



Nick Rodrigo

Partner

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Expertise

Class Actions
Commercial Litigation
Securities Litigation
Dispute Resolution
Competition, Antitrust and Foreign
Investment

Bar Admissions

British Columbia, 2024
Ontario, 2001
Québec, 1999

Nick applies his creative and meticulous approach to complex litigation matters.

Nick has a well-rounded litigation practice focusing on class action defence, particularly in relation to securities, competition and consumer law. He also advises on various types of contractual and shareholder disputes such as oppression cases and brokers' liability cases.

Nick has gained broad trial and appellate experience, including at the Supreme Court of Canada. Clients across a wide range of industries – including telecommunications, retail, mining, technology and aerospace – trust Nick for his detail-oriented approach. His current caseload includes several large securities class actions, as well as matters regarding allegations of international price-fixing conspiracies and several consumer law class actions involving some of Canada's largest retailers.

Nick is a fellow of the American College of Trial Lawyers and a member of the firm's Management Committee. He is a frequent speaker at industry conferences across Canada.

REPRESENTATIVE WORK

Agnico Eagle Mines Limited

Acted for Agnico Eagle Mines Limited and certain of its current and former officers and directors in respect of their defence of a multi-jurisdictional class action alleging that the company's public disclosure was false and misleading contrary to the Québec *Securities Act*.

Lehman Brothers Real Estate Partners II LP

Acted successfully for Lehman Brothers Real Estate Partners II LP in connection with corporate proceedings in oppression and derivative action with respect to three real estate investments in Montréal.

Rogers Communications Inc. and Fido Solutions Inc.

Acting for Rogers Communications Inc. and Fido Solutions Inc. before the Québec Superior Court in their defence of a proposed class action with respect to fees for picture and video messaging from Canada to the United States.

Rogers Communications Inc.

Acting for Rogers Communications Inc. before the Québec Superior Court in its defence of a proposed class action related to early cancellation fees.

Brault & Martineau Inc.

Acted successfully for Brault & Martineau Inc. in defence of a class action instituted on behalf of consumers who purchased goods with financing that was alleged to breach the provisions of the *Consumer Protection Act*.

Brault & Martineau Inc., Corbeil Électrique Inc. and Sears Canada Inc.

Acting for Brault & Martineau Inc., Corbeil Électrique Inc. and Sears Canada Inc. in defence of various class actions instituted on behalf of consumers alleging

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that the sale of additional warranties breaches the provisions of the Consumer Protection Act.

Metromedia CMR Broadcasting Inc.

Acted successfully for Metromedia CMR Broadcasting Inc. before the Québec Court of Appeal and the Supreme Court of Canada in the case of *Bou Malhab v. Diffusion Métromédia CMR Montréal Inc. et al. v.*, a defamation class action brought by a group of taxi drivers in Montréal. The Supreme Court of Canada dismissed the appeal and upheld the decision of the Québec Court of Appeal dismissing the action.

Canadian Chamber of Commerce

Acted successfully on behalf of the Canadian Chamber of Commerce in favour of Wal-Mart before the Supreme Court of Canada in an appeal concerning the scope of the employer's right to cease operations, even where the alleged reason for the business closure was the employer's unwillingness to deal with a union that had recently obtained certification of the workplace. The majority of the Supreme Court held that although anti-union animus could, in principle, constitute the basis for awarding compensation under the unfair labour practice provisions of the Québec *Labour Code*, the wrongful dismissal provisions assumed the continued existence of a workplace.

SONY BMG Music (Canada) Inc.

Acted for Sony BMG Music (Canada) Inc. in the successful defence of a national class action brought against Sony in the Ontario Superior Court concerning music copy protection software contained in CDs that were produced, marketed and sold by Sony.

BCE Inc.

Acted for BCE Inc. and Bell Canada in a successful appeal to the Supreme Court of Canada in a landmark commercial case involving the proposed \$51.7 billion privatization of BCE. The decision of the Supreme Court in this case set the standard in Canada for approval of plans of arrangement and claims of oppression. It also clarified the law concerning the duties of directors of public companies faced with potential change of control transactions. This case also resulted in the fastest commercial appeal ever heard by the Supreme Court of Canada. The appeal was heard by the Court and decided unanimously in favour of BCE less than 30 days after BCE launched its application for leave to appeal from a decision of the Québec Court of Appeal revoking approval for BCE's proposed plan of arrangement that had been granted by Justice Silcoff of the Quebec Superior Court following a lengthy and highly expedited trial.

RECOGNITIONS

American College of Trial Lawyers—Fellow

Chambers Canada: Canada's Leading Lawyers for Business—Dispute Resolution: Class Action (Defence); Litigation, General Commercial: Québec

The Legal 500 Canada—Dispute Resolution: Québec (Leading Individual)

Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms & Attorneys—Class Action (Litigation Star); Competition/Antitrust (Litigation Star);

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Securities (Litigation Star)

Lexpert Special Edition: Litigation

Lexpert Special Edition: Mining

Lexpert Special Edition: Technology and Health Sciences

The Canadian Legal Lexpert Directory—Class Actions; Competition Law; Litigation: Corporate Commercial

The Best Lawyers in Canada—Appellate Practice; Aviation Law; Class Action Litigation (Lawyer of the Year 2022, Montréal); Corporate and Commercial Litigation; Advertising and Marketing Law

INSIGHTS

Osgoode Professional Development, 18th National Symposium on Class Actions, “Carving Up the Cash”; Webinar
Apr. 29, 2022

Foreign Public Issuers Take Note: Québec Court Dismisses Securities Class Action for Lack of Jurisdiction
Apr. 22, 2020

Recent Québec Superior Court Decision Will Lead to Greater Jurisdictional Consistency for National Class Actions
Oct. 03, 2016

Secondary Market Liability: Supreme Court of Canada Clarifies the Screening Mechanism for Class Actions
Apr. 20, 2015

International Arbitration Q&A
Dec. 31, 2013

Taking a Pass on Passing On – Indirect Purchaser Claims in Competition Class Action
Dec. 31, 2013

Letting a Thousand Flowers Bloom: Resolving Individual Claims in Class Actions Through Mini-Trials
June 30, 2013

Barreau de Québec, conference, “Développements récents au Québec, au Canada et aux États-Unis collectif”
Mar. 21, 2013

EDUCATION

McGill University, BCL/LLB, 1998
Université Laval, French Cert., 1994
McGill University, BA (Liberal Arts & Philosophy), 1994

PROFESSIONAL AFFILIATIONS

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American College of Trial Lawyers (ACTL), Fellow
Young Canadian Arbitration Practitioners

TEACHING ENGAGEMENTS

Nick has lectured at the Québec Bar School, teaching a course on international arbitration. He also presented a seminar in Arusha, Tanzania, on trial advocacy techniques for prosecutors at the International Criminal Tribunal for Rwanda, which was prosecuting crimes against humanity committed during the 1994 Rwandan genocide.