



**Geneviève Bertrand**

*Senior Associate*

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**Education**

LLB/BCL, 2007, McGill University  
 BA (Hons), 2000, McGill University

**Bar Admissions**

Québec, 2007  
 Ontario, 2014

**Practice**

Geneviève’s litigation and dispute resolution practice focuses on civil and commercial litigation and class actions. Geneviève has been involved in a wide range of actions in various areas including product liability, insurance, retail, broker/dealer and securities law. She has appeared before all levels of court in Québec, as well as before the Superior Court of Justice in Ontario and the Federal Court. Geneviève has also developed an expertise in two regulatory fields, namely the banking regulatory sector and pharmaceutical and medical devices sector.

With regards to the regulatory banking sector, Geneviève has developed an expertise on consumer protection issues. Geneviève regularly provides advice to financial institutions, reviewing a broad range of agreements for compliance with the Québec *Consumer Protection Act*, including provisions adopted under Bill 134. Geneviève also regularly advises financial institutions for compliance on obligations arising out of the Supreme Court of Canada’s decision in *Marcotte*. Geneviève’s expertise in the pharmaceutical and medical devices sector focuses on advising clients that sell regulated products with regards to Québec-specific issues, including pricing, compliance, RFP and privacy requirements. Her experience as a litigator offers a unique perspective to provide risk-analysis and advice to clients on anticipating and mitigating litigation risks in both the consumer protection and pharmaceutical and medical device industries.

Geneviève practices in both our Montréal and Toronto offices.

**Recognition**

Geneviève was named as a leading litigation lawyer to watch by *Lexpert* in 2015 and 2016.

## Representative Work

- AstraZeneca in proposed Ontario, Québec and Saskatchewan product liability class actions, concerning NEXIUM® (esomeprazole) and LOSEC® (omeprazole), proton pump inhibitors (PPIs) used in the treatment of dyspepsia, peptic ulcer disease, gastroesophageal reflux disease (GERD) and Zollinger-Ellison syndrome
- Canadian Hockey League, Quebec Major Junior Hockey League, Ontario Hockey League, Western Hockey League and multiple junior hockey teams in multiple proposed class actions in Québec, Ontario and Alberta concerning the employment status of student hockey players
- an international pharmaceutical company in proposed product liability class actions in multiple Canadian provinces including Alberta and Québec, concerning an intrauterine contraceptive device
- an international environmental science company in Ontario and Québec product liability class actions, concerning systemic insecticides applied as a seed treatment to Canadian crop plants
- a Canadian Schedule 1 bank in a class action concerning alleged breaches in pricing for services pursuant to the *Consumer Protection Act*
- National Bank of Canada in national class actions in British Columbia, Alberta, Saskatchewan, Québec and Ontario relating to credit card fees charged to merchants
- Lennox in a proposed Ontario product liability class action concerning evaporator coils in air conditioning (AC) units
- related American multinational banking and financial services corporations in proposed Ontario and Québec class actions alleging anticompetitive conduct among investment banks regarding foreign exchange transactions between them, and alleged resulting damages to investors
- a Canadian financial institution in the context of numerous projects to ensure compliance with Canadian laws, including the *Consumer Protection Act* as well as with the obligations arising out of the *Marcotte* Supreme Court of Canada decision, and to provide advice on risk assessment
- a healthcare supply company specializing in eye care products in the review and revision of the company's promotional and educational materials for health care professionals and patients pertaining to its surgical equipment and billing practices for services not covered by government health insurance plans
- Associate Chief Justice Lori Douglas in a complaint brought before the Canadian Judicial Council
- BluEarth Renewables in an appeal of the Renewable Energy Approval (REA) issued for the 60 MW Bow Lake Wind Farm energy project near Sault Ste Marie, Ontario
- a multinational producer of drug products in compliance with professional standards in Québec, including licensing requirements and equivalence standards
- a Canadian distributor of medical and surgical products in compliance with nursing regulations in Québec
- a Canadian consumer products company in a dispute under the *Consumer Protection Act* concerning allegations of false advertising in connection with an ear cleaning device
- a Canadian pharmaceutical company in appealing a decision by the Syndic of the Order of Physicians, concerning a drug used in treatment of cancer, autoimmune diseases and ectopic pregnancies

- a multinational internet software company in regulatory advice on meeting the French language requirements for doing business in Québec
- DPTS Marketing and Dakota Petroleum Transport Solutions along with multiple defendants in a proposed Québec class action concerning the safe transportation of Shale Liquids and the safe operation of a train, in relation to the Lac-Mégantic train derailment
- a Canadian investment broker in connection with compliance and regulatory matters in connection with a stock exchange investigation
- Eli Lilly and Takeda in multiple proposed Ontario, Alberta and Québec product liability class actions concerning ACTOS® (pioglitazone), a prescription drug used to treat type 2 diabetes
- a Canadian investment broker in broker/dealer litigation concerning a stock purchase recommendation
- Mitsubishi in proposed Ontario and Québec class actions concerning price-fixing allegations related to alternators
- Eli Lilly in compliance with statutory pricing and regulatory matters connected with marketing pharmaceutical products in Québec
- Toyota Gosei Co. in proposed Ontario, Québec and British Columbia class actions concerning price-fixing allegations related to seatbelt and passenger safety systems
- Mitsubishi in proposed Ontario and Québec class actions concerning price-fixing allegations related to car starters
- a Canadian Schedule I bank in securities litigation alleging negligence concerning advice on a contested investment operation
- Flexible Foam Products in proposed Ontario, British Columbia and Québec class actions concerning price-fixing allegations related to polyurethane foam
- an international pharmaceutical company in proposed Alberta and Québec product liability class actions with a proposed national class action in Ontario concerning an anti-fibrinolytic product administered during cardiac surgery
- major financial institutions in defence of credit card class actions
- an energy company concerning breach of contract and statutory claims

## Professional Involvement

Geneviève has been a guest faculty member at the Notre Dame Law School's Intensive Trial Advocacy Program, in the United States. Before joining Torys, Geneviève practiced at another major Canadian law firm and worked as an investigator in insider trading and market manipulation for the Québec securities regulator, *Autorité des marchés financiers*.

## Memberships and Affiliations

Geneviève is a member of the Board for Trade of Metropolitan Montréal, the Defense Research Institute - DRI and Lawyers Without Borders Canada. She is also a member of The Advocates' Society.

## Insights

Le gouvernement du Québec limite l'utilisation des programmes de fidélisation et de soutien aux patients dans un nouveau projet de règlement

July 17, 2018

Québec Government Limits use of Loyalty Cards and Patient Support in Draft Regulation

July 17, 2018

Les effets du Projet de loi 92 sur les ententes entre les fabricants et les pharmacies et sur le soutien aux patients

January 24, 2017

The Impact of Québec's Bill 92 on Arrangements between Manufacturers and Pharmacies, and Patient Support

January 24, 2017

De nouvelles règles sur l'affichage au Québec

28 novembre 2016

New Laws for Québec Signage

November 28, 2016

Québec Publishes Draft Regulation on Calls for Tenders for Provision or Supply of Medications

September 06, 2016

Product Listing Agreements Come to Québec

May 12, 2015

SCC Rules on Threshold to Commence an Action Based on the Secondary Market Liability Regime

April 24, 2015

Québec Court of Appeal clarifies the role of the representative plaintiff and how to apply the proportionality principle in the context of article 1003 CCP

February 24, 2015

The Cause of Action of the Representative Plaintiff in Class Proceedings

*Class Action Defence Quarterly*, vol. 8, no. 4

June 2014

Supreme Court of Canada Rules that Commonality Requirement in Class Actions is Broader and more Flexible in Québec

January 24, 2014

Three Recent Decisions by the Québec Superior Court Dismiss Motions for Authorization to Institute a Class Action

October 29, 2013

Québec Court of Appeal Renders its First Decision on the Secondary Market Liability Regime

August 6, 2013