



## Geneviève Bertrand

*Counsel*

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### Education

LLB/BCL, 2007, McGill University

BA (Honours), 2000, McGill University

### Bar Admission

Québec, 2007

Ontario, 2014

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## 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 matters in various areas including product liability, insurance, retail, broker/dealer and securities law, as well as securities investigations. She has appeared before all levels of court in Québec, as well as before the Federal Court of Canada. Geneviève has also developed an expertise in regulatory fields, namely the insurance and banking regulatory sectors, as well as the pharmaceutical and medical devices sector.

Geneviève advises clients in insurance regulatory law, including with regards to products offered without a representative as well as a broad range of other requirements to comply with Québec laws applicable to the insurance industry. She also advises insurers in the context of audits and investigations by regulatory authorities. Geneviève's practice includes representing clients across Canada in the context of securities investigations, as well as financial services firms, before securities regulators and the courts. With regards to the regulatory banking sector, Geneviève has developed deep expertise on consumer protection issues, advising financial services firms on compliance and risk analysis. 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, relationships with physicians and healthcare providers, RFP, consumer 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 the banking regulatory and insurance sectors, as well as the pharmaceutical and medical devices industries.

Geneviève practises 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

- a Canadian Schedule I bank in a class action concerning alleged breaches in pricing for services pursuant to the *Consumer Protection Act*
- Canadian Hockey League, Québec Major Junior Hockey League, Ontario Hockey League, Western Hockey League and multiple junior hockey teams in multiple class actions in Québec, Ontario and Alberta concerning the employment status of amateur student hockey players
- AstraZeneca in proposed product liability class actions in Ontario, Québec and Saskatchewan 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
- an international pharmaceutical company in proposed product liability class actions in Alberta, Ontario, Nova Scotia and Québec, concerning an intrauterine contraceptive device
- an international environmental science company in a proposed product liability class action in Ontario and a class action at trial in Québec concerning systemic insecticides
- National Bank of Canada in class actions in British Columbia, Alberta, Saskatchewan, Québec and Ontario relating to credit card fees charged to merchants
- Lennox in a proposed product liability class action in Ontario concerning evaporator coils in air conditioning (AC) units
- related American multinational banking and financial services corporations in proposed class actions in Ontario and Québec 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, in 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 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 class action in Québec 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 the course of a stock exchange investigation
- Eli Lilly and Takeda in multiple proposed product liability class actions in Ontario, Alberta and Québec 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 class actions in Ontario and Québec concerning price-fixing allegations related to alternators
- Eli Lilly in compliance with statutory pricing and regulatory matters connected with marketing pharmaceutical products in Québec
- Toyoda Gosei Co. in proposed class actions in Ontario, Québec and British Columbia concerning price-fixing allegations related to seatbelt and passenger safety systems
- Mitsubishi in proposed class actions in Ontario and Québec 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 class actions in Ontario, British Columbia and Québec concerning price-fixing allegations related to polyurethane foam
- an international pharmaceutical company in proposed product liability class actions in Alberta, Ontario and Québec concerning an anti-fibrinolytic product administered during cardiac surgery
- major financial institutions in defence of credit card class actions

## 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 practised at another major Canadian law firm.

## Memberships and Affiliations

Geneviève is a member of the Defense Research Institute, the American Bar Association and Lawyers Without Borders Canada. She is also a Skills Instructor for The Advocates' Society.

## Insights

Genetic discrimination: it's criminal!

July 14, 2020

Québec's Bill 64 proposes sweeping changes to its privacy regime

June 19, 2020

Expedited production in Canada of goods to combat COVID-19 and potential exposure to future claims

April 7, 2020

An action-packed survey of insurance regulatory developments across Canada

February 6, 2020

New public procurement complaints process in Québec

May 22, 2019

Annual review of the jurisprudence from Québec

March 21, 2019

Développements jurisprudentiels récents en droit de l'action collective

Colloque national sur l'action collective – Développements récents au Québec, au Canada et aux États-Unis (2019)

March 21, 2019

10 décisions essentielles rendues en 2018 ayant un impact sur la pratique en contentieux

February 28, 2019

Stronger financial consumer protection and credit contract requirements ahead

January 24, 2019

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

July 17, 2018

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

January 24, 2017

New Laws for Québec Signage

November 28, 2016

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

September 6, 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

## Media

July 28, 2020: Torys insight featured in media coverage of *Genetic Non-Discrimination Act* ruling