



**William McNamara**

*Partner*

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**Education**

BCL, 1985, McGill University  
 LLB, 1981, McGill University  
 BA, (Honours), 1977, Concordia University

**Bar Admission**

British Columbia, 2013  
 Québec, 1986  
 Ontario, 1983

**Practice**

William (Bill)'s practice involves a broad range of commercial litigation matters, with emphasis on the defence of product liability class actions, anti-trust law (price fixing, bid-rigging, misleading advertising, illegal trade practices and deceptive marketing practices), infrastructure and construction claims, banking law, insolvency, restructuring and corporate disputes.

Bill has appeared before the courts in Ontario, Québec, British Columbia and Alberta; the Competition Tribunal; the Federal Court of Canada and the Federal Court of Appeal; and numerous private arbitral panels. He is fluently bilingual in English and French, and completely at ease conducting trials or appellate advocacy in either language.

**Recognition**

*Chambers Canada*—Recognized practitioner in dispute resolution: class action (defence); litigation: products liability (2019-2020)

*Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys*—Litigation Star (Commercial, Competition, Product Liability) (2018-2020)

*The Canadian Legal Lexpert Directory*—Litigation - product liability (2020); leading lawyer in class actions (2017-2019); litigation (2017-2018)

*Who's Who Legal*—Leading Canadian lawyer in life sciences (2011-2019), regulatory (2016-2018)

Practical Law Company's *Cross-border Life Sciences Handbook* (2007-2011)

## Representative Work

- a Canadian Schedule I bank in a class action concerning alleged breaches in pricing for services pursuant to the *Consumer Protection Act*
- an international environmental science company in multiple proposed product liability class actions in Ontario, Alberta, British Columbia, Manitoba, Saskatchewan, Nova Scotia and Québec (as well as multiple individual actions in provinces across Canada) concerning the active ingredient in a popular line of herbicides
- an international pharmaceutical company in multiple product liability class actions—including proposed actions in British Columbia, Alberta, Saskatchewan, Manitoba, New Brunswick, Nova Scotia and Newfoundland and three class actions at trial in Québec and Ontario—concerning two prescription combined oral contraceptives
- 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
- 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
- Wyeth in product liability class actions in British Columbia, Ontario and Québec concerning the drugs PREMARIN® and PREPLUS®, hormone replacement therapies used to treat certain symptoms of menopause
- Pfizer Canada in product liability class and single-plaintiff claim in Ontario concerning the drug LIPITOR® (atorvastatin calcium), used in the treatment of high cholesterol
- GlaxoSmithKline in a product liability class actions in British Columbia, Alberta and Saskatchewan concerning the drug PAXIL® (paroxetine), used in the treatment of depression, obsessive-compulsive disorder and anxiety
- Weil-McLain and SPX Cooling Technologies in connection with claims arising from the supply of industrial cooling towers for use in a large-scale power generation plant
- Great Lakes Power in connection with the reconstruction of a large-scale transmission line in northern Ontario
- Tecumseh Products in proposed class actions in Ontario and Québec concerning price-fixing allegations related to lawn mowers
- Tecumseh Products in class actions in British Columbia, Ontario and Québec alleging anticompetitive conduct in the market for cooling compressors
- Pfizer in a proposed class action in British Columbia and separate single-plaintiff claim in Québec alleging patent manipulation of patents on VIAGRA®
- Wyeth in appeals to the British Columbia Court of Appeal and Québec Court of Appeal successfully resisting certification of the class action alleging consumer misrepresentation in the labelling of children's cold medicines

- General Motors in connection with the defence of an Ontario class action claim relating to pricing issues
- Merck Frost Canada in response to a claim alleging of patent manipulation following the invalidation of its patents on COSOPT® and TRUSOPT® (dorzolamide/timolol), ophthalmic solutions used to reduce intraocular pressure
- multiple general contractors in defense of infrastructure and construction claims concerning the timeliness of project completion, design, building envelope integrity, heating and ventilation systems, tendering fairness and project cost
- Merck Frost Canada in a product liability class action in Ontario concerning the drug FOSAMAX® (alendronate) used in the treatment of osteoporosis
- Peter Kiewit and Son's and related entities in infrastructure and construction claims relating to the timeliness of project completion, design, building envelope integrity, heating and ventilation systems, tendering fairness and project costs
- LAN Airlines in proposed class actions in Québec, Ontario and British Columbia concerning price-fixing allegations related to fuel surcharges
- Pfizer in a product liability class action in Ontario with separate class actions in Alberta, British Columbia and Québec, concerning the drug CHAMPIX® (varenicline), a treatment for nicotine addiction
- Wyeth in class actions in British Columbia and Québec alleging consumer misrepresentation in the labelling of cough and cold medications to children
- Pfizer in a national product liability class action in Québec concerning the drug Depo-Provera™ (medroxyprogesterone), a long-acting, injectable form of birth control
- Les Laboratoires Servier and related entities in a product liability class action in Ontario concerning the drugs PONDERAL® (fenfluramine) and Redux™ (dexfenfluramine), appetite suppressants used in the treatment of obesity
- a major retailer before the Competition Tribunal in connection with ordinary selling price claims instituted pursuant to Part VII.1 of the *Competition Act*
- BPB, a subsidiary of Compagnie de Saint-Gobain S.A., in connection with product liability and recall issues concerning asbestos-containing products in the sheetrock industry
- SGL Carbon AG and SGL Canada in an action in Ontario concerning allegations of price-fixing and anti-competitive behaviour in the carbon brush and graphite electrode industries
- Müller Weingarten in the defence of claims in Ontario relating to alleged design deficiencies in automotive stamping presses
- Clarke Transport Canada in its acquittal by the Ontario Supreme Court of criminal charges alleging price-fixing and anti-competitive behaviour in the pool car freight forwarding services industry
- a major retailer before the Competition Tribunal in connection with an application pursuant to section 106 of the *Competition Act* to set aside or vary a consent order

- MFI/Otaco Industries in the prosecution of a claim in Québec relating to a fixed-price EDC contract for the construction of a brake caliper casting plant

## Professional Involvement

Bill served as counsel to the Royal Commission of Inquiry into the Presence of War Criminals in Canada between 1985 and 1987. The Commission's report led to the adoption of amendments to various Canadian laws, including the Criminal Code. These amendments have facilitated the prosecution of war criminals in Canada and, in at least two cases, led to the deportation of war criminals who gained entry into Canada illegally.

## Memberships and Affiliations

William is a member of The Advocates' Society and the DRI - The Voice of the Defense Bar. He is also the past President of the National Construction Law Section and a former member of the National Sections Council Executive of the Canadian Bar Association.

## Insights

Canada Closes Door to Consumer Class Actions Based on Invalidated Pharma Patents  
December 15, 2015

Canada - International Product Liability, 2nd Ed.  
November 2014

The Dispute Resolution Review, 3rd Ed. - Canada Chapter  
April 2011

## Media

April 12, 2018: Montréal's Fifth Anniversary Lauded by *Le Monde Juridique*