



Paul-Erik Veel

PAUL-ERIK VEEL is a partner at Lenczner Slaght.

"Paul-Erik Veel is a very strong litigator with particular expertise in class actions. He's a creative thinker and a very good strategist." — *Chambers Canada*

Paul-Erik's commercial litigation practice focuses on class actions, competition law, intellectual property matters, complex commercial disputes, and professional liability. His clients include major technology companies, financial institutions, professional services firms, pharmaceutical companies, retailers, and franchisors.

Paul-Erik has extensive trial experience, having acted as counsel in trials involving a number of industries and subject-matters, including a contractual dispute over the implementation of a software package, intellectual property matters relating to pharmaceutical products and technology patents, a misleading advertising case, and several contractual disputes. He has appeared repeatedly before both the Supreme Court of Canada and the Ontario Court of Appeal. Paul-Erik also has extensive experience with regulatory and public law proceedings, having represented clients before various administrative tribunals and in commissions of inquiry.

Paul-Erik is an adjunct professor at the University of Toronto Faculty of Law. He has also previously been a sessional lecturer in the graduate program in the Department of Economics at the University of Toronto, where he teaches Economic Analysis of Law. He has published articles on a variety of legal topics, including class actions, contracts, competition law, civil procedure, and constitutional law. Prior to joining Lenczner Slaght in 2010, Paul-Erik graduated as the Gold Medalist from the University of Toronto Faculty of Law, and then clerked for Madam Justice Louise Charron at the Supreme Court of Canada.

Paul-Erik is an advocate of using legal data analytics to inform the practice of litigation and achieve exceptional outcomes for clients. He leads Lenczner Slaght's Data-Driven Decisions program.

Education

University of Toronto (2009) JD
 University of Toronto (2009) MA
 (Economics)
 McGill University (2006) BA
 (Honours - Economics and Political
 Science)
 Law/Vision Group (2017) Legal
 Project Management

Bar Admissions

Ontario (2010)
 British Columbia (2023)

Practice Areas

Appeals
 Arbitration
 Class Actions
 Commercial Litigation
 Competition and Antitrust
 Intellectual Property
 Product Liability
 Professional Liability and Regulation
 Public Law

Contact

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RECOGNITION

- **Benchmark Canada (2018-2023)**
Litigation Star – Class Action, Commercial, Public Law, Intellectual Property
- **Benchmark Litigation (2018-2022)**
Under 40 Hotlist
- **Best Lawyers in Canada (2018-2024)**
Administrative & Public Law, Class Action Litigation, Competition / Antitrust Law, Corporate and Commercial Litigation, Health Care Law, Medical Negligence
- **Bill Miller Memorial Award (2020)**
- **Canadian Lawyer (2022)**
Top 25 Most Influential Lawyers
- **Canadian Legal Lexpert® Directory (2018-2024)**
Class Actions, Competition Law, Litigation - Corporate Commercial, Litigation - Regulatory & Public Law, Medical Negligence, Professional Liability
- **Chambers Canada (2021-2024)**
Dispute Resolution: Class Action (Defence) (Nationwide); Healthcare: Contentious (Nationwide – Canada)
- **Dean's Key (2009)**
University of Toronto, Faculty of Law
- **Gold Medal (2009)**
University of Toronto, Faculty of Law
- **Lexpert Rising Stars (2021)**
Leading Lawyers Under 40
- **Lexpert Special Edition: Canada's Leading Health Sciences Lawyers (2021)**
- **Lexpert Special Edition: Canada's Leading Litigation Lawyers (2020-2023)**
- **Lexpert Special Edition: Canada's Leading Technology & Health Sciences Lawyers (2022-2023)**
- **Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada (2022-2024)**
- **Precedent Setter Award (2014)**

SELECT CASES

- **Cygnus Electronics Corporation v Hitachi AIC Inc** – Counsel to a defendant electronics company in a proposed Ontario class action relating to allegations of price-fixing in the market for electrolytic...
- **Bourque v Cineflix** – Counsel to Cineflix and related entities in a proposed class action relating to the alleged misclassification of independent contractors in the television production industry.
- **Rosen v BMO Nesbitt Burns Inc** – Counsel to BMO Nesbitt Burns Inc. in an overtime class action brought by a former investment advisor on behalf of all BMO NBI investment advisors in...
- **Atos Inc v Sapient Canada Inc** – Counsel to Atos in a dispute respecting the termination of a subcontract for data conversion and software support. The matter was subject to numerous...
- **Subway Franchise Systems of Canada Inc v Canadian Broadcasting Corporation** – Counsel to Subway in a \$210 million defamation action against the CBC and Trent University relating to a Marketplace episode.
- **Larsen v ZF TRW Automotive Holdings Corp** – Counsel to an automotive parts manufacturer in a proposed class action relating to allegedly defective airbag control units. Certification was dismissed.
- **Confidential Matter** – Counsel to investor in arbitration regarding oppression and dissent claims.
- **Bonnick v Crown Crest Capital** – Counsel to an officer and director in

connection with a proposed class proceeding relating to sales of HVAC equipment.

- **Owala v Makary** – Counsel to several defendant physicians in connection with a medical negligence action after a woman died from an aortic dissection. Successfully defended the action through a 10-week trial.
- **Grant Thornton v New Brunswick** – Counsel to Grant Thornton in a successful appeal to the Supreme Court of Canada clarifying the rule of discoverability in limitation periods law across Canada.
- **York University v Access Copyright** – Counsel to the interveners Authors Alliance and Ariel Katz in an appeal to the Supreme Court of Canada addressing the issue of fair dealing and the question of whether tariffs set by the Copyright Board are mandatory.
- **The Manitoba Metis Federation v The Government of Manitoba et al** – Counsel to the Manitoba Metis Federation in a dispute with the Government of Manitoba over the cancellation of hydro contracts.
- **GC v Jugenburg** – Counsel to a plastic surgeon in a proposed class action relating to alleged privacy breaches.
- **La Caisse Populaire de Shippagan Ltee V Grant Thornton LLP et al** – Counsel to auditor in defence of negligence claim.
- **Stronach v Stronach** – Counsel to Elfriede Stronach in a complex family business dispute. The lawsuit alleges that Belinda Stronach and Alon Ossip conspired to deceive Frank and Elfriede and to take control of the Stronach family empire, and claims damages for oppression, breach of trust, and breach of fiduciary duty.
- **Multinational Retailer** – Counsel providing ongoing competition law advice to a multinational retailer.
- **Royal De Maria Wines Co Ltd v Lieutenant Governor in Council** – Counsel to the Vintner's Quality Alliance Ontario in a judicial review of the rules and regulations pertaining to the approval of wines in Ontario. The judicial review involved a number of constitutional challenges to the VQA's regulatory scheme. The VQA was successful in opposing the application.
- **Brahma Finance (BVI) Limited et al v Datawind Inc.** – Counsel to the successful respondents in resisting an appeal from a decision to register a foreign costs award in Ontario.
- **Dhaliwal v Sims** – Counsel to a physician in a case involving a perforated bowel during a hysterectomy. The case was dismissed on consent without costs after two weeks of trial
- **Rovi Guides and TiVo Solutions v Bell Canada** – Counsel to TiVo Solutions and its subsidiary Rovi Guides in a patent infringement action, involving patents relating to interactive television program guides, DVR technology, and related technologies.
- **Rovi Guides and TiVo Solutions v Telus Corporation** – Counsel to TiVo Solutions and its subsidiary Rovi Guides in a patent infringement action, involving patents relating to interactive television program guides, DVR technology, and related technologies.
- **Rovi Guides and TiVo Solutions v Videotron** – Counsel to TiVo Solutions and its subsidiary Rovi Guides in a patent infringement action, involving patents relating to interactive television program guides, DVR technology, and related technologies.
- **Jacobson v Skurka** – Counsel to a prominent criminal lawyer in a case

involving allegations of solicitor's negligence in connection with a guilty plea in US criminal proceedings. Successful in having the action dismissed on a motion for summary judgment.

- **Jeffery v London Life Insurance Company** – Counsel to the Law Foundation of Ontario successfully responding to an appeal regarding the payment of its levy in a class action.
- **ES v Joannou** – Counsel to a psychiatrist in an appeal raising the novel issue of the jurisdiction of the Consent and Capacity Board to grant remedies under the *Charter of Rights and Freedoms*. Successfully responded to the appeal.
- **Cardinal v Cleveland Indians Baseball Company** – Counsel for Douglas Cardinal in proceedings to restrain the use in Canada of the Cleveland baseball team's name and logo on human rights grounds.
- **Wyeth Holdings LLC v GlaxoSmithKline Inc.** – Counsel to Wyeth and Pfizer in a patent infringement and impeachment action related to biologic vaccines against meningitis serotype B infection.
- **Rayner v McManus** – Counsel to a physician in a proceeding alleging liability to a non-patient in respect of statements made by the physician to another individual. The...
- **Conférence des juges de paix magistrats du Québec v Quebec (Attorney General)** – Counsel to the intervener Association of Justices of the Peace of Ontario in an appeal to the Supreme Court of Canada regarding judicial compensation.
- **DBDC Spadina Ltd v Walton** – Counsel to a series of companies in proceedings involving a receivership over commercial real estate developments and efforts to recover \$110 million in...
- **Teva Canada Limited v Pfizer Canada Inc** – Counsel to Pfizer in an action for damages under section 8 of the PM(NOC) Regulations relating to Lyrica (pregabalin), a neuropathic pain drug. The...
- **Commissioner of Competition v Rogers Communications Inc** – Counsel to the Commissioner of Competition in proceedings against Rogers Communications Inc. and Chatr Wireless Inc. relating to misleading advertising...
- **Commercial Arbitration** – Counsel to a mining company in an arbitration regarding liability and indemnification for historical environmental contamination.
- **Austin v Overs** – Counsel to the defendant in an action relating to an alleged oral agreement for shares in Pizza Pizza.
- **R v Beszterczey** – Counsel to an individual in a four week jury trial of first-degree murder charge.
- **Ramsay v Panasonic Corporation** – Counsel to a defendant electronics company in a proposed British Columbia class action relating to allegations of price-fixing in the market for capac...
- **R v Szejnmler and Stoll** – Counsel to a bar owner charged with manslaughter arising in connection with a fatal highway accident after a patron's consumption of alcohol at the bar...
- **Li Preti v Compliance Audit Committee of the City of Toronto** – Counsel to electors in successful proceedings before the City of Toronto Compliance Audit Committee to commence a compliance audit of election campaign...
- **Southcott Estates Inc v Toronto Catholic District School Board** – Counsel for appellant/respondent on cross-appeal, Southcott Estates Inc., on an appeal to the Supreme Court of Canada regarding the duty to mitigate...
- **R v B(B)** – Counsel to a youth charged with sexual assault. The youth

was acquitted following a trial.

- **R v Beitel** – Counsel to a physician in a successful Charter application to exclude evidence seized in contravention of the accused's right to be free from unreasonable...
- **Mackie Research Capital Corporation v Mackie** – Counsel for the plaintiffs in a dispute relating to the departure of investment advisors. The defendants were alleged to be in breach of their...

SELECT PUBLICATIONS AND PRESENTATIONS

- **20th Annual National Class Actions Symposium** – Paul-Erik Veel was invited to share his expertise on complex class action procedural challenges at Osgoode Professional Development's *20th Annual National Class Actions Symposium*. Paul-Erik will be a panelist on "Procedural Grab-Bag".
- **Métis Rights** – Paul-Erik Veel was invited to present at the Pacific Business & Law Institute program on *Métis Rights in 2024*. Paul-Erik will discuss Métis and Class Action Proceedings, including the unique issues and challenges, an overview of related certification decisions, the Ile a la Crosse residential school class action proceedings, and the Sixties Scoop class action proceedings.
- **Artificial Intelligence for Litigators: AI in Action** – Paul-Erik Veel was invited to present at The Advocates' Society's program titled *Artificial Intelligence for Litigators: AI in Action*, during which he will discuss how to use AI-based litigation tools to save time, boost productivity, and improve advocacy work.
- **Unpacking the Process: 4 Ways to Challenge False Advertising** – Paul-Erik Veel was invited to share his expertise at the Canadian Bar Association program titled *Unpacking the Process: 4 Ways to Challenge False Advertising*. Paul-Erik discussed the different ways consumers and competitors can challenge false or misleading advertising and his experience with the different approaches.
- **Managing Class Actions Affecting Canadian Advertising and Marketing** – Paul-Erik Veel was invited to share his expertise at the Canadian Institute's 30th Annual Advertising and Marketing Law Conference. Paul-Erik discussed *Rebuck v Ford*, one of Canada's most groundbreaking advertising cases, and *Drynan v Bausch Health Companies Inc.* In addition, Paul-Erik provided insights into defining deceptive advertising, how it can develop into a class-action lawsuit, as well as requirements for certifying an advertising and marketing class-action lawsuit.
- **Civility and Professionalism for Litigators** – Paul-Erik Veel was invited to present at The Advocates' Society's program titled, *Civility and Professionalism for Litigators*. Paul-Erik shared his expert tips and insights to help litigators navigate the unique and changing civility challenges they could expect to encounter in their career.
- **How Divided is the Wagner Court? An Assessment of Disagreement Over its First Five Years** – Paul-Erik Veel co-authored the article "*How Divided is the Wagner Court? An Assessment of Disagreement Over its First Five Years*" which was published in the Supreme Court Law Review. The article relies on Lenczner Slaght Data-Driven Decisions' Supreme Court of Canada Database, found on supremecourtdatabase.com.
- **Penalty Hearings and Appeals** – Paul-Erik Veel was invited to share his expertise at OsgoodePD's certificate program on Professional Regulation and Discipline in the Ontario Health Care Sector. Paul-Erik

presented on *Module 5: Penalty Hearings and Appeals*.

- **Technology for Litigators** – Paul-Erik Veel co-chaired The Advocates' Society's program titled "Technology for Litigators." The panel discussed and demonstrated how to use technology to become a more efficient and persuasive advocate.
- **Osgoode's Annual Constitutional Cases Conference** – Paul-Erik Veel was invited to share his expertise at Osgoode's Annual Constitutional Cases Conference. On the panel *Scrutinizing the Supreme Court with Digital Technology*, Paul-Erik discussed the use of digital technology to assist in analysis of the work of Canada's Supreme Court.
- **Your Essential Guide to Appellate Advocacy** – Paul-Erik Veel chaired the OBA's program on effective appellate advocacy.
- **Financial Accounting for Litigators 2023** – Paul-Erik Veel was invited to speak at the LSO's program on Financial Accounting for Litigators 2023. Paul-Erik discussed *Current Topics in Professional Ethics: Best Practices for Managing Valuation and Litigation Support Mandates*.
- **A Guide for Successfully Defending Advertising Class Actions – Examining False or Misleading Claims Under the Competition Act** – Paul-Erik Veel was invited to share his expertise at the Canadian Institute's Advertising Law Conference. Paul-Erik will discuss *Rebuck v Ford*, one of Canada's most groundbreaking advertising cases. He also provided insights on how this case has changed the Canadian advertising and marketing law class action landscape.
- **14th Annual Class Actions Colloquium** – Paul-Erik Veel was invited to speak at the OBA's 14th Annual Class Actions Colloquium. Paul-Erik will share his expertise on the panel "*Managing Stakeholders in Class Actions*".
- **"Van Breda, 10 years on": A Chat about the Conflict of Laws with the Honourable Louis LeBel and Paul-Erik Veel** – Paul-Erik Veel is featured on an episode of Friends Who Argue, a podcast for the litigation bar brought to you by The Advocates' Society and hosted by its Young Advocates' and 10+ Standing Committees. In this episode, Paul-Erik joins retired SCC Justice Louis LeBel for an informative conversation about private international law.
- **TECHxpo 2022 Accelerate Your Resilience** – Paul-Erik Veel shared his expertise at the Canadian Bar Association's TECHxpo 2022 on "*Predictive Analytics*".
- **The Authentic Lawyer Summit** – Paul-Erik Veel was invited to speak about parenting as a lawyer at the Authentic Lawyer Summit.
- **Evidence for Litigators** – Paul-Erik Veel will be sharing his expertise at The Advocates' Society's program on Evidence for Litigators. Paul-Erik will present on "*Evidence Update (Digital Edition): What Every Trial Lawyer Needs to Know*".
- **CBA Competition Law Fall Conference** – Paul-Erik Veel was invited to share his expertise at the CBA's Competition Law Fall Conference. Paul-Erik shared his expert insights on the panel "*The Evolution of Competition Class Actions*".
- **The Supreme Court of Canada's From-the-Bench Decisions** – Paul-Erik Veel co-authored the article "*The Supreme Court of Canada's From-the-Bench Decisions*" which was published in the Supreme Court Law Review.
- **ESG, Greenwashing and Legal Obligations Under Competition Law** – Paul-Erik Veel

was invited to share his expertise on the CCCA's In-House Counsel ESG Series. Paul-Erik's panel will discuss greenwashing, its implication as well as practical tips to help you build and/or improve your organization's ESG Framework.

Lenczner Slaght is pleased to partner with the OBA and CCCA on this program.

- **Judging Better, Judging Smarter** – Paul-Erik Veel spoke at the joint CSCJA and NJI program titled *Judging Better, Judging Smarter*. Paul-Erik presented on "Judicial Analytics".
- **Data Analytics for Lawyers 2022** – Paul-Erik Veel was invited to speak at the Continuing Legal Education Society of British Columbia on "Data Analytics for Lawyers".
- **Managing Disputes: Strategies for Optimizing Coordination between In-House and Litigation Counsel** – With the rise in the use of data analytics, Paul-Erik Veel was invited to speak about how you can use data to predict proceedings and help shape your litigation strategy.
- **Parental Leave and Practicing Law: How Are Lawyers Making It Work?** – Paul-Erik Veel spoke at the Toronto Lawyers Association program "Parental Leave and Practicing Law: How Are Lawyers Making It Work?". He joined an honest and candid conversation about the ins and outs (and ups and downs) of taking a parental leave as a lawyer.
- **Predicting Litigation Outcomes: Extracting Insights and Adding Value Using Big Data and Analytics** – Paul-Erik Veel was invited to speak at the CBA's new program titled *Predicting Litigation Outcomes: Extracting Insights and Adding Value Using Big Data and Analytics*.
- **Competition Bureau Goes After 'Greenwashing'** – Paul-Erik Veel and Mari Galloway co-authored the article *Competition Bureau Goes After 'Greenwashing'*, which was published by The Lawyer's Daily. In their article, they discuss the Competition Bureau's growing focus on greenwashing, the practice of making false or misleading environmental ads or claims about a product's environmental benefits.
- **Annual Pot Pourri of Medico-Legal Cases (Part Two)** – Paul-Erik Veel shared his expertise at the Medico-Legal Society of Toronto's Annual Pot Pourri of Medico-Legal Cases. Paul-Erik discussed *G.C. v Jugenburg* and the use of RHPA materials in civil actions.
- **The Impact and Transformative Influence of AI on the Legal Industry** – Paul-Erik Veel was invited to speak about Lenczner Slaght's Data-Driven Decisions program at LexisNexis Canada's masterclass panel series titled Tech & Litigation: Shifting Paradigms. Paul-Erik will present on panel *The Impact and Transformative Influence of AI on the Legal Industry*.
- **OBA Health Law Section Year End Program and Award Presentation** – Paul-Erik Veel co-chaired the OBA Health Law Section's year end program. Following an award presentation for the OBA Susan Hilary Davidson Memorial Award for Excellence in Health Law recipient, there was a panel discussion on how medical malpractice litigation has evolved during the pandemic and where it is going in the year ahead.

- **CANLIF InFocus: Law Firm Innovation Summit** – Paul-Erik Veel was invited to speak at the Canadian Legal Innovation Forum's Law Firm Innovation Summit on the panel "*Law Firm Productization: How are law firms creating innovative legal services to deliver results for their clients?*". Paul-Erik spoke about Lenczner Slaght Data-Driven Decisions, our newly launched program focused on using data analytics to provide more informed advocacy to our clients.
- **Arbitration Updates for Civil Litigators 2021** – Paul-Erik Veel was invited to speak at the LSO's program titled "Arbitration Updates for Civil Litigators 2021". Paul-Erik provided his expert insights on the panel *Analysis of the Case Law: The Lay of the Land Post Uber & Vavilov*.
- **Evidence-based legal practice: The value of data in litigation** – Paul-Erik Veel and Katie Glowach authored The Lawyer's Daily article *Evidence-based legal practice: The value of data in litigation*. In this article, they write about the value of evidence-based litigation, and how it allows lawyers to give clients better, more informed and more objective advice.
- **Callow and Wastech: Examining the Recent SCC Decisions on the Duty of Good Faith** – Paul-Erik Veel chaired the OBA Civil Litigation program titled "*Callow and Wastech: Examining the Recent SCC Decisions on the Duty of Good Faith*".
- **Your First Civil Trial** – Paul-Erik Veel shared his expertise at the OBA's program *Your First Civil Trial*. On a panel with Justice Myers, Paul-Erik discussed *Virtual Trials, Rule 76 Trials, and Top 10 Trial Mistakes & How to Avoid Them*.
- **The Canadian Class Action Review** – Paul-Erik Veel, Adil Abdulla, and Angela Hou co-authored the article *The Limits of Case Management: A Review and Principled Approach to the Court's General Management Powers*, which was published in Volume 16, No. 2 of The Canadian Class Action Review.
- **Canadian Wine Law Association Annual Conference 2021** – Paul-Erik Veel discussed the constitutional and administrative law issues in food and beverage regulation, while taking a look at the decision of the Ontario Divisional Court in *Royal DeMaria v VQA Ontario*.
- **Maximizing the Expert Witness in Civil Litigation** – Paul-Erik Veel co-chaired the OBA's Civil Litigation program on *Maximizing the Expert Witness in Civil Litigation*.
- **Mastering Summary Judgment Motions** – Paul-Erik Veel co-chaired the OBA's Civil Litigation program on *Mastering Summary Judgment Motions*.
- **Certified: Class Actions in Ontario & Beyond** – Paul-Erik Veel was interviewed in the *Certified: Class Actions in Ontario & Beyond* podcast on Class Actions Theory. Paul-Erik discussed the theory and purposes of class actions.
- **Commercial Litigation and Arbitration Review** – Scott Rollwagen, Sana Halwani, and Paul-Erik Veel's article "*Do courts have jurisdiction to order virtual hearings? Absolutely!*" was published in the August 2020 volume of the Commercial Litigation and Arbitration Review.
- **Exhibit Eh-OK: Sana Halwani and Paul-Erik Veel** – Sana Halwani and Paul-Erik Veel were interviewed in the *Exhibit Eh-OK* podcast on their experience in the first-ever virtual trial held at the Federal Court.
- **Recent Key Developments in Contract Law** – Paul-Erik Veel presented on the OBA's Civil Litigation program *Recent Key Developments in Contract Law*. He discussed recent key developments

on the Duty of Good Faith.

- **Speculate, Anticipate, Mitigate: How COVID-19 May Impact the Canadian Legal Landscape in the Short and Long Term** – Sana Halwani, Monique Jilesen, Scott Rollwagen, and Paul-Erik Veel shared their expertise at the Virtual GC Forum on May 12.
- **Maintaining Your Litigation Practice in a Remote Work Environment** – Paul-Erik Veel co-chaired the first session of the OBA's Civil Litigation Call In Series on *Maintaining Your Litigation Practice in a Remote Work Environment* on April 7.
- **Antitrust Convergence in a Divergent Regulatory Environment: The IPEGs' Treatment of Reverse Payment Settlements of Pharmaceutical Litigation** – Paul-Erik Veel's article was published in the latest volume of the Canadian Competition Law Review. In this article, he discusses competition law aspects of pharmaceutical litigation settlements.
- **Let it Rain** – Paul-Erik Veel's article *Let it Rain* was published in the October 2019 Issue of Lexpert Magazine. In this article, Paul-Erik discusses the Supreme Court's long-awaited decision in *Pioneer Corp v Godfrey*.
- **Constitutional Issues in Food and Beverage Regulation: a look at the Royal DeMaria v VQA Ontario Case.** – Paul-Erik Veel shared his expertise at the Canadian Association for Food Law and Policy's 4th Annual Conference. He discussed *Constitutional Issues in Food and Beverage Regulation: a look at the Royal DeMaria v VQA Ontario Case*.
- **Recognition of 'umbrella purchasers' will increase size of class actions** – Paul-Erik Veel and Chris Kinnear Hunter co-authored the article "Recognition of 'umbrella purchasers' will increase size of class actions" which appeared on The Lawyer's Daily. In this article, they provide further comment on the Supreme Court of Canada's recently released decision in *Pioneer Corp. v Godfrey*.
- **Arbitration: An Update for Litigators** – Paul-Erik Veel spoke at the Law Society of Ontario's program Arbitration: An Update for Litigators. His panel discussed the *Analysis of the Case Law Relating to Interpretation and Enforcement of Arbitration Agreements*.
- **Applying Foreign Law in Canadian Class Actions** – Paul-Erik Veel's blog post *Applying Foreign Law in Canadian Class Actions* was reprinted in Lexpert Magazine's January 2019 issue. In the article, he discusses the key take-aways from the Court of Appeal's recent decision in *Das v George Weston Limited*.
- **Time to expand analysis of the merits in all class actions** – Paul-Erik's article *Time to expand analysis of the merits in all class actions* was published by Lawyer's Daily. Paul-Erik discusses the Ontario Court of Appeal's decision in *Fehr v Sun Life Assurance Company of Canada* which provides a clear example of an appellate court setting aside the motion judge's decision on certification because the motion judge improperly considered the merits of the case.
- **Ontario Court of Appeal Rules in Heller v Uber Technologies Inc: A Sensible Result with Challenging Implications** – Paul-Erik's article *Ontario Court of Appeal Rules in Heller v Uber Technologies Inc: A Sensible Result with Challenging Implications* appeared in the Class Actions Law section of the Ontario Bar Association.
- **Expert Witness Roles and Responsibilities (Beyond the Box)** – Paul-Erik Veel spoke at the Canadian Institute of Chartered Business Valuators' Expert Witness Symposium on November 19, 2018. His panel

discussed the roles and responsibilities of an expert witness.

- **Transforming Legal Practices** – Paul-Erik Veel spoke at Thomson Reuters' "In Medias Res: Preparing Yourself for the Future of Law Practice" program. His panel discussed the incorporation of legal project management (LPM) into daily practice to enhance efficiency and client/lawyer satisfaction.
- **The Surprising Dangers of Going Paperless** – Paul-Erik Veel and Sana Halwani co-authored the article *The surprising dangers of going paperless* that appeared in Precedent Magazine's summer issue.
- **Competition Law In The “Mainstream” - The Rise of Hipster Antitrust?** – Paul-Erik Veel spoke at the CBA Competition Law Section's Young Lawyers Half Day Symposium in Ottawa. His panel discussed whether the practice of competition law is about to enter the era of “Hipster Antitrust” and its potential implications on mergers and conduct in the coming years.
- **Absent Foreign Claimants in Canadian Class Actions: Where to After Airia Brands?** – Paul-Erik Veel and Graham Henry co-authored the article *Absent Foreign Claimants in Canadian Class Actions: Where to After Airia Brands?* that appeared in the The Canadian Class Action Review: Volume 13, Issue 1.
- **Law Practice Program Trial Advocacy Workshop** – Paul-Erik Veel and Colin Johnston acted as faculty advisors at the Law Practice Program Trial Advocacy Workshop on October 12, 2017.
- **5 things you can do on your first day of law school to build your career** – Paul-Erik Veel's article *5 things you can do on your first day of law school to build your career* appeared in PrecedentJD Magazine.
- **The Wilson Moot** – Paul-Erik Veel served as a judge at this year's Wilson Moot on February 25, 2017.
- **Law Practice Program: Trial Advocacy Workshop** – Paul-Erik Veel acted as a trial advocacy advisor at the Law Practice Program Trial Advocacy Workshop on December 15, 2016.
- **Price-Fixing Actions After Pro-Sys v. Microsoft: Worrying Implications of the Supreme Court's Decision** – Paul-Erik Veel co-authored article *Price-Fixing Actions After Pro-Sys v. Microsoft: Worrying Implications of the Supreme Court's Decision* that appeared in...
- **When medical records go missing – Legal regimes and remedies in Ontario differ depending on the source of the information**
Nina Bombier and Paul-Erik Veel co-authored the article *When medical records go missing* which appeared in the July 11, 2014 issue of the Lawyers Weekly.
- **High court's decisions ease fears of political bias** – The nine judges who sit on the Supreme Court are the ultimate guardians of individuals rights guaranteed under the Charter. Those judges define the contours of those rights and order remedies to vindicate breaches of those rights.
- **No-Fault Accident Compensation Systems** – Paul-Erik Veel co-authored the article *No-Fault Accident Compensation Systems* that appeared in *Research Handbook On The Economics of Torts*, edited by Jennifer H. Arlen.

- **Beyond Refusal to Deal: A Cross-Atlantic View of Copyright, Competition, and Innovation Policies** – Paul-Erik Veel co-authored an article *Beyond Refusal to Deal: A Cross-Atlantic View of Copyright, Competition, and Innovation Policies* that appeared in Volume 79 of the *Antitrust Law Journal*.
- **A Tamer Tort Law: The Canada-U.S. Divide** – Paul-Erik Veel co-authored a chapter that appeared in *The American Illness: Essays on the Rule of Law*, edited by F.H. Buckley.
- **Incommensurability, Proportionality, and Rational Legal Decision-Making** – Paul-Erik Veel's article *Incommensurability, Proportionality, and Rational Legal Decision-Making* appeared in Volume 4 of the *Law & Ethics of Human Rights*.
- **Property Rights and Development: The Contingent Case for Formalization** – Paul-Erik Veel co-authored the article *Property Rights and Development: The Contingent Case for Formalization* that appeared in Volume 30 of the *University of Pennsylvania Journal of International Law*.
- **Clarity and Confusion in Employment Law Remedies: A Case Comment on Honda Canada Inc. v. Keays** – Paul-Erik Veel's article *Clarity and Confusion in Employment Law Remedies: A Case Comment on Honda Canada Inc. v. Keays* appeared in Volume 67 of the *University of Toronto Faculty of Law Review*.
- **Carbon Tariffs and the WTO: An Evaluation of the Feasible Policies** – Paul-Erik Veel's article *Carbon Tariffs and the WTO: An Evaluation of the Feasible Policies* appeared in Volume 12 of the *Journal of International Economic Law*.
- **Private Party Access to the Competition Tribunal: A Critical Evaluation of the S. 103.1 Experiment** – Paul-Erik Veel's article *Private Party Access to the Competition Tribunal: A Critical Evaluation of the S. 103.1 Experiment* appeared in Volume 18 of the *Dalhousie Journal of Legal Studies*.
- **A New Direction in the Interpretation of Section 15(1)? A Case Comment on R. v. Kapp** – Paul-Erik Veel's article *A New Direction in the Interpretation of Section 15(1)? A Case Comment on R. v. Kapp* appeared in Volume 6 of the *Journal of Law & Equality*.
- **Penalty Clauses in Canadian Contract Law** – Paul-Erik Veel's article *Penalty Clauses in Canadian Contract Law* appeared in Volume 66 of the *University of Toronto Faculty of Law Review*.

BLOG POSTS

- **Is the Bar for Class Action Certification Now Higher in Ontario? Two Judges Say “Yes, but Probably Not Much”** – In 2020, following a series of recommendations released by the Law Commission of Ontario, the Ontario legislature passed substantial amendments to the *Class Proceedings Act*. Many of those amendments were drawn straight from the Law Commission's report and were generally supported by most stakeholders.
- **Class Actions for Reviewable Conduct Under the Competition Act? No, Not Really, but Sort Of** – Recent years have seen a wave of reforms to the *Competition Act* being discussed and implemented. That wave has become a veritable tsunami with omnibus legislation introduced in Parliament in November 2023. That legislation proposes a number of fundamental changes to the *Competition Act*, which have the

potential to dramatically impact Canadian businesses. While a detailed discussion of all of the amendments is beyond the scope of this blog post, perhaps the most interesting thing to litigators and businesses concerned about litigation risk, is the creation of what may prove to be a kind of pseudo-class action regime before the *Competition Tribunal* that ultimately allows consumers to recover losses as a result of certain types of reviewable conduct.

- **Consultants' Liability for Bad Advice: Just to Their Clients, or Does It Go Further?** – Commercial disputes between professionals and their clients are routine. However, what is comparatively rare are disputes between the consultants (or other professionals) who advise a client and the client's customers who may be harmed in some way by that client's conduct. In those circumstances, there is generally no contractual relationship between the consultant and the client's customer, and most cases have held that there is no duty of care between a professional and a person injured by the professionals' client's conduct. Lawyers, for example, have been held to potentially owe duties of care to non-clients in only the most exceptional circumstances. However, the recent decision of the British Columbia Supreme Court in *British Columbia v McKinsey* has the potential to substantially expand the scope of claims brought against professionals by persons allegedly harmed by those professionals' clients' conduct.
- **In a Class of their Own? Applications for Leave to Appeal to the Supreme Court of Canada in Class Actions** – This blog post deals with two areas of law that are near and dear to my heart: class actions and appeals to the Supreme Court of Canada. The question I tackle in this post is whether class actions are more likely than other types of cases to be granted leave to appeal to the Supreme Court of Canada.
- **Challenges in Spotting Material Changes** – The philosopher Heraclitus observed that “the only constant in life is change”, a maxim as true for the business world as the natural world. Publicly traded companies operate in a dynamic environment, where commodity prices swing, new laws are passed, and scientific breakthroughs are made. So long as those companies wish to maintain their access to public markets, they must carefully consider how day-to-day happenings (and their own reactions to those events) affect their continuous disclosure obligations. These disclosure judgements are fact-specific and often fast-paced, yet they carry potentially significant consequences.
- **Fewer Cases Are Getting Leave to Appeal to the Supreme Court of Canada. Why?** – As many readers of our blogs know, we maintain a database that contains a wealth of information about every Supreme Court of Canada leave application decided from January 1, 2018 onward. That dataset allows us to provide a range of analysis and predictions relating to Supreme Court leave applications. But there is one fact that is apparent to all Supreme Court watchers that you don't need a rich dataset to know: far fewer cases than usual got leave to appeal to the Supreme Court in 2022. The question this blog post tries to answer is: why?

- **Intrusion Upon Seclusion Without Being the Intruder? The Ontario Court of Appeal Limits Claims Against Database Holders** – Last Friday, the Ontario Court of Appeal released decisions in *Owsianik v Equifax Canada Co*, *Obodo v Trans Union of Canada, Inc*, and *Winder v Marriott International, Inc*—a trilogy of decisions clarifying whether the tort of intrusion upon seclusion applies to the owners of databases when there are data breaches caused by third party hackers. Thankfully for database owners, the Court of Appeal concluded that intrusion upon seclusion cannot apply in those circumstances.
- **The Ontario Court of Appeal Provides Clarity on Late Opt Outs from Class Proceedings** – Class actions are strange creatures, even to other lawyers.
- **Variable Insurance Over a Class Period: Does a Substantive Problem have a Procedural Solution?** – It is often said that the *Class Proceedings Act, 1992* is a procedural statute, not a substantive statute. What that means in practice is unclear, given that different procedural rules can have an impact on substantive outcomes. However, even a narrow version of that claim—that the *Class Proceedings Act* does not grant the Court jurisdiction to create or extinguish substantive rights beyond what the Court could do in an individual claim—is very much up for debate. There are increasing examples of creative judges using provisions under the *Class Proceedings Act* to take steps that impact substantive rights in a manner that would be impossible in an individual claim. The Court's recent decision in *Cavanaugh v Grenville Christian College* presents such an example.
- **Dismissal for Delay in Class Actions: How Low is the Bar for Avoiding Dismissal?** – It has been just under a year since the new dismissal for delay provision in s. 29.1 of the *Class Proceedings Act* started resulting in dismissals for delay. In essentially all of the decisions rendered to date, judges have strictly construed those provisions to require the dismissal of matters where the statutory criteria for avoiding a dismissal are not present. The recent decision of the Ontario Superior Court in *Lubus v Wayland Group Corp* is now an outlier that takes a different approach.
- **Same Titles, Different Jobs: The Challenges of Misclassification Class Actions** – Employment law misclassification class actions are becoming increasingly common. In those cases, the plaintiff says that employees have been misclassified by their employer in such a way as to render them ineligible for certain benefits under applicable provincial employment standards legislation which the employee claims that they should have been eligible for. The two most common categories of alleged misclassification are employees being allegedly misclassified as independent contractors, and ordinary employees being misclassified as managers. While some misclassification cases have been certified, courts have refused to certify many others due to a lack of sufficient commonality. The recent decision of the Ontario Superior Court of Justice in *Le Feuvre v Enterprise Rent-A-Car Canada Company* is an example of a case that falls into the latter category and was not certified.
- **Factors Influencing the Likelihood of Winning an Appeal at the Supreme Court of Canada** – Earlier this year, we launched our Supreme Court of Canada Decisions Project. Our dataset contains information about every Supreme Court of Canada decision going back to the mid-1950s.
- **Rebuck v Ford Provides More Fuel for Defending False Advertising Class Actions** – Historically, many class actions practitioners considered certification the primary fight in a case. It was common that cases would settle not long after certification, so the whole ballgame was

perceived to be in the certification motion. Yet with the courts consistently reaffirming the low bar for certification, we are seeing a greater number of class actions determined on their merits *after* certification. And as the recent case of *Rebuck v Ford Motor Company* shows, success on certification is by no means a guarantee of success on the merits.

- **Early Insights from the Supreme Court of Canada Decisions Project** – In February 2022, we launched our Supreme Court of Canada Decisions Project. The core of that project is a publicly available database that contains detailed information about every Supreme Court of Canada decision going back to the mid-1950s. Anyone interested in analyzing the data for themselves can download a copy of our database and the coding manual at supremecourtdatabase.com.
- **Is Increased Enforcement of the Competition Act Coming?** – On February 8, 2022, the Competition Bureau released several recommendations for amending the *Competition Act* in its response to Senator Wetston’s call for submissions on Canada’s competition policy framework. The paper, entitled “Examining the Canadian *Competition Act* in the Digital Era”, identifies areas that the Competition Bureau believes are ripe for modernization. The paper, and Senator Wetston’s request for submissions, occur during a time when the federal government has indicated an openness to amending the *Competition Act*. While nothing in the Bureau’s submission has the force of law, the Bureau’s views on these matters will undoubtedly be taken very seriously, and some of the amendments the government is already considering mirror those in the Bureau’s submission. Consequently, the Bureau’s paper provides insight into the future direction of competition law in Canada.
- **The Act (Mostly) Means What it Says: The First Judicial Insights into Dismissal for Delay under the Class Proceedings Act** – On October 1, 2020, section 29.1 of the *Class Proceedings Act* (“CPA”) took effect. This provision, designed to address the phenomenon of class actions being started and then languishing in the system without advancement, provides for a mandatory dismissal of an action where, by the one year anniversary of the claim, the plaintiffs certification record has not been filed or there is no established timetable (by consent or Court order). This was a significant improvement to a class actions system that previously had no real tool for dealing with class actions that were languishing.
- **Competition Bureau Prioritizes Greenwashing: Keurig Fined \$3 Million Over Recyclability Claims** – The Competition Bureau’s focus on greenwashing continues to grow. This past week, the Bureau announced in a news release that it had reached a \$3 million settlement agreement with Keurig Canada Inc. in respect of concerns over misleading and false claims about the recyclability of its single use Keurig K-Cup Pods. The agreement marks a growing trend in enforcement activities against “greenwashing”, the practice of making false or misleading environmental ads or claims about a product’s environmental benefits.
- **Getting Leave to the Supreme Court of Canada: 2021 by the Numbers** – Many of you have seen our weekly blog posts that provide predictions as to how likely it is that particular cases will get leave to the Supreme Court of Canada. Those predictions are based on a dataset of every Supreme Court leave application decision from January 1, 2018 to the present. While those predictions are one use of our data, it’s not the only use. Here we present another: a quantitative year in review of leave applications decided by the Supreme Court of Canada in 2021.
- **Interventions at the Supreme Court of Canada: Is a More Robust Assessment Coming?** –

Interventions have long been extremely common at the Supreme Court of Canada. Most cases will have at least a few interveners while particularly high profile or contentious cases may have as many as 15 or 20. In *Canada (Minister of Citizenship and Immigration) v Vavilov*, for example, there were 24 groups of interveners, including the Attorneys General of four provinces.

- **The First Three Months of the SCC Leave Project: A Successful Start** – Three months ago, we launched our Supreme Court of Canada Leave Project. Part of that project is a machine learning algorithm that provides predictions of the likelihood of different cases getting leave to the Supreme Court. Since launch, we've made fourteen weekly predictions for leave applications to the Supreme Court of Canada. Our model has provided predictions for the likelihood that leave would be granted from 123 decisions of Courts of Appeal across the country.
- **Did COVID-19 make it harder to get leave to the Supreme Court?** – As many will know, Lenczner Slaght maintains an ongoing database of every application for leave to appeal to the Supreme Court of Canada that was decided from January 1, 2018 onward. We use this data to train a machine learning algorithm to predict the likelihood of cases getting leave, which we use for various purposes.
- **The SCC Leave Project: Predictions for May 6, 2021** – Here's a look at the leave application decisions that the Supreme Court of Canada will be releasing on May 6, 2021.
- **The SCC Leave Project: Predictions for April 8, 2021** – Here's a look at the leave application decisions that the Supreme Court of Canada will be releasing on April 8, 2021.
- **The SCC Leave Project: Predictions for March 25, 2021** – Here's a look at the leave application decisions that the Supreme Court of Canada will be releasing on March 25, 2021. Each week, we'll be providing a short blog post that summarizes some of the upcoming cases and gives a prediction, of the probability that leave will be granted. These predictions will be based on our proprietary machine learning model and dataset of every leave application decision released by the Supreme Court of Canada from January 1, 2018 onward.
- **The SCC Leave Project: A Machine Learning Algorithm to Predict the Likelihood of Getting Leave to the Supreme Court of Canada** – In the spring of 2020, we posted an analysis of the Supreme Court of Canada's 2019 Year in Review and summarized some of the statistics found in that document. Unfortunately, the general statistics found in the 2019 Year Review were high level and limited the analysis we could provide about what was happening at the Supreme Court of Canada. We also could not find any publicly available and current datasets that would allow us to provide a more detailed analysis.
- **Barrick Gold Corporation: A golden opportunity to publicly correct s 138.1 of the Securities Act, or a significant change in the law?** – Securities law class actions are now common in Ontario. However, courts are still addressing some of the core elements of the conceptual approach to such issues. The recent decision in the Ontario Court of Appeal in *Drywall Acoustic Lathing and Insulation, Local 675 Pension Fund v Barrick Gold Corporation* ("Barrick Gold") is a highly significant decision in this area, particularly in its treatment of the "public correction" requirement for securities class actions.
- **Getting Leave to Appeal to the Supreme Court: Empirical Insights from Tax Cases** – As I have posted before, I'm a fan of using empirical data to inform legal practice. Much as the evidence-based medicine movement has taken hold in the field of medicine, the practice of law

should, wherever possible, rely on objective data to inform our decision-making. Unfortunately, empirical legal work remains at an early stage. While there are some academics embracing empirical analysis, much of legal academic scholarship does not involve the quantitative analysis of empirical data. In my view, it is important for lawyers to test our intuitions whenever we can by reference to whatever data is available.

- **The Supreme Court of Canada's Holiday Present: Simpler Rules for 2021** – The Supreme Court of Canada has announced important changes to the *Rules of the Supreme Court of Canada* that will take effect on January 27, 2021. The amendments were published in the Canada Gazette here, and the Supreme Court of Canada has also published a plain language guide for these amendments here. While these changes are fairly minor in the grand scheme of Supreme Court practice, they will simplify the process for seeking leave to the Supreme Court of Canada.
- **I wish we were better strangers: Parliament's proposed statutory cause of action for privacy breaches may attract class plaintiffs** – Referring to living “in an era in which data is constantly flowing across borders”, Canada recently introduced Bill C-11. If enacted, it will radically alter the Canadian privacy litigation landscape. Bill C-11 contains the *Consumer Privacy Protection Act* (“**CPPA**” or the “**Act**”), and the *Personal Information and Data Protection Tribunal Act* (“**PIDPTA**”), and makes a number of consequential amendments to existing legislation. Bill C-11 would bring Canada closer to the European Union's *General Data Protection Regulation*, which set the standard for data protection in the developed world.
- **Mr. Sub franchisees order a large class action, but the Supreme Court is fresh out of duty of care** – The concept of a duty of care is foundational to the common law concept of negligence. Whether a duty of care exists and, if so, the scope of that duty of care are hotly contested issues that have made their way to the Supreme Court of Canada many times over the last few decades. Today, the Supreme Court of Canada released its long-anticipated decision in *1688782 Ontario Inc v Maple Leaf Foods Inc*, in which a narrow majority of the Supreme Court found that Maple Leaf Foods owed no duty of care to Mr. Sub franchisees in connection with a listeria outbreak and product recall. While the principles set out in *Maple Leaf Foods* are not fundamentally new, the majority's decision provides insight into the application of the duty of care analysis in cases involving pure economic loss.
- **Waiver of tort is dead, long live waiver of tort!** – Waiver of tort has long been a contentious subject in Canadian law. Many, many courts have permitted waiver of tort claims to proceed in class actions. Yet no court had definitively ruled as to whether waiver of tort in fact existed. It was for this reason that the Supreme Court of Canada's decision in *Atlantic Lottery Corporation v Babstock* has been so highly anticipated. Most expected that the Supreme Court would finally answer whether a waiver of tort existed as an independent cause of action under Canadian law. This in turn would have significant consequences for many types of cases, including many types of class actions.
- **Trial Advocacy is (Mostly) the Same Online: Lessons Learned from a Virtual Patent Trial** – The COVID-19 pandemic has required courts to adapt to new ways of providing access to justice. We have first-hand experience with this new reality.
- **Supreme Court Sides with Drivers in Uber Case; Deals Blow to Arbitration Clauses** – The Supreme Court of Canada has released its highly anticipated decision in *Uber Technologies Inc v Heller*.
- **Court of Appeal Affirms Jurisdiction to Hear Appeals in Writing** –

The old saying that "to a hammer, every problem looks like a nail" is disquietingly relevant to traditional approaches to the dispensation of justice. For a long time, commentators have observed that the legal profession and the Courts lag behind much of the rest of society in leveraging digital resources to improve the quality, speed, and efficiency of litigation.

- **A Quantitative Look at the Supreme Court of Canada** – Lawyers are trained to do close and careful reading of cases. We are experts in textual analysis of individual decisions, and we can spend hours arguing over what individual paragraphs in Supreme Court of Canada decisions mean. Yet while individual decisions are important, so are the aggregate trends. Quantitative data can reveal important information that lawyers can use to engage in more effective advocacy and better inform our clients as to what to expect.
- **Can an “Episodic” Price-Fixing Conspiracy be Certified as a Class Action?** – Many price-fixing class actions allege a reasonably uniform conspiracy. The stereotypical scenario alleged is that executives from different companies meet in a dark, smoke-filled room and agree to raise prices or restrain output in some uniform fashion. While that is an oversimplification, and reality is always much more complex, the basic core of most price-fixing allegations is that there was a uniform conspiracy that impacted all, or at least most, consumers in a broadly similar way. This is what has made so many price-fixing class actions amenable to certification.
- **Do courts have jurisdiction to order virtual hearings? Absolutely!** – The initial reaction of most Canadian courts in the face of the COVID-19 pandemic was to shut down completely. This undoubtedly made sense from a public health perspective. However, as the Ontario Superior Court of Justice noted in its recent practice direction, courts have “constitutional responsibility to ensure access to justice remains available”. Consequently, courts have been taking gradual steps towards reopening and allowing certain cases to be heard.
- **My Kingdom for a Horse: Rules Against Price Gouging Come to Ontario** – Laws against price-gouging have come to Ontario. On Saturday, March 28, 2020, the provincial government issued a press release announcing that it was enacting an Order to prohibit price-gouging. The press release announced that that Order “prohibits persons, including retailers, from selling necessary goods for unconscionable prices”. The press release also announced that the definition of unconscionable prices would be “consistent with well-established principles from the Consumer Protection Act.”
- **Strict Requirements for Employers’ Overtime Policies in New Employment Law Class Action Decision** – Is an employer obligated to pay overtime if they don’t specifically direct an employee to work overtime? And can an employer’s requirement that employees obtain pre-approval for any overtime they work shield them from the obligation to pay overtime if pre-approval isn’t obtained? These are important issues for any employer.
- **Competition Law in the Time of Coronavirus** – The rapid spread of the novel Coronavirus (COVID-19) is causing significant dislocation to every aspect of our daily lives. For businesses, COVID-19, and the public health responses being taken to try to limit its spread, will have a significant financial impact. Social distancing and self-isolation will result in fewer customers visiting brick-and-mortar retailers, and uncertain economic times will result in an overall drop in consumer demand. Each of these will cause pain for businesses.
- **Bill 161: Much Needed Modernization for Class Actions in Ontario** –

On December 9, 2019, the Attorney General of Ontario introduced Bill 161, the *Smarter and Stronger Justice Act, 2019*. The new bill is omnibus legislation that proposes broad reforms to the legal system in Ontario. While the draft legislation will keep commentators busy for weeks or months, I focus here on one set of proposed reforms: those to the class actions regime in Ontario.

- **No risk, no appeal: Ontario Court of Appeal rules that class members cannot appeal settlement approvals** – On October 17, 2019, a five-judge panel of the Ontario Court of Appeal released its unanimous decision in *Bancroft-Snell v Visa Canada Corporation*. The Court’s decision has significant implications for the procedural rights of class members involved in settlement discussions and approval under the *Class Proceedings Act, 1992*.
- **Let it Rain: Supreme Court Green Lights Umbrella Purchaser Class Actions** – On September 20, 2019, the Supreme Court released its long-awaited decision in *Pioneer Corp v Godfrey*. *Godfrey* is the Supreme Court’s latest decision involving price-fixing class actions, and expands on and clarifies the basic approach to these cases that the Court laid out six years ago in *Pro-Sys Consultants Limited v Microsoft Corporation*.
- **The LCO’s Class Actions Final Report: The Defence Perspective** – As has now been widely reported, the Law Commission of Ontario has released its final report on class actions which makes recommendations to improve the system of class actions in Ontario. Our colleagues, Brian Kolenda and Derek Knoke, commented on those that will be of interest to plaintiffs in their blog post here. We provide the defence counsel perspective here.
- **Class actions against investment advisors? Don’t bet on it** – Class actions are common in the financial services sector. The relatively low bar for certification of such claims as class proceedings means that many such claims are certified. Yet certification is by no means automatic: where the litigation will not be significantly advanced through the resolution of common issues, courts will typically be reluctant to certify an action as a class proceeding.
- **Confusion over “some basis in fact” rolls on in British Columbia Court of Appeal’s RoRo decision** – Certification is a vital step in every class action. In order for a class action to be certified, the proposed representative plaintiff must show “some basis in fact” to believe that the certification requirements are met. These requirements include that there are common issues of fact or law and that a class action would be the preferable procedure for resolving those common issues. The Supreme Court of Canada was clear in its decision in *Pro-Sys Consultants Ltd v Microsoft Corporation* that the some basis in fact standard is less onerous than a balance of probabilities standard. However, how that standard is to be applied remains a source of great difficulty for courts.
- **Once more unto the breach: the Supreme Court of Canada weighs in again on arbitration clauses and class actions** – The question of whether and when arbitration clauses will preclude a class proceeding is seemingly continually litigated. In some circumstances—such as in the consumer protection context—legislatures have clarified that certain claims cannot be subject to arbitration. In other cases, however, it is up to courts to craft the appropriate rules. The recent decision of *TELUS Communications Inc v Wellman* shows that the question of what rules are appropriate can attract significant disagreement. In a 5-4 split decision, the majority of the Supreme Court of Canada held that valid arbitration clauses in contracts should generally be given effect and that persons with such contracts should not be included in class proceedings.
- **No March Break for Competition, as Bureau Releases New Abuse of Dominance and Intellectual Property Enforcement Guidelines** –

March 2019 has been a busy month for the Competition Bureau. On March 7, the Bureau released its updated Abuse of Dominance Enforcement Guidelines. Then, on March 13, the Bureau released its updated Intellectual Property Enforcement Guidelines (“IPEGs”). While neither new enforcement guideline reflects a fundamental shift in the Bureau’s approach to these issues, they provide new guidance and reflect important nuances in the Bureau’s consideration of these issues, particularly regarding abuse of dominance.

- **Applying Foreign Law in Canadian Class Actions: A Novel Application of Old Principles in *Das v George Weston Limited*** – On December 28, 2018, the Ontario Court of Appeal released its decision in the case of *Das v George Weston Limited*. At 114 pages, the Court’s decision is thoroughly reasoned and substantive. It also deals with important issues that are significant to all class action practitioners. For those who don’t want to wade through the full sets of reasons—and there’s a lot there—here’s our summary of the key take-aways from the Court of Appeal’s decision.
- **Court of Appeal rates arbitration clause one star in proposed employment class action against Uber** – A frequently litigated issue in Canadian class actions is the extent to which parties can agree in advance to opt out of class actions in favour of private arbitration. In the context of consumer protection claims, provincial legislatures have generally eliminated the ability of defendants to defeat class actions through arbitrations by declaring clauses requiring the parties to submit such disputes to private arbitrations to be void. However, it has remained an open question as to whether and when courts would enforce arbitration clauses in other contexts, where the effect of such enforcement would be to defeat a proposed class proceeding.
- **Proactively managing class action risk: the virtue of voluntary compensation** – Product liability cases are routinely certified as class proceedings. Indeed, allegations that a product was negligently manufactured, or that a manufacturer failed to warn consumers of a particular risk, seem particularly amenable to resolution on a class-wide basis. However, not every such case is certified as a class proceeding. The recent decision of the Ontario Superior Court of Justice in *Richardson v Samsung Electronics Canada Inc* is one example of a case that was not certified. More importantly, it shows what steps defendants can proactively take to avoid certification of class actions against them.
- **Recent decision in pharmaceutical class action highlights importance of scrutinizing common issues in proposed class proceedings** – While class actions can be a useful tool for access to justice, there are limits to the types of claims that can be appropriately advanced through class proceedings. Indeed, the requirements for certification that appear in similar form in virtually every class action statute across Canada are meant to ensure that only those actions that can meaningfully proceed as class actions are in fact certified. Many cases, including certain types of pharmaceutical product liability claims, will simply be unsuitable for certification as a class action. The recent decision of the Ontario Superior Court in *Price v H Lundbeck A/S* provides an example of such a case.
- **Pre-certification motions in class actions: are courts setting the bar too high for early and efficient disposition?** – As I have observed before, class actions are expensive for defendants and resource-intensive for the justice system. In order to try and minimize that expense, defendants typically want to dispose of class actions they face as early as possible. This has given rise to a body of case law that addresses the question of when defendants will be allowed to bring pre-certification motions. As the recent decision of the Ontario Superior Court

of Justice in *Austin v Bell Canada* shows, defendants face a high threshold in persuading the court to allow such motions to precede certification.

- **A tale of two forums: consumer class actions and the CRTC in telecommunications cases** – Given Quebec’s unique civil law regime, we seldom blog about legal developments in Quebec. However, sometimes decisions of Quebec courts have broader relevance outside of Quebec; this is often the case where Quebec courts rule on federalism issues. The Quebec Court of Appeal’s recent decision in *Bell Canada v Aka-Trudell* falls into that category. In that case, the Quebec Court of Appeal refused to dismiss a class action against Bell Canada, rejected the argument that the Quebec Superior Court had no jurisdiction and that the matter ought to have instead been considered by the Canadian Radio-television and Telecommunications Commission (the “CRTC”).
- **Foreign Discovery in Advance of Certification in a Class Action? Not So Fast, says Divisional Court** – Given the expansive discovery rights available under US law, plaintiffs may be tempted to try to use those rights in pursuit of proceedings under Canadian law. In its recent decision in *Mancinelli v RBC*, the Divisional Court placed an important limit on the ability of parties to do so. The Divisional Court upheld an order requiring plaintiffs in a proposed class action to obtain Court approval before taking any steps in furtherance of a subpoena issued by an American court.
- **Sweet Justice for IP Rights Holder: Agreement not in Restraint of Trade** – The intersection of intellectual property law and competition law is an area that gains greater significance with each passing year. Much of the focus in this area recently has been on the appropriate scope of action to take by regulators. For example, in Canada, the Intellectual Property Enforcement Guidelines promulgated by the Competition Bureau in 2016 have attracted significant attention.
- **Justice Perell Stays Proposed Class Proceeding against Uber, in Favour of Arbitration in the Netherlands - Heller v Uber Technologies Inc.** – A long-standing issue in Canadian class actions law relates to the ability of parties to contract out of class actions and instead require that any disputes be submitted to arbitration. For class counsel and class members, such clauses are anathema, representing an attempt by sophisticated organizations to thwart class actions by requiring individual claims to proceed to arbitration. For businesses, such clauses have significant value; they can result in individual cases being resolved quickly and efficiently, without the complications and attendant costs of a class action.
- **The regulated conduct defence: we’ll drink to that** – It says something about Canada that many famous cases throughout Canadian legal history relate to the regulation of alcohol. Through the early 20th century, the regulation of alcohol was a fertile domain for disputes about Canadian federalism. Now, in the 21st century, the complicated regulatory scheme of governing alcohol sales in Ontario is once again making new law. This time, however, the dispute is not over arcane principles of federalism, but rather over the scope of the regulated conduct defence to conspiracies under the *Competition Act*. While early 20th century federalism cases may be of interest to only a select few, the decision of the Ontario Superior Court of Justice in *Hughes v Liquor Control Board of Ontario* is likely to attract significantly broader interest, particularly among companies operating in regulated industries.
- **Toll the death knell for class-based public interest privilege in competition proceedings?** – The Competition Bureau relies heavily on voluntary cooperation from corporate Canada in order to enforce the *Competition Act*

. Companies typically want assurances of confidentiality in order to cooperate with the Bureau. In recognition of the fact that companies are less likely to cooperate with the Competition Bureau if commercially sensitive information might be disclosed to third parties, the *Competition Act* provides a number of confidentiality protections for information acquired by the Bureau from third parties.

- **Voluntary Gift Cards: An Effective Strategy for Reducing Liability?** – The recent admissions by supermarket chain Loblaws and a related group of companies that they engaged in conduct to fix the retail price of bread products have drawn significant public attention to price-fixing. And Loblaws’ response to those revelations of price-fixing—including giving consumers gift cards to be used at Loblaws—has also attracted significant interest, not just from the public, but also from businesses and the antitrust and class actions bar. For organizations that have engaged in misconduct looking to make a public response, Loblaws’ actions highlight both the potential benefits and risks of such voluntary remediation.
- **Competing Fairly from a Monopoly Position: Six Things to Know about Abuse of Dominance After TREB** – Under Canadian law, many provisions of the *Competition Act* can only be enforced by the Commissioner of Competition, and not by private parties. That has led to a dearth of jurisprudence, and certainty, regarding the interpretation of several provisions of the *Competition Act*. For that reason, both major businesses and industry groups will want to take careful note of the recent decision in *Toronto Real Estate Board v Commissioner of Competition*, where the Federal Court of Appeal gave further guidance as to when a party will be liable for abuse of dominance.
- **Absent foreign claimants at the gates of Canadian class actions** – Class actions are almost invariably complicated and expensive matters for businesses to deal with. Such class actions only become more complicated and expensive the bigger the classes are. Now, in *Airia Brands Inc v Air Canada*, the Ontario Court of Appeal has given the green light to a class action that includes class members all around the world. This decision has significant implications for virtually all multinational businesses.
- **Compelling disclosure from the Competition Bureau for use in class actions: where are we now?** – A recurring source of challenging legal problems in the price-fixing class actions, and in class actions more generally, is the issue of what information and evidence the Courts can compel government investigators to provide to private litigants for use in those class actions.
- **Umbrella purchasers: Who are they, what do they want, and why are Courts (sometimes) certifying their claims?** – While competition law specialists are familiar with the ongoing debate about umbrella purchaser claims, most Canadian lawyers could be forgiven for wondering what all the fuss is about umbrellas. Far from being individuals who rejected raincoats or ponchos in favour of a more traditional option, umbrella purchasers are now at the center of a heated debate in Canadian competition law.
- **Ontario Updates International Commercial Arbitration Act** – Ontario’s new legislation governing international commercial arbitration, the *International Commercial Arbitration Act, 2017*, came into force on March 22, 2017, replacing the *International Commercial Arbitration Act* previously in place.
- **A risky rule of thumb for estimating damages in competition class actions** – Using rules of thumb to generate estimates can be very useful in a variety of circumstances: for example, when the detailed information

necessary to generate a precise answer is unavailable, or when it's too difficult to analyze that detailed information. Lawyers use such rules of thumb in a number of circumstances, sometimes as an initial rough estimate, and sometimes to confirm the results of more detailed analysis.

- **In contractual disputes, after-the-fact conduct is admissible after all** – To most people, a contract is a written agreement, typically signed by all parties, that sets out what different parties promise to do. But what happens that the written agreement is ambiguous? Courts have long held that evidence of the “factual matrix” of the contract—that is, the surrounding circumstances that inform the context in which a contract is created—is admissible in the interpretation of a contract. In its recent decision in *Shewchuk v Blackmont Capital Inc*, the Ontario Court of Appeal confirmed that evidence of subsequent conduct may also be admissible to interpret the agreement itself.
- **Hundreds of walnuts: Just annoying, or a nuisance?** – Lawyers sometimes describe cases as being like a law school problem. Sometimes that means that the case raises difficult and complicated questions of law and fact that are nearly impossible to resolve. And sometimes it means that the case raises an obscure issue that seems more like a dispute between property owners in 19th century England. *Gallant v Dugard* squarely falls into the latter category.
- **Waiting forever for the axe to drop? Discoverability and the limitation period for Competition Act claims** – The limitation period for claims under s. 36 of the *Competition Act* is a longstanding question of Canadian competition law. The plain language of the statute suggests that such claims must be brought within two years of the anticompetitive conduct. But in *Fanshawe College of Applied Arts and Technology v AU Optronics Corporation*, the Ontario Court of Appeal has reached a conclusion that is much more generous to Plaintiffs, holding that such claims must be brought within two years of the Plaintiff discovering the anticompetitive conduct.
- **Private Parts Less Private During Police Searches** – A person’s reasonable expectation of privacy in the most intimate parts of their own body may not shield them from a police search if what the police are after is another person’s DNA.
- **Want an injunction? It could cost you** – An interlocutory injunction is a valuable tool to maintain the status quo between parties, pending the resolution of litigation. Most disputes over whether an interlocutory injunction should be granted will depend on whether there will be “irreparable harm” if an injunction is not granted. However, as *Guelph Taxi v Guelph Police Service* shows, it is also critical that the party seeking an injunction give a meaningful undertaking to pay damages if the injunction is granted but the party is ultimately unsuccessful.
- **The Rules of Evidence Still Apply in PMNOC Section 8 Cases** – It’s no surprise to litigators that some courts tend to be relaxed with the rules of evidence in civil cases. In many contexts, courts are prepared to admit inadmissible hearsay evidence and simply address evidentiary concerns by noting that such evidence may be given less weight. That type of approach was often taken in cases under section 8 of the *Patented Medicine (Notice of Compliance) Regulations*.
- **When does an Employer's Breach of Contract Make a Non-Competition Clause Unenforceable?** – Non-competition clauses in employment agreements pose challenges for employers who seek to enforce them. Non-competes have to be reasonable in scope at the time they are agreed to; a perpetual or geographically unlimited non-compete covering a broad range of competitors is almost certain to be unenforceable. However, as the recent B.C. Supreme Court decision in *P.R.I.S.M. v. Kramchynski*

highlights, an employer seeking to rely on a non-compete against a former employee must also uphold their obligations under their contract with that employee.

- **No absolute privilege for city councillors' speech** – In its recent decision in *Gutowski v. Clayton*, 2014 ONCA 921, the Ontario Court of Appeal provided helpful advice to two sets of professionals: municipal councillors and lawyers. First, the Court confirmed for municipal councillors that they do not enjoy absolute privilege for defamatory statements they make during municipal council meetings. Second, the Court signalled to litigators that a Rule 21 motion is not the "appropriate vehicle" through which to attempt to develop an area of law that is not fully settled.
- **When are costs awarded for travel disbursements for out-of-town lawyers?** – Its trite law that an unsuccessful litigant generally pays the successful party's costs. But what happens when the winner hires lawyers from out-of-town who had to travel regularly for the case?
- **Court of Appeal makes certification of class actions for overtime pay more difficult** – Canadian Courts have been faced in recent years with a number of class actions in which employees allege that their employer improperly misclassified them as ineligible for overtime pay. The Ontario Court of Appeal's recent decision in *Brown v. Canadian Imperial Bank of Commerce* makes it more difficult for such claims to proceed as class actions.
- **BC Court Signals Change in Patent Landscape with Viagra Decision** – The British Columbia Supreme Court's decision in *Low v. Pfizer Canada Inc.*, 2014 BCSC 1469 could radically change the legal landscape for patent law in Canada. Patent law has thus far been entirely statutory rather than a product of the common law; courts had not recognized any common law rights or remedies in relation to patents. The decision of Justice Smith changes that, and in so doing changes the risks innovators must consider.

SELECT NEWS ARTICLES

- **SCC to Hear Case Clarifying What Constitutes Material Change in Securities Law** – Paul-Erik Veel was interviewed by Canadian Lawyer Magazine, where he comments further on *Lundin Mining Corporation v. Dov Markowich*. Paul-Erik emphasized the importance of clarifying the definition of "material change" in securities law. He also highlighted potential burdens on publicly traded companies with overly broad interpretations, impacting both business operations and meaningful investor information.
- **The 2024 Lexpert Directory Recognizes Lenczner Slaght's Litigation Excellence** – Lenczner Slaght's litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **SCC's Output Fell to 34 Judgments in 2023, Renewing Questions, Concerns Within the Bar** – Interviewed by Law 360 Canada, Paul-Erik Veel discusses the lower output of judgments by the SCC in 2023 and attributes it, in part, to the fact that the Court granted leave to appeal in fewer cases in 2022. Paul-Erik also shared empirical insights from Lenczner Slaght's Data-Driven Decisions' SCC Leave Database, which highlights the increase in the percentage of successful leave to appeal applications from litigants represented by counsel in 2023 compared to the previous year.
- **Fewer Cases and Increased Division: Canada's Supreme Court Is Flashing Warning Signs** – National Post explores the interesting

findings from our SCC Leave Database. Lead of our Data-Driven Decisions program, Paul-Erik Veel, shares his expert insights on what this means for emerging and unresolved legal issues.

- **Game Changer Supreme Court Cases to Watch for in 2024** – In an article for The Hub, Paul-Erik Veel authored the section "Who's got the power?: judicial review of government's actions," where he shared his expert insights on two upcoming Supreme Court cases, *Auer v Auer* and *TransAlta Generation Partnership v Alberta (Minister of Municipal Affairs)*. These cases address the legality of government regulations on child support and municipal taxes.
- **Lenczner Slaght Remains at the Centre of the Lexpert Bull's Eye** – The 2024 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada recognizes Lenczner Slaght as the #1 firm in Toronto for Litigation and Commercial Litigation for the 23rd consecutive year.
- **Self-Represented Litigants Fail at the Supreme Court in Overwhelming Numbers** – Interviewed by The Globe and Mail, Paul-Erik Veel provided empirical insights into the trends and issues faced by self-represented individuals in legal matters at the Supreme Court of Canada. Data compiled as part of our Data-Driven Decisions program further revealed that approximately one in four applicants seeking leave to appeal in the past six years were self-represented.
- **Justice: Des Consultants Pénalement Responsables de Leurs Recos??** – Paul-Erik Veel was interviewed for Consultor's article on "Justice: Des Consultants Pénalement Responsables de Leurs Recos?"
- **Lexpert Recognizes Lenczner Slaght's Litigation Strength** – An increasing number of our expert litigators continue to be recognized as the foremost lawyers in their fields by peers and senior members of the legal profession.
- **Chambers Canada Recognizes Lenczner Slaght as a Top-Tier Litigation Firm** – Canada's leading litigation firm and its expert litigators continue to be recognized by world-renowned directory, Chambers & Partners.
- **Study Challenges Narrative That Supreme Court Is More Divided** – Interviewed by Canadian Affairs, Paul-Erik Veel further comments on the supposed increased level of disagreement among the judges of the Supreme Court of Canada using empirical insights from our SCC Database, available on supremecourtdatabase.com.
- **AI And The Legal Sector** – Paul-Erik Veel was interviewed by Canadian Justice on the session titled *AI And The Legal Sector*. Paul-Erik discussed some of the misunderstandings surrounding the function of AI, and how it can and will change the landscape of the law profession.
- **Lenczner Slaght Litigators Recognized as Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 41 of our expert litigators are recognized for their expertise across 24 practice areas. The following lawyers have also been recognized as "Lawyer of the Year" for receiving the highest overall peer-feedback in their practice areas in Toronto.
- **Lenczner Slaght Litigators to Serve on The Advocates' Society's Leadership** – We are pleased to announce that Christopher Yung, Paul-Erik Veel, Andrew Parley, Anne Posno, Lidiya Yermakova, and Brendan Morrison will be serving prominent executive and committee positions at The Advocates' Society, a preeminent organization dedicated to promoting effective advocacy and access to justice.
- **The AI Revolution: No Coding Necessary for Lawyers** – Paul-Erik Veel was interviewed for Canadian Lawyer's article on "The AI

Revolution: No Coding Necessary for Lawyers."

- **Paul-Erik Veel Set Out to Challenge Conventional Wisdom Through Data at Lenczner Slaght** – Paul-Erik Veel, named a Top 25 Most Influential Lawyer of 2022, spoke to Canadian Lawyer about his practice, his passion for data, and how he combined both to launch Lenczner Slaght Data-Driven Decisions, a program that helps us provide more effective advice and advocacy to our clients.
- **Lenczner Slaght's Litigation Excellence Recognized in 2023 Lexpert Directory** – Following comprehensive peer review surveys and interviews with senior members in the legal profession, the 2023 *Canadian Legal Lexpert Directory* has recognized 31 of the firm's expert litigators for their experience, knowledge, and precision, with 108 rankings spanning 17 practice areas.
- **Lenczner Slaght's 22nd Year at the Centre of the Lexpert Bull's Eye** – The 2023 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada continues to recognize Lenczner Slaght as the #1 firm in Toronto for Litigation and Commercial Litigation.
- **Decision on Costs in Class Action Engaging Public Interest 'furthers Access to Justice': Counsel** – Paul-Erik Veel and Drew Black , successfully represented the Law Foundation of Ontario in a recent Court of Appeal decision which confirms a broad interpretation as to what kinds of class actions count as public interest cases. The Lawyer's Daily wrote a feature on the decision.
- **Lenczner Slaght Recognized Among Canada's Leading Litigation Lawyers** – Following an in-depth peer review process, the 2022 Lexpert Special Edition: Canada's Leading Litigation Lawyers guide recognizes 15 Lenczner Slaght lawyers for their extensive courtroom experience and subject-matter expertise. We know courts, and courts know and trust us. That is why clients turn to us to solve their most complex legal problems.
- **The Class Actions Certification Pendulum Is Swinging Back, Say Lawyers** – In the latest Lexpert Special Edition on Litigation, Paul-Erik Veel shared his expert insights on class actions certification.
- **Lenczner Slaght Ranked Band 1 in Chambers Canada for 5th Consecutive Year** – Canada's leading litigation firm and its expert litigators continue to be recognized in the latest edition of world-renowned directory, Chambers & Partners.
- **Paul-Erik Veel Named Among Top 25 Most Influential Lawyers of 2022** – Following an astounding 14,721 votes across 147 nominations, Paul-Erik Veel is recognized as one of the Top 25 Most Influential Lawyers of 2022 in the "Changemaker" category!
- **Lenczner Slaght Litigators Recognized Among the Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 39 of our expert litigators are recognized by their peers for their expertise across 24 practice areas.
- **ESG Litigation Risks** – Paul-Erik Veel comments on ESG as an increasing area of focus for the Competition Bureau.
- **Comment gagner en Cour suprême?** – Lenczner Slaght's Data-Driven Decisions program is featured in Droit inc's article on how to assess your chances of winning a Supreme Court decision. The article is based on Paul-Erik Veel's recent blog which further analyzes the data available in our SCC Decisions Project.
- **Lenczner Slaght Litigators Elected to The Advocates' Society's Leadership** – We are pleased to announce that Brendan Morrison, Christopher Yung, Paul-Erik Veel, Andrew Parley, Nina Bombier, and Anne Posno

will be serving prominent executive positions at The Advocates' Society, a preeminent organization dedicated to promoting effective advocacy and access to justice.

- **In Predictive Analytics Market, Law Firms See a Space of Their Own** – In this law.com article, Paul-Erik Veel speaks about the development of predictive analytics in the practice of law and why we entered the market with Lenczner Slaght Data-Driven Decisions.
- **Predictive Analytics Are Already a Staple in Legal. But Is Their Future a Sure Bet?** – Law.com interviewed Paul-Erik Veel to get his expert insight on the future of predictive analytics in the legal industry and to discuss Lenczner Slaght's Data-Driven Decisions program.
- **Lenczner Slaght and U of T Law Add Supreme Court Database to Data-driven Decision Initiative** – Law Times features Lenczner Slaght's **Data-Driven Decisions** program and its latest project, the first publicly available dataset covering 60+ years of Supreme Court of Canada decisions, now on supremecourtdatabase.com. Paul-Erik Veel was interviewed for the feature.
- **The 2022 Lexpert Directory Recognizes Lenczner Slaght's Litigation Excellence** – 31 of our expert litigators are recognized by their peers as the foremost practitioners across 18 fields.
- **Jurisage Launch Marks New Era in Bulk Access to Canadian Law** – Our expert litigator and lead of our Data-Driven Decisions program, Paul-Erik Veel, commented on the recent launch of Jurisage AI, which includes new AI tools that will advance the practice of the law.
- **Examining the Canadian Competition Act in the Digital Era** – Paul-Erik Veel's article *Private Party Access to the Competition Tribunal: A Critical Evaluation of the Section 103.1 Experiment* was cited in the Competition Bureau's paper titled *Examining the Canadian Competition Act in the Digital Era*.
- **Lenczner Slaght's 21st Year at the Centre of the Lexpert Bull's Eye** – Lenczner Slaght continues to be recognized as the #1 firm in Toronto for Litigation and Commercial Litigation by the 2022 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada.
- **Lexpert Recognizes Lenczner Slaght's Litigation Expertise** – Following an in-depth peer review process, the 2021 Lexpert Special Edition: Canada's Leading Litigation Lawyers guide recognizes 19 Lenczner Slaght lawyers for their extensive courtroom experience and subject-matter expertise.
- **2021 Lexpert Rising Star: Paul-Erik Veel** – This prestigious honour celebrates leading lawyers under the age of 40 who have an outstanding track record of success in their field, are changemakers in the legal industry, leaders in the community, and important contributors to their firm's success. Paul-Erik Veel is exemplary in each of these areas.
- **Risk Has Accelerated as Court Proceedings Were Delayed** – Paul-Erik Veel was interviewed for Lexpert's article titled "Risk Has Accelerated as Court Proceedings Were Delayed," published in its special edition report on litigation.
- **Top 10 Business Decisions of 2020-2021** – In Lexpert's Top 10 Business Decisions of 2020-2021 article, Lenczner Slaght is featured for its involvement in *Grant Thornton LLP v New Brunswick* and *Corner Brook (City) v Bailey*. Peter Griffin also provides his expert insights on the significance of *Grant Thornton LLP v New Brunswick* for the feature.
- **Re-writing the Playbook: Top 10 Civil Litigation Boutiques** – In the latest InHouse feature, Canadian Lawyer once again highlights the firms

from their Top 10 Civil Litigation Boutiques in Canada list.

- **Chambers Canada Recognizes Lenczner Slaght's Litigation Excellence** – Canada's leading litigation firm and its expert litigators continue to advance their position in the latest edition of world-renowned directory, Chambers & Partners.
 - **Lenczner Slaght Litigators Ranked Among Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 37 of our expert litigators are recognized for their expertise across 25 practice areas.
 - **Canadian Justice | How AI Is Changing the Law Profession** – Paul-Erik Veel was interviewed by The News Forum on our newly launched program, Lenczner Slaght Data-Driven Decisions, and its Supreme Court of Canada Leave Project. Paul-Erik also discusses how legal technology is changing the legal profession.
 - **Lexpert Recognizes Lenczner Slaght's Leading Health Sciences Expertise** – The inaugural issue of Lexpert's Special Edition on Canada's Leading Health Sciences Lawyers recognizes 11 Lenczner Slaght lawyers for their extensive industry experience. The rankings are also published in the June issue of the Globe & Mail's Report on Business.
 - **Benchmark Canada Recognizes Lenczner Slaght as a "Powerhouse"** – Canada's leading litigation firm continues to be recognized with the top tier ranking of "Highly Recommended in Ontario" for its Dispute Resolution practice.
 - **Firm Launches Program for Data-informed Decision-making in Litigation** – Paul-Erik Veel is mentioned in the May 2021 issue of Canadian Lawyer Magazine which profiles Lenczner Slaght's recently launched Data-Driven Decisions program which makes data-driven decision-making a key part of our firm's litigation strategy.
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- **The 2021 Lexpert Directory Recognizes 30 Lenczner Slaght Lawyers** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
 - **Homegrown data-driven advice is the new normal at Lenczner Slaght** – Paul-Erik Veel was interviewed for a recent LegalWriter.net article titled *Homegrown data-driven advice is the new normal at Lenczner Slaght*. In this article, Paul-Erik speaks about our Data-Driven Decisions program and how it will help incorporate data-driven decision-making into our firm's litigation strategy.
 - **Lenczner Slaght launches new program for data-informed decision-making in litigation** – In this Law Times article, Paul-Erik Veel discusses the drive behind our Data-Driven Decisions program and its current initiatives.
 - **Toronto Litigation Boutique Launches Data Analytics Program for Clients** – In a Law.com International article, Paul-Erik Veel introduces our new program, Data-Driven Decisions, which aims to provide objective legal advice supported by real data.
 - **How are law firms innovating to address client needs?** – In a recent Canadian Legal Innovation Forum article, Paul-Erik Veel shares his expert insights on how lawyers can use data analytics to provide more informed advocacy to clients.
 - **An Interview with Paul-Erik Veel on Innovation and the Law** – Paul-Erik Veel was interviewed for the January 2022 issue of the University of Toronto Faculty of Law's *Ultra Vires* newspaper. Paul-Erik discussed

leveraging data and technology in law and our Data-Driven Decisions program.

- **Lexpert Recognizes Lenczner Slaght Lawyers for Litigation Excellence** – An increasing number of our expert litigators continue to be recognized as the foremost litigators in their fields by peers and senior members of the legal profession.
- **Lenczner Slaght Recognized as a Top-Tier Litigation Firm by Chambers Canada** – Canada’s leading litigation firm and its expert litigators continue to be recognized by world-renowned directory, Chambers & Partners.
- **Best Lawyers in Canada Recognizes Lenczner Slaght’s Litigation Expertise** – Lenczner Slaght is proud to announce that 33 of our expert litigators are recognized in *Best Lawyers in Canada 2021*. Our lawyers received a total of 128 rankings, up from 100 in 2020.
- **Proceedings in first-ever Zoom trial at Federal Court met with praise by judge, counsel** – The Lawyer’s Daily interviewed Sana Halwani and Paul-Erik Veel on their experience in the first-ever Zoom trial before the Federal Court.
- **Lexpert Highlights Lenczner Slaght’s Professional Excellence** – Lenczner Slaght’s litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **More uncertainty for Canadian cannabis as class-action suits filed in U.S.** – Paul-Erik Veel was interviewed by CTV News for the Your Morning Show on February 10. Paul-Erik commented on the proposed Class Actions brought against Canadian cannabis companies in the U.S. and their implications on the cannabis industry in Canada.
- **Ontario would take a step backward with proposed class action changes, critics say** – In this Law Times article, Paul-Erik Veel shares his expert opinion on the proposed changes to class action certification tests in Bill 161, the *Smarter and Stronger Justice Act, 2019*.
- **SCC rules that class actions in lawsuits against tech giants can proceed** – Paul-Erik Veel was quoted in the Canadian Lawyer article *SCC rules that class actions in lawsuits against tech giants can proceed*.
- **Best Lawyers in Canada Recognizes Lenczner Slaght with 100 Rankings** – In the latest edition of *Best Lawyers in Canada, 28* Lenczner Slaght lawyers earned a total of 100 rankings, up from 86 in 2019.
- **Benchmark Recognizes Four Lenczner Slaght Partners** – Benchmark Litigation has recognized four Lenczner Slaght partners among the most talented litigators under the age of 40.
- **The 2019 Lexpert Directory Recognizes Lenczner Slaght with 89 Rankings** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
- **Benchmark Canada Highlights Lenczner Slaght’s Litigation Excellence** – Benchmark Canada 2019 not only recognizes Canada’s leading litigation firm with the top tier ranking of “Highly Recommended in Ontario”, 17 Lenczner Slaght litigators are also ranked for their expertise.
- **Pre-certification motion can be efficient** – Paul-Erik Veel was mentioned in the Law Times article *“Pre-certification motion can be efficient”* on October 28, 2018. This article discusses why the launch of a pre-certification motion in a proposed class action may be worthwhile.
- **Portable Productivity: Lawyers on Integrating Tech Into Practice** – Tom Curry, Sana Halwani, and Paul-Erik Veel were quoted in Sean Robichaud’s latest blog post dated October 24, 2018. The blog post

provides tips from lawyers who have integrated technology into their practice and have, as a result, streamlined their productivity.

- **Lenczner Slaght Litigators Ranked in Best Lawyers in Canada –** Canada's leading litigation firm is proud to announce that 25 of the firm's 58 lawyers have been recognized in the *Best Lawyers in Canada 2019* publication across multiple categories.
- **Lenczner Slaght Partners Featured in Latest Benchmark Recognitions –** Benchmark Canada has recognized six Lenczner Slaght partners as the most talented litigators under 40 and two partners recognized as two of the top female litigators in Canada.
- **Viability of umbrella purchaser claims in question –** Paul-Erik Veel is quoted in the Law Times article *Viability of umbrella purchaser claims in question* on April 23, 2018. This article discusses the intensifying debate over the viability of umbrella purchaser claims.
- **Lexpert Recognizes Lenczner Slaght's Professional Excellence –** An increasing number of the firm's lawyers have been ranked by their peers as leading practitioners in their field.
- **Lenczner Slaght Receives Top Tier Ranking in Benchmark Litigation –** 19 Lenczner Slaght leading litigators are ranked in Benchmark Litigation's 2018 directory, including 7 new additions since last year. Three of the firm's litigation stars are also recognized as a Top 50 Trial Lawyer in Canada.
- **Cleveland Baseball Team Discontinues Chief Wahoo Logo –** Following a year and a half of ongoing litigation on this matter, Lenczner Slaght and Douglas Cardinal are delighted by the decision of Major League Baseball and the Cleveland baseball team to discontinue the discriminatory Chief Wahoo logo on the Cleveland uniforms beginning in 2019.
- **Gift cards—a new way to reduce liability –** Paul-Erik Veel is quoted in the Canadian Underwriter article *Gift cards—a new way to reduce liability* on January 26, 2018. This article discusses Loblaw's response to the revelations of bread price-fixing.
- **Indigenous activist heads back to court in fight against Cleveland Indians logo –** Paul-Erik Veel was quoted in the Canadian Lawyer Legal Feeds article *Indigenous activist heads back to court in fight against Cleveland Indians logo* on December 7, 2017 regarding Douglas Cardinal's continued fight against Cleveland's baseball team name and logo. The Ontario Divisional Court heard arguments on the case on December 13, 2017.
- **The Fight Against Cleveland's Baseball Team Name and Logo in Ontario Continues –** World-renowned Canadian activist for Indigenous Peoples, Douglas Cardinal, is continuing the fight against the Cleveland's baseball team's name and logo.
- **Lenczner Slaght Ranked Among the Best –** Almost half of the leading litigation firm's lawyers are recognized in the *Best Lawyers in Canada*.
- **Cleveland Indians' logo still under fire from Canadian activist –** Paul-Erik Veel was quoted in the CBC Sports article *Cleveland Indians' logo still under fire from Canadian activist* on July 13, 2017 regarding the Ontario Human Rights Tribunal deciding to move forward with Douglas Cardinal's discrimination case against the Cleveland team name and logo.
- **Meet the man behind fight to keep Indians logo out of Canada –** Paul-Erik Veel was quoted in the USA TODAY Sports article *Meet the man behind fight to keep Indians logo out of Canada* on June 28, 2017

regarding Douglas Cardinal and his discrimination case against the Cleveland team name and logo.

- **MLB wants Human Rights Tribunal ruling on Cleveland logo thrown out** – Paul-Erik Veel was quoted in the Toronto Star article *MLB wants Human Rights Tribunal ruling on Cleveland logo thrown out* on June 27, 2017 regarding Major League Baseball's application for judicial review before the Ontario Superior Court of Justice arguing that the case against the Cleveland team name and logo should be set aside due to jurisdictional issues.
- **Challenge to Indians' Chief Wahoo case moves forward in Toronto** – Paul-Erik Veel and Rebecca Jones were quoted in the USA TODAY Sports article *Challenge to Indians' Chief Wahoo case moves forward in Toronto* on June 6, 2017 regarding the recent Ontario Human Rights Tribunal green lighting the discrimination case against Cleveland major league baseball team name and logo.
- **Human Rights Tribunal Green Lights Cardinal's case against Cleveland Major League Baseball Team** – Ontario Human Rights Tribunal green lights discrimination case against Cleveland major league baseball team name and logo.
- **New laws may spur more arbitration in Ontario** – Paul-Erik Veel was quoted in the Law Times article *New laws may spur more arbitration in Ontario* on April 24, 2017 regarding the new International Commercial Arbitration Act.
- **How to turn a clerkship into a job** – Paul-Erik Veel was interviewed in a PrecedentJD article about finding a job as a lawyer after clerking.
- **Lenczner Slaght Names Paul-Erik Veel Partner** – Canada's leading litigation firm continues to grow from within
- **Atos Inc v Sapient Canada Inc** – Ontario Superior Court of Justice awards \$5.5 million to Atos Inc following successful trial
- **Rejection of injunction doesn't address whether logo and name are discriminatory** – Rebecca Jones and Paul-Erik Veel were quoted in the Canadian Lawyer article *Rejection of injunction doesn't address whether logo and name are discriminatory* on October 19, 2016.
- **Ruling opens door to umbrella purchaser suits** – Paul-Erik Veel was interviewed for the article *Ruling opens door to umbrella purchaser suits* for the August 22, 2016 issue of the Law Times.
- **Province vowing to fix laws governing towns, cities** – Paul-Erik Veel was quoted in the Toronto Star on July 19, 2015 on the complaints about the contradictions in the provincial laws that govern towns and cities.
- **Art of the Case: How the Chatr Wireless case avoided incivility despite the high stakes** – Tom Curry, Jaan Lilles and Paul-Erik Veel were quoted in the September, 2014 issue of Lexpert Magazine in relation to Commissioner of Competition v. Rogers Communications Inc. et al.
- **Nearly half of municipal candidates may have broken the Elections Act** – Paul-Erik Veel was quoted in the Windsor Star on August 26, 2014 regarding the municipal election in Windsor and Essex County.
- **Lenczner Slaght Lawyer Wins Precedent Setter Award** – Among the five winners of this year's Precedent Setter Awards is Lenczner Slaght associate Paul-Erik Veel, called to the Bar in 2010 and already a veteran in the courtroom.
- **Feds score a few wins among high-profile losses** – Paul-Erik Veel was quoted in the May 26, 2014 issue of the Law Times regarding recent

Supreme Court criminal law rulings.

- **Judge Makes Strong Statements on Warrantless Entries** – Paul-Erik Veel was quoted in the Law Times article *Judge Makes Strong Statements on Warrantless Entries* on March 24, 2014.
- **Lenczner Slaght Celebrates the Winners of Western Law's 2014 Lenczner Slaght Advocacy Competition in Legal Ethics Moot** – Lenczner Slaght is a proud supporter of Western Law's 5th annual "Lenczner Slaght Advocacy Competition in Legal Ethics and Professionalism Moot".
- **Municipal Election Spending Strangely Exempt from Oversight** – Paul-Erik Veel's article on the topic appeared in the Toronto Star on February 8, 2013.
- **Lenczner Slaght Sponsors Advocacy Competition in Legal Ethics and Professionalism** – Proud Sponsors of Advocacy Competition in Legal Ethics and Professionalism.
- **Over 17,000 cases** – Lenczner Slaght lawyers have acted for clients in over 17,000 cases of all types. From complex commercial disputes to professional regulatory matters...

PROFESSIONAL ACTIVITIES

- Canadian Bar Association
- Ontario Bar Association
Member-At-Large of the Civil Litigation Executive; Past-Chair of the Health Law Executive
- The Advocates' Society
Secretary of the Class Actions Practice Group
- American Bar Association
Litigation and Antitrust Law Sections