And back by popular demand –  
**The Great Debate: *The case most likely to get leave to the SCC (or one that should have)***

## 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

**Céline Legendre**

Osler, Hoskin and Harcourt LLP

**H. Michael Rosenberg**

McCarthy Tétrault LLP

**9:05 a.m.**

### Cross-Country Check-Up

**Moderator:**

**Gordon McKee**

Blake, Cassels & Graydon LLP (Ontario)

**Panelists:**

**Kristian Brabander**

McCarthy Tétrault LLP (Quebec)

**Claire E. Hunter, Q.C.**

Hunter Litigation Chambers (British Columbia)

**David Tupper**

Blake, Cassels & Graydon LLP (Alberta)

**Margaret L. Waddell**

Waddell Phillips P.C. (Ontario)

Review of some of the key cases, new legislation and procedures in different jurisdictions and their impact on national practice.

**9:45 a.m.**

### Legislative Update

**Moderator:**

**Celeste Poltak**

Koskie Minsky LLP

**Panelists:**

**Sonal Gandhi**

Counsel, Crown Law Office Civil, Ministry of the Attorney General (Ontario)

**Christine Lonsdale**

McCarthy Tétrault LLP

**Garth Myers**

Kalloghian Myers LLP

Drill down on some of the emerging case law under Ontario's *Class Proceedings Act* and recent developments with other class actions legislation.

- What is the lay of the land now that the Courts have had a chance to grapple with the *Class Proceedings Act*?
- Recent s. 4.1 jurisprudence about pre-certification dispositive motions and how this will impact practice.

**10:15 a.m.**

### Health Break

10:35 a.m.

## Post Common Issues: What Happens Next?

**Moderator:**

**H. Michael Rosenberg**

McCarthy Tétrault LLP

**Panelists:**

**Laura Bruneau**

Senior Vice President, Class Action Canada, Epig

**Negar Hashemi**

Legal Counsel, Department of Justice Canada

**André Lespérance**

Trudel Johnston & Lespérance

Our experts will guide you through some of the thorny issues that arise, including:

- Tips and traps for litigating or negotiating an individual issues protocol
- What is the scope of the Court's authority to tailor individual issues proceedings?
- The continued role of the Class Proceedings Fund; class counsel fees; and fees for individual issues proceeding

11:05 a.m.

## Procedural Grab Bag

**Sarah J. Armstrong**

Fasken

**Theodore P. Charney**

Charney Lawyers P.C.

**Jasminka Kalajdzic**

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

**Reidar Mogerman, Q.C.**

Camp Fiorante Matthews Mogerman LLP

Dive into some of the complex procedural issues that go hand-in-hand with complex class action claims, including:

- Objectors: Sometimes perceived to be the thorn in counsels' side, get more insight into their role and strategies about how to manage and work with them.
- Navigating (and coordinating) individual claims with the class action.
- The Death of Certification First? Is it here and what does this mean for your practice?

11:45 a.m.

## Carving up the Cash

**Kirk M. Baert**

Koskie Minsky LLP

**Nick Rodrigo**

Davies Ward Phillips & Vineberg LLP

- Review of the key cases and emerging trends

- Strategies for allocating a settlement fairly amongst a diverse class
- Competition class actions: How to divide money amongst different levels of distribution
- Conflicts within a class – resolving conflicts with sub-groups and varying interests

12:15 p.m.

**Lunch Break**

1:15 p.m.

## Class Actions Involving First Nation Communities and Claimants

**The Hon. Justice Leonard Marchand**

British Columbia Court of Appeal

**Travis A. Henderson**

Counsel, Justice Canada

**The Hon. Harry LaForme**

Senior Counsel, Othuis Kleer Townshend LLP

- Government and plaintiff perspectives on some of the key recent cases, including Safe Water, 60s Scoop (2), and the recent child welfare settlement
- Unique issues and challenges with these types of claims
- Could the class actions model be used for land claims and related issues?
- Can (and should) class actions be used to facilitate reconciliation?

2:00 p.m.

## Why Can't We All Just Get Along? How To Manage Conflicts Between Class Counsel And The Representative Plaintiffs

**Rahool Agarwal**

Lax O'Sullivan Lisus Gottlieb

**David Klein**

Klein Lawyers LLP

Learn from leading counsel about best practices and strategies for navigating the unique challenges that arise between class counsel and representative plaintiffs.

2:30 p.m.

**Health Break**

2:55 p.m.

## View From the Bench

**Moderator:**

**Mike Eizenga L.S.M.**

Bennet Jones LLP

**Panelists:**

**The Hon. Justice Donald Bisson**

Superior Court of Quebec

**The Hon. Justice Ward K. Branch**

Supreme Court of British Columbia

**The Hon. Justice Amy D. Francis**

Supreme Court of British Columbia

**The Hon. Justice Paul Perell**

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:

- How does a case go wrong and what can and should counsel do to prevent this?
- Interprovincial judicial communication:
  - What guidance does the Court need from counsel about when and how to apply the protocol?
  - What are the obstacles (and what can you do to overcome them)?

3:40 p.m.

## The Great Debate: *The case most likely to get leave to the SCC (or one that should have)*

**Moderator:**

**The Hon. Justice Ward K. Branch**

Supreme Court of British Columbia

**The Debaters:**

**Audrey Bockor**

IMK s.e.n.c.r.l./LLP

**Luciana Brasil**

Branch MacMaster

**Peter Jervis**

Rochon Genova LLP

**Cheryl Woodin**

Bennet Jones LLP

This interactive session will put four of Canada's most outspoken class action counsel in the fray. Counsel will vigorously debate what class action case is the most likely to get leave to the SCC (or one that should have). Debaters 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 on which they were counsel.

4:30 p.m.

**Program Concludes**

**Register today at:**

[osgoodepd.ca/  
class-actions](https://osgoodepd.ca/class-actions)

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McCarthy Tétrault LLP

## Faculty:

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Lax O'Sullivan Lisus Gottlieb

**Peter Jervis**  
Rochon Genova LLP

**Sarah J. Armstrong**  
Fasken

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

**Kirk M. Baert**  
Koskie Minsky LLP

**David Klein**  
Klein Lawyers LLP

**The Hon. Justice Donald Bisson**  
Superior Court of Quebec

**The Hon. Harry LaForme**  
Senior Counsel, Othuis Kleer  
Townshend LLP

**Audrey Boctor**  
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Canada, Epiq

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Bennet Jones LLP

# Registration Details

**Fee per Delegate: \$795 + TAX**

Fees include attendance and electronic program materials. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://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.



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