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CLASS ACTIONS IN CANADA

by Ward Branch

Release No. 52, June 2018

This respected and comprehensive guide to bringing and defending class actions provides detailed analysis emphasizing the practical and tactical, as well as identifying pitfalls. This important work provides examples and direction through analysis of hundreds of class action cases litigated across Canada, as well as a comprehensive bibliography of class action articles. This well-organized, easy-to-read text features: practical direction and commentary, guidelines for drafting pleadings, guidance on the use of class actions in different legal areas such as: securities, environmental law and product liability, and case law analysis.

What's New in this Update:

This release includes updates to the following:

We have added a more comprehensive chart of approved contingency fees by date in Appendix B.

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The following chapters have been updated:

Chapter 11 — Jurisdictional Issues

Chapter 12 — Limitation Periods

Chapter 14 — Discovery

Chapter 15 — Other Procedural Issues

Chapter 16 — Settlement or Discontinuance

Chapter 17 — Trial of the Common Issues

Chapter 19 — Costs

Chapter 22 — Statistics

Appendix A — Summary of Class Certification Decisions by Area of Law

Appendix B — Chart of Approved Fee Percentages

The following cases are of particular interest:

- *Daniells v. McLellan*, 2017 ONSC 688: Ontario court certified common issue on aggregate damages in a breach of privacy claim, observing that nominal damages are well-suited to aggregate assessment.
- *Heller v. Uber Technologies Inc.*, 2018 ONSC 718: Ontario court stayed a proposed class action by Uber “contractors” seeking *Employment Standards Act* benefits, based on an arbitration clause, noting that not all employment-like relationships are inimical to arbitration.
- *Airia Brands Inc. v. Air Canada*, 2017 ONCA 792: Global class certified, and framework established to protect absent foreign claimants.