



Anthony Franceschini

Partner

D +1 514 312 0291

afranceschini@infavocats.com

Profile

Anthony Franceschini's litigation practice focuses on class actions, product liability and construction law. He has also developed expertise in arbitrations and regulatory matters. Anthony represents a wide range of multinational corporate clients in a variety of conflicts, and provides legal advice to prevent, manage and settle disputes. He has acted before various Québec courts, administrative tribunals and the Canadian Federal Court. Anthony has been recognized by *The Best Lawyers in Canada*.

Representative Work

- Successful dismissal of two consumer class actions on the merits instituted against TD Auto Finance Services and Ford Credit Canada concerning 30,443 and 23,923 finance customers in Québec representing total claims in the amount of \$23.4 million and \$20 million respectively made under the Québec *Consumer Protection Act*.
- Successfully represented a Canadian financial institution in a multi-party confidential arbitration held in Los Angeles, California regarding the 15M\$ financing of an independent foreign film production (January 2019).
- Boralex Inc.: Successfully defeated an action by O'Leary Funds seeking damages on the acquisition of the 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 c. Boralex inc., 2018 QCCS 842; confirmed by the Court of Appeal of Québec, 2019 QCCA 84; and application for leave to appeal dismissed by the Supreme Court of Canada, 2019 CanLII 64831 (SCC)).
- Mercedes-Benz Canada, Inc. and Daimler AG: Successful dismissal of a product liability class certification application (Nadeau v Mercedes-Benz Canada, Inc. and Daimler AG, 2016 QCCS 7; confirmed in appeal 2017 QCCA 470; and application for leave to appeal dismissed, 2017 CanLII 61793 (SCC)).
- Whirlpool I: Successful contestation of the authorization of a multimillion-dollar product liability class action regarding front-loading washers (Lambert v Whirlpool Canada LP, 2013 QCCS 5688; confirmed by the Québec Court of Appeal, 2015 QCCA 433; and application for leave to appeal dismissed by the Supreme Court of Canada, 2015 CanLII 69429 (SCC)).
- Whirlpool II: Acting before the Québec Superior Court in the contestation of an identical application for the authorization of a class action concerning front-loading washers (Gaudette v. Whirlpool Canada, 2017 QCCS 4193; Whirlpool Canada v. Gaudette, 2017

QCCA 1677; and application for leave to appeal dismissed by the Supreme Court of Canada, 2019 CanLII 73200 (SCC)).

- D&O's of Montreal, Maine & Atlantic Corporation and various Rail World entities: Successful defense and settlement of the Lac-Mégantic wrongful death class certification application and proceedings under the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36 ("CCAA").
- Schwartz, Levitsky, Feldman: Represented the client in the Mount Real investment fraud class action regarding the auditors' liability, and in the negotiation and settlement process of the class action under the CCAA.
- Aéroports de Montréal: Represented the client in various litigation and construction claims, including in a CA\$30 million action brought against Groupe Axor Inc. and Société en commandite Adamax Immobilier, following the construction of the new cross-border departure area at Montréal's Pierre Elliott Trudeau International Airport.
- Represented Magil Construction Corporation in litigation regarding the construction of the Altoria Tower on Viger Street in Montréal, Québec.
- Represented wind energy producers in the context of litigation regarding construction cost overruns and delays (amount in dispute of over \$20M).
- EDF EN Canada Inc.: Represented the client and its related entities in a litigation regarding the cohabitation with local community members claiming hunting and fishing rights on the territory of the Nicolas-Riou wind farm project (amount in dispute of over 13M\$).
- Advising specialized contractors in multimillion-dollar disputes regarding cost overruns and delays on privately funded construction projects (contract values upwards of 100M\$).
- Advising developers/owners or contractors in preventing, managing, defending and settling claims in the context of civil works and industrial or commercial/institutional construction projects.
- Advising in disputes concerning large public infrastructure projects or PPP in Québec submitted to arbitration and to other alternative dispute resolution mechanisms.
- Advising clients with respect to the requirements of the *Act respecting the labour relations, vocational training and workforce management in the construction industry* (Act R-20) and the *Act respecting occupation health and safety in Québec* (CNESST).
- Advising clients on disputes regarding government public tenders and procurement contracts in the construction industry.
- Representing major manufacturers and distributors in the automotive industry in product liability and warranty cases concerning their vehicles.
- Advising in product/manufacturer's liability matters and in class actions alleging false advertising and breach of contract under the Québec *Consumer Protection Act*.
- Advising clients on resolution of disputes related to international distribution or representation agreements with local dealers or distributors.
- Representing Québec insurance brokers in the context of professional liability claims.

Recognitions

- *The Best Lawyers in Canada* (2020 Edition) in Construction Law

- CLE training "Tout ce que vous devez savoir sur le droit de la construction au Québec", accredited by the Québec Bar.
- Mentioned in "Bringing in the new at Dentons", Commercial Dispute Resolution, April 2017

Memberships, Activities and Associations

- Member, Québec Bar (2010)
- Member, Canadian Bar Association
- Member, Young Bar Association of Montréal
- Director, Italian Chamber of Commerce in Canada (2014-2018)