



# Laurent Nahmiash

**Partner**

**D +1 514 312 0289**

[lnahmiash@infavocats.com](mailto:lnahmiash@infavocats.com)

## Profile

Laurent currently represents numerous manufacturers and finance companies in various consumer protection and product liability class actions. As well, he is currently involved in various antitrust, privacy breach, securities, insurance, professional liability and pharmaceutical class actions. He has also successfully defended multiple class actions involving pension surplus entitlement disputes and alleged breaches of fiduciary duties by pension trustees.

Laurent has amassed considerable commercial litigation and arbitration experience and has been involved in a number of cross-border and offshore trust/captive reinsurance lawsuits. He has also successfully defended various high-technology and e-commerce cases.

He also regularly defends insurance brokers and financial advisors, in the context of professional liability claims, both before the civil courts and disciplinary bodies. He has also been retained as coverage and defence counsel by numerous insurance carriers.

Laurent was the President of the Québec chapter of the Canadian Bar Association Class Action Division from 2012 to 2014 and is still a member of its executive committee.

## Representative Work

- Currently retained by a defendant carrier in the Valeant Securities class action and opt-out recourses;
- Currently retained by Mercedes-Benz Financial Services Canada Corporation and Ford Credit Canada Company to defend a lease option to purchase fee class action application.
- Currently retained by Mercedes-Benz Financial Services Canada Corporation and Ford Credit Canada Company to defend a lease transfer fee class action application.
- Currently retained by Daimler AG in an automotive cartel class action application (*Bountounis v Volkswagen Group Canada Inc.*, 2017 QCCS 5572).
- Recent and successful trial dismissal of \$24 million consumer non-disclosure class action on behalf of TD Auto Finance Services Inc. (*Bourdages v. TD Auto Financing Services Inc.*, October 25, 2019, Quebec Superior Court).
- Recent and successful trial dismissal of \$20 million consumer protection class action on behalf of Ford Credit Canada (*Bourgeois v. Credit Ford of Canada Limited*, October 25, 2019, Quebec Superior Court).
- Successful dismissal of cyber data breach class proceedings on behalf of Yahoo! (*Bourbonnière v. Yahoo! Inc.*, 2019 QCCS 2624).

- Daimler Chrysler Financial Services Inc. (now TD Auto Finance Services Inc.): Currently defending a loss of personal data claim filed for consumers who in March 2008 rented and financed a Chrysler, Dodge or Jeep vehicle from DaimlerChrysler Financial Services Inc. (*Belley v TD Auto Finance Services Inc./Services de financement auto TD Inc.*, 2017 QCCS 2668). The decision was confirmed by the Quebec Court of Appeal on October 18, 2018 (2018 QCCA 1727).
- Daimler AG and Mercedes-Benz Canada Inc.: Currently defending Daimler AG and Mercedes-Benz Canada Inc. in various Takata airbag class action applications filed in Ontario and Quebec (*Vitoratos et al. v Takata Corporation et al.*, Quebec Superior Court, Montréal 500-06-000723-144; *D'Haene et al. v Takata Corporation et al.*, Ontario Superior Court of Justice, CV-16-543766-00CP).
- Whirlpool Canada LP and Sears Canada Inc.: Currently defending against a second attempt to certify an alleged moldy washer class action application with another representative plaintiff (*Gaudette v Whirlpool Canada Inc. and Sears Canada Inc. et al.*, 2017 QCCS 4193; 2018 QCCA 1206).
- Boralex Inc.: Successfully defeating a Motion for Safeguard Order to prevent forced acquisition of Boralex Power Income Fund's trust units, in connection with the CA\$226.5 million acquisition of the Fund by Boralex Inc (*O'Leary Funds Management, l.p. v Boralex Inc.*, 2010 QCCS 5104), as well as dismissal of subsequent action in damages (*O'Leary Funds Management v Boralex Inc.*, 2018 QCCS 842). The decision was confirmed by the Quebec Court of Appeal on January 21, 2019 (2019 QCCA 84).
- Microsoft Inc., Lenovo, Whirlpool and FCA: Successfully defeated class certification application filed against Microsoft Inc., Lenovo, Whirlpool and FCA alleging the harmful effects of electronic magnetic field product contributions (*Durand c. Attorney General of Quebec*, 2018 QCCS 2817).
- Mercedes-Benz Canada, Inc. and Daimler AG: Successfully obtained the dismissal of a class action application alleging defective gear sprockets and balance shafts (*Nadeau v Mercedes-Benz Canada Inc. and Daimler AG*, 2016 QCCS 7). The decision was confirmed by the Quebec Court of Appeal on March 24, 2017 (2017 QCCA 470). The application for leave to appeal was denied by the Supreme Court of Canada on September 21, 2017 (SCC No. 37576).
- Compagnie General Motors du Canada: Defended a class action against a claim of premature rust corrosion on four models of U-Vans manufactured between 1997 and 2004 and successfully obtained a discontinuance without costs in December of 2015 after 11 years of protracted litigation (*Vermette et al. v Compagnie General Motors du Canada*, S.C. Montréal 500-06-000261-046, November 22, 2016).
- Mercedes-Benz Canada Inc. and Mercedes-Benz Research & Development North America Inc.: Defended and successfully negotiated a dismissal of a class action application for alleged safety issues regarding the FOB ignition switch system (*Knafo v Mercedes-Benz Canada Inc. and Mercedes-Benz Research & Development North America Inc.*, S.C. Montreal 500-06-000755-153, November 2016).
- Mercedes-Benz Canada Inc. and Daimler AG: Successfully obtained the discontinuance without costs of a class action application alleging improper disclosure of diesel emissions (*Bogdan v Mercedes-Benz Canada Inc. and Daimler AG*, S.C. Montreal 500-06-000768-156, October 2016).
- Successfully representing 19 vehicle manufacturers and credit companies in obtaining a discontinuance without costs of an industry wide consumer disclosure class action after 13 years of litigation (*Billette v Toyota Canada Inc. et al.*, S.C. Montréal 500-06-000184-024. December 7, 2015).

- Successful defence and settlement of Mount Real Corporation Ponzi class action on behalf of an audit firm (*Andrée Ménard v Lino P. Matteo et al.*, S.C. Montréal 500-06-000453-080, April 26, 2017).
- D&O's of Montreal, Maine & Atlantic Corporation and various Rail World entities: Successfully defended and negotiated a comprehensive CCAA settlement in the Lac-Mégantic class action (*Montreal, Maine & Atlantic Canada Co. and Richter Advisory Group Inc. et al.*, S.C. St-François 450-11-000167-134).
- Whirlpool Canada LP: Successfully obtaining from the Québec Superior Court the denial of certification of a multimillion-dollar product liability class action (*Lambert v Whirlpool*, S.C. Montréal 500-06-000493-094, November 19, 2013, j. Mayrand). The decision was confirmed by the Québec Court of Appeal on March 11, 2015 (2015 QCCA 433 (CanLII)); the application for leave to appeal was denied by the Supreme Court of Canada on October 29, 2015 (2015 CanLII 69429 (CSC)).
- Suzuki Canada Inc., Credit Suzuki Canada and Compagnie de Services de Financement Automobile Primus Canada, S.C.: Successfully obtaining the discontinuance of a supposed rebate contractual non-disclosure class action after 7 years of litigation; *Dion v Suzuki Canada Inc.*, 2013 QCCS 747.
- Compagnie de Services de Financement Automobile Primus Canada: Successfully obtaining the dismissal of a multimillion-dollar class action concerning the alleged non-disclosure of a credit charge (*Dion v Compagnie de Services de Financement Automobile Primus Canada*, 2013 QCCS 3654 and confirmed in appeal 2015 QCCA 333).
- General Motors Acceptance Corporation du Canada Ltée: Acting in connection with dismissal of \$50 million plus compensatory claim in a cost of credit disclosure class action (*Daneau v General Motors Acceptance Corporation du Canada Ltée* (GMAC), 2013 QCCS 3655 and confirmed in appeal 2015 QCCA 333).
- General Motors du Canada Limitée et al.: Obtaining the discontinuance of a consumer protection CA\$600 million class certification application on behalf of 16 automotive companies (*Marandola v General Motors du Canada Limitée et al.*, S.C. Montréal 500-06-000206-033, September 28, 2011).
- Eight automotive companies: Obtaining dismissal of a multibillion-dollar class petition concerning the alleged false credit rate advertising and contractual violations of the Quebec *Consumer Protection Act* (*Contat v General Motors du Canada Ltée et al.*, 2009 QCCA 1699 (CanLII)).
- Nortel I and II Class Actions: Nortel I and II, 2009 CanLII 2407 (QCCS), 2008 CanLII 1132 (QCCA), 2007 CanLII 1208 (QCCA), 2007 CanLII 696 (ONSC), 2007 CanLII 266 (QCCS), 2011 QCCA 767: Assisted US counsel in obtaining Canadian Court approval to implement global settlement of US securities class actions through courts in Ontario, Quebec and British Columbia and challenges to Canadian class counsel fees. We successfully defeated class counsel fee requests on three occasions.
- Bristol-Myers Squibb Canada Co: Representing in respect of a multimillion-dollar class certification application invoking the alleged dangers of medication administered to infants and successfully obtained a discontinuance of this class petition on September 24, 2009 December 11, 2009 (*Isabelle Perreault v McNeil PDI Inc. et al.*, S.C. Quebec 200-06-000091-077, December 11, 2009).
- Linson Pharma Inc.: Representing in the highly publicized dismissal of the Novopharm generic drug surcharge class certification application by the Court of Appeal of Québec (Lexpert Top 10 case 20080) (*Option Consommateurs v Novopharm Ltd.*, 2008 QCCA 949).
- Acting in connection with the defence and successful settlement of two pending highly publicized and precedent setting multimillion-dollar class actions launched against the ex-pension committee

members of the Jeffrey Mine Inc. Salaried and Hourly Pension Plans (*Langlois v Denis N. Roy, S.C. St-François* 450-06-000001-044, January 18, 2011).

- Automotive Association: Successfully intervening in this once seminal case on behalf of the Canadian Vehicle Manufacturers' Association (*Bouchard v Agropur Coopérative*, 2006 QCCA 1342).
- Internal platform provider: Representing an internet company in the successful dismissal of an executed Anton Piller order (*Saphie Number One Ltd. v 6091636 Canada Inc.*, 2008 QCCS 223).

## Recognitions

- Recognized by The Legal 500 Canada in the area of Dispute Resolution (2017, 2019)
- Recognized by Best Lawyers in Canada as one of Canada's leading lawyers in the area of Class Action Litigation (2013–2020)
- Ranked by Benchmark Litigation as a Local Litigation Star for (Quebec) (2012-2015) and Class Actions (2013-2017), Insurance (2012, 2014, 2017), Product Liability (2014), Automotive (2017, 2018) and General Commercial (2017, 2018)
- Recommended by The Canadian Legal Lexpert Directory (2007-2019) as one of Canada's leading lawyers in the area of Litigation (Class Actions) and Litigation (Product Liability) (2017, 2018)
- Recognized by Lexpert Guide to the Leading US/Canada Cross-border Litigation Lawyers in Canada (2016)
- Recognized by Canadian Legal Lexpert Directory as one of Canada's leading lawyers in the area of Professional Liability (2016)
- Recognized by Chambers Canada as a Recognized Practitioner in the area of Dispute Resolution: Class Action (Defence) (2015, 2016, 2017)

## Insights

- "Quebec Court of Appeal Decision in Credit Card Currency Conversion Fee Class Action", Focus on Class Actions and Financial Services, August 2012
- *Trudel & Johnston, S.E.N.C. & al. v. Corporation Nortel Networks & al.*, Court of Appeal, April 6, 2011, Focus on Class Actions - April 2011
- "GM Prevails in Thwarting Class of Unharmed Consumers", Focus on Class Actions, September 2009
- "Nortel Québec Class Counsel Fees Slashed by Québec Superior Court, Focus on Class Actions", June 2009
- "The Supreme Court of Canada in favour of national classes when establishing the criteria for recognizing foreign judgments, Focus on Class Actions", April 2009
- The judicial cost of tobacco - Comments on the *Conseil québécois sur le tabac et la santé v. JTI MacDonald Corp.* and *Létourneau v. JTI MacDonald Corp.* decisions, EYB2005REP357, May 2005
- Brief on the reform of the Code of Civil Procedure with respect to class action proceedings instituted after January 1, 2003

## Memberships, Activities and Associations

- Member of the Québec Bar (1985)

- Member of the Canadian Bar Association, Insurance Law and Class Actions sections
- The Lord Reading Law Society
- Speaker at the International Institute of Conflict Prevention and Resolution's (CPR) Annual Meeting in Charleston, South Carolina, February 2014
- Speaker at the 8th National Symposium on Class Actions, Osgoode Hall Law School, April 28 and 29, 2011
- "Les recours collectifs au Québec: 30 ans plus tard", February 2011
- "Responsabilité fiduciaire et professionnelle à l'égard des investissements en matière de régimes de retraite", International Foundation of Employee Benefit Plans, San Diego, November 22 to 24, 2010
- "Le recours collectif en droit de la consommation et en droit de la concurrence - Développements récents", Québec Bar Symposium, October 2009
- "Responsabilité fiduciaire et professionnelle à l'égard des investissements en matière de régimes de retraite", Federated Press Conference Center, September 2009
- Can Anything but Standing Open the Door to the Courthouse? Québec Caselaw in the Aftermath of Bouchard v. Agropur, April 2009
- "L'évaluation et la gestion des conflits d'intérêts", September 2008
- Liability of Plan Administrators and Advisors for Imprudent Investment Practices: Recent Statutory and Class Action Developments in Québec, January 2007
- "Comment prévenir les sinistres en responsabilité professionnelle", formation donnée dans le cadre du Congrès 2006 du Regroupement des cabinets de courtage d'assurance du Québec (RCCAQ), November 2006
- "Les recours collectifs nationaux : théorie juridique ou nouvelle réalité judiciaire ?", March 2006
- Québec 2005 Class Action Update: Cost of Credit Non-Disclosures in Advertised Consumer Finance Offers, November 2005
- Québec Class Action Update, Why the Rest of Canada is watching closely, September 2005
- "The Consumer Protection Act, the Spineless Backdrop of Québec's Recent Advertising Class Action Proliferation", November 2004
- "Le recours collectif et la Loi sur la protection du consommateur: le dol éclairé et non préjudiciable - l'apparence de droit illusoire", October 2004