



Marie-Ève Gingras

Senior Associate

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Education

LLB, 2008, Université de Montréal
 MA (Political Science), 2005, McGill University
 BA (International Studies), 2003, Université de Montréal
 Certificate of Qualification in Common Law, 2014, National Committee on Accreditation

Bar Admission

Ontario, 2015
 Québec, 2009

Practice

Marie-Ève’s practice involves a broad range of civil and commercial litigation, including in the context of class actions. Marie-Ève has been involved in a wide range of matters, including in matters relating to product liability, consumer complaints, securities, price-fixing allegations and public law matters. She has represented clients in the pharmaceutical, banking, construction, technology, communication, manufacturing, railway, aviation and mining industries. Marie-Ève has appeared as counsel before all levels of court in Québec and in the Federal Court.

Marie-Ève also practices labour and employment law. She assists clients with employment matters, including compliance with Québec laws and regulations, employment contracts, employment termination, human rights, non-solicitation undertakings and non-compete undertakings. Marie-Ève also assists clients regarding labour and employment implications of corporate transactions.

Marie-Ève regularly provides advice to Canadian and multinational corporations regarding consumer protection legislation, language requirements and other legal requirements for doing business in Québec.

Marie-Ève is fluent in French and English.

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Representative Work

- all underwriters that underwrote debt and equity offerings issued by Valeant Pharmaceuticals, Inc., in a cross-border securities class action alleging disclosure violations by Valeant concerning its relationship with specialty pharmacies, amongst other issues
- National Bank of Canada in class actions in British Columbia, Alberta, Saskatchewan, Québec and Ontario relating to credit card fees charged to merchants

- Intellectual Property Owners Association in its intervention before the Québec Superior Court in a constitutional challenge of sections 79 to 103 of the *Patent Act* and of the *Patented Medicines Regulations*
- Canadian Civil Liberties Association, as an intervener, in the Supreme Court of Canada case *Bela Kosoian v. Société de transport de Montréal, et al.*, concerning whether a pictogram creates a legal obligation to hold the handrail of an escalator in a subway station, as well as the civil liability standards applicable to police officers acting on a non-existent legal provision and the scope of the obligation to identify oneself to a police officer
- Sanofi-Aventis Canada in a proposed product liability class action in Québec alleging consumer misrepresentation in the labelling of various opioid-based narcotics, including pentazocine, pethidine and morphine sulfate tablets and injections used to relieve moderate to severe pain
- a Canadian pharmaceutical company in a proposed product liability class action in Québec alleging consumer misrepresentation in the labelling of opioid-based narcotics, including hydromorphone injections used to relieve moderate to severe pain
- 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
- a Canadian telecommunications provider in a proposed consumer class action in Québec alleging violations to consumer protection legislation through false representation of monthly service and early termination fees
- Canadian Life and Health Insurance Association as an intervener in a reference to the Québec Court of Appeal and the Supreme Court of Canada regarding the constitutional validity of sections 1 to 7 of the *Genetic Non-Discrimination Act*
- a Canadian telecommunications provider in a proposed consumer class action in Québec seeking compensation for fees charged to unlock cell phones
- 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
- Canada Post in a proposed Québec civil class action concerning the installation of the community mailboxes on private property claiming public nuisance
- 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
- Canada Post in a class action in Québec alleging contravention of provincial statutes in the prescription drug coverage provided to its Québec employees and retirees, raising constitutional law issues
- a Québec not-for-profit organization in pro bono work concerning a complaint for alleged psychological harassment
- Sears Canada in various commercial and regulatory matters 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
- 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 Québec-based gas retailer against accusations from the Competition Bureau and a class action relating to allegations of price-fixing and violations to the *Competition Act*
- Mitsubishi in proposed class actions in Ontario and Québec concerning price-fixing allegations related to alternators
- Toyota 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
- Barrick Gold in its action against Les Éditions Écosociété Inc. in a compensatory, moral and punitive damages claim in the amount of C\$6 million
- the respondents in the case of *Bou Malhab v. Diffusion Métromédia CMR Montréal Inc.*, a defamation class action brought by a group of taxi drivers in Montréal
- Flexible Foam Products in proposed class actions in Ontario, British Columbia and Québec concerning price-fixing allegations related to polyurethane foam

Community

Marie-Ève is a member of the Cercle du MAC Committee and a member of the Board of Directors for the Literacy Foundation. She was also a former member of the Research Ethics Committee of the CSSS Verdun (2011-2016), the Relations Committee of the Young Bar Association of Montréal (2011-2015) and Les Printemps du MAC Committee (2015, 2016 and 2017).

Memberships and Affiliations

Marie-Ève is a member of The Advocates' Society and the Canadian Bar Association.

Insights

COVID-19: potential liability of directors and officers of insolvent companies
April 21, 2020

Impact of COVID-19 on Canadian courts and litigation deadlines
April 3, 2020

Liability risks to business in the COVID-19 era

April 3, 2020

COVID-19 and the workplace: Québec considerations

March 31, 2020

Les milieux de travail aux temps de la COVID-19 : réduction de la masse salariale, réaction à un diagnostic positif et autres enjeux

March 31, 2020

Are you essential?: COVID-19 business closure orders in Canada

March 24, 2020

HR Law Seminar – Employment and Labour

April 23, 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

The Overcompensation Scheme in Québec Consumer Protection Class Actions

July 20, 2018

Québec Consumer Protection Act Applies to Free Online Service Agreements

Leading Internet Case Law, A Cecile Park Media Publication

January-February 2018

Management of Multijurisdictional Class Actions and of Class Actions in Montréal

March 5, 2018

Torys Annual HR Law Seminar

February 8, 2017

Appeal on Leave From Judgment Authorizing a Class Action – A Rebalancing of Parties' Rights?

December 5, 2016

Is it Still Possible to Challenge a Class Action in Québec at the Authorization Stage?

November 23, 2016

Torys' Annual HR Law Seminar

February 23, 2016

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

April 24, 2015

Top Employment Law Developments in 2014
February 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

Supreme Court of Canada Rules that Commonality Requirement in Class Actions is Broader and more Flexible in Québec
January 24, 2014

Supreme Court of Canada Rules in Favour of Taxpayers Regarding Rectification
December 11, 2013

Supreme Court of Canada Allows Indirect Purchaser Class Actions and Provides Guidance on Certification and Jurisdiction Issues
November 5, 2013

Three Recent Decisions by the Québec Superior Court Dismiss Motions for Authorization to Institute a Class Action
October 29, 2013

Can we win the fight against corruption within businesses and public agencies?
Co-author, FEI Canada (Québec chapter) conference
January 2013

Media

May 29, 2017: Torys Proudly Supports the *Association du jeune Montréal* Annual Fundraising Event