



## firm profile

McMillan is a modern and ambitious business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan's commitment to serve our clients, our local communities and the legal profession. For more information, please visit our website at [www.mcmillan.ca](http://www.mcmillan.ca).

## contacts

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## litigation

### overview

For companies that operate around the world and in highly competitive industries, commercial disputes are an unavoidable risk of doing business. Whichever side of the complaint a company is on, it requires the services of a law firm that will tenaciously pursue its commercial interests before all levels of courts, regulators, commissions, administrative tribunals and arbitral panels.

McMillan's Litigation Group helps clients when the stakes are at their highest—in litigation matters that can determine the fate of the company. The skill and experience of our lawyers help us successfully represent Canadian and international clients facing virtually any type of business dispute, in almost any forum across Canada.

Our approach is characterized by exemplary and efficient client service combined with sophisticated, intelligent and pragmatic advice. While we are staunch advocates for our clients' commercial interests, we also recognize that the best path to a solution may sometimes be through alternative dispute resolution or a creative settlement. At the same time, however, we approach every client matter prepared to proceed to trial.

Our accomplished team includes litigation, arbitration and dispute resolution specialists who operate at the top of their fields. Our group includes lawyers with training in common law and civil law systems, and fluency in multiple languages including both of Canada's official languages. We have extensive experience in domestic, cross-border, and international litigation, arbitration and mediation.

McMillan is frequently retained to assert and protect business clients' rights and to defend their products and brands. We also regularly represent and advise governments, agencies, tribunals, international panels and organizations.

### representative transactions

- Defended *Mastercard* in relation to five class-action lawsuits pertaining to rules related to interchange fees
- Acted in hundreds of franchise/dealership termination cases for suppliers, manufacturers and franchisors including Honda, Porsche, Mercedes, Sobeys and Transat
- Represented 12 client groups to defend almost 40 different auto parts class actions throughout Canada
- Acted for an international engineering firm with respect to a multimillion dollar claim arising from the repair of the Rainbow Bridge owned by the Niagara Falls Bridge Commission



## litigation

- Acted for *Miller Brewing Company* in dispute with Molson Coors regarding its Canadian license agreement
- Acted for *Samsung Canada Inc.* in class action proceedings related to Galaxy Note7, GS7 Edge and GS7 smartphones
- Acted for a group of institutional bondholders in challenging the \$52-billion leveraged buyout (LBO) of BCE based on securities law and oppression remedy recourses
- Defended *Netflix* in a Quebec class action matter
- Counsel to *Aura Cannabis* in OSC hearing regarding its contested hostile takeover of CanniMed Therapeutics Inc.
- Acted on *Club Resorts Ltd. v. Van Breda* which clarified the "real and substantial connection" test as a conflicts rule in private international law
- Acted for *ESL (Sears Canada)* in connection with the largest CCAA proceedings at the time
- Canadian defence counsel to *Citibank* in connection with a proposed class-action claim involving SSA bonds.
- Lead counsel in defence of 15 national class-actions in Canada related to the novel anticoagulant drug Pradaxa.
- Defended *JP Morgan* in relation to the Competition Bureau's inquiry into alleged price-fixing in relation to LIBOR
- Acted for a listed international energy company in a US\$1.4 billion dispute arising from a long-term gas supply contract and successfully defended subsequent court challenges; client was awarded US\$1.3 million in costs