



Sébastien C. Caron

Managing Partner

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Areas of Expertise

- Civil and commercial litigation
- Class actions
- Shareholder disputes and oppression remedy
- Directors and officers liability
- Injunctions, seizures, Mareva injunctions and Anton Piller orders
- Securities litigation
- Governance, compliance and investigations (RAMQ, IIROC, AMF, professional orders, etc.)
- Product liability
- Insurance law
- Professional liability and discipline
- Arbitration
- Access to information
- Competition law

Mr. Caron is a founding partner of LCM and is the current managing partner of the firm. He focuses his practice on litigation and commercial law. Business communities in Montreal, Toronto and across the country turn to him for his proven ability to find business solutions to complex problems. He has been involved in a number of major class actions, and has extensive experience in arbitration and alternative dispute resolution matters.

He regularly acts on behalf of financial institutions, including securities brokers and advisors, whom he counsels on the drafting and implementation of compliance policies and represents before the civil and regulatory tribunals.

Mr. Caron is regularly invited to speak and he has taught students from the Faculty of Law of the Université de Montréal taking part in the Pierre-Basile-Mignault Moot Court Competition. His expertise has been recognized by *Benchmark Canada* and *Lexpert* directories.

In addition to his numerous professional activities, Mr. Caron is involved in the community and participates in philanthropic activities. Over the years, he has devoted time and energy to numerous causes, including serving on the boards of the International Bureau of Children's Rights and of Lawyers Without Borders. He is also a member of the class actions section of the Canadian Bar Association.

Representative Work

Mr. Caron has represented the following clients:

Autorité des marchés financiers (AMF) (Quebec's financial market regulatory body) in a suit brought by investors before the Court of Queen's Bench of New Brunswick and in a class action arising from

the Norbourg fraud case. In the class action, investors claimed more than \$100 million from the AMF and other defendants.

Canaccord Genuity (a large wealth management services firm under the Canaccord Genuity Group Inc., listed as TSX:CF and LSE:CF) in two class actions launched by secondary market investors claiming \$140 million, in which they alleged market manipulation and insider trading.

HSBC Securities (then a securities brokerage firm belonging to HSBC Bank) and AGF (one of the largest independent mutual fund manufacturers and distributors in Canada) in a class action alleging market-timing practices in the management of mutual funds.

Global Fuels Inc. (a distributor of gasoline at the pump) in two class actions against a series of defendants over their alleged involvement in a gasoline price-fixing scheme in several areas of Quebec. It was one of the most active cases involving competition law in Canada.

Tokai Rica Co. (a major Japanese company that manufactures a wide range of automobile parts) in class actions against a series of defendants alleging violations to the *Competition Act* in the global automobile parts manufacturing industry.

PolyOne Canada Inc. (affiliated with PolyOne Corp., listed as NYSE:POL and one of the largest polymer manufacturers and distributors in the world) in a class action alleging environmental hazards, as well as a claim for several million dollars for manufacturing defects of certain products.

Kaba Ilco (a member of the Kaba Group, a global leader in the security sector) in class actions raising questions regarding false or misleading advertising under the *Consumer Protection Act* and product liability.

National Bank Financial (a subsidiary of National Bank, listed as TSX:NA and one of Canada's leading banks) in proceedings brought by an investor claiming over \$100 million, alleging losses in options trading.

Fédération des Caisses Desjardins (the largest cooperative financial group in Canada) in a claim for damages of more than \$23 million brought by a bidder alleging to have been treated unfairly in a request for proposals.

Merrill Lynch Canada Inc. (now a part of the Bank of America Merrill Lynch Group) in a claim for several million dollars brought by management companies alleging to have received poor advice from the brokerage firm.

Desjardins Securities (the brokerage firm under Desjardins Group, the largest cooperative financial group in Canada) in an injunction related to unfair trade practices and misappropriation of information.

Astral Media (now belonging to Bell Media, Canada's leading multimedia company) in an action brought by an artist alleging that the defendants had plagiarized his television work and violated the *Copyright Act*.

McGill University Health Centre (a major university hospital) in a claim for damages brought by a doctor.

AON Canada Inc. (a member of AON plc, listed as NYSE:AON and a leader in risk management, insurance brokerage and human resources management) in significant claims against former employees for illegally soliciting clients.

Draft and Draft Québec (then well-established advertising agencies) in the context of civil action brought by the Canadian government further to the Commission of Inquiry into the Sponsorship Program and Advertising Activities (or the Gomery Commission).

Visible Gold Mines (listed as TSXV:VDG and FSE:3V4 and specialized in gold prospecting), which successfully challenged an unsolicited take-over bid by Zara Resources before the Bureau de décision et de révision.

Conferences and Publications

Speaker, "The continuous Growth of Securities Litigation Conference," a webcast produced by The Knowledge Group, January 2016.

Speaker, "A practical Guide to Making a Difference: Finding Meaningful International ProBono Opportunities," American Bar Association 2015 Fall Meeting, Montreal, October 2015.

Moderator, "Class Actions and Settlement Conferences," Canadian Bar Association conference, Montreal, May 28, 2014.

Co-speaker, "Gatekeepers : le role des protecteurs des marchés – du rêve à la réalité," Barreau du Québec continuing legal education seminar on recent developments in securities litigation, Montreal, November 22, 2013.

Co-author, "Le rôle essentiel des "gatekeepers" dans le contexte de l'encadrement des marchés financiers – Modifications législatives récentes," Service Barreau du Québec continuing legal education, *Développements récents en litige de valeurs mobilières*, Vol. 376, Cowansville, Éd. YvonBlais, 2013, pp. 45-75.

Moderator, "The Regulators: Trends and Developments in Enforcement Activities Across Canada," 11th Annual Advanced Forum on Securities Litigation & Enforcement, The Canadian Institute, Toronto, May 15, 2013.

Co-chair, 11th Annual Advanced Forum on Securities Litigation & Enforcement, The Canadian Institute, Toronto, May 15-16, 2013.

Guest speaker at the 20th seminar for lawyers who specialize in securities, Autorité des marchés financiers, Mont-Tremblant, October 2011.

Chair of The Canadian Institute's Securities Litigation & Enforcement conference, Toronto, October 2011.

Co-Author, "Professional Negligence: Obligations of Investment Advisers and Clients –Mazzarolo v. BMO Nesbitt Burns Ltée," (2009) *Professional Liability and Discipline Litigation*, Volume XIII, No. 3, 826.

Conference entitled "Le recours collectif," Canadian Association of Paralegals annual conference, Montreal, June 2009.

Conference entitled "New Developments in Secondary Market Liability," The Canadian Institute's 8th Annual Advanced Forum on Securities, Litigation and Enforcement, Canadian Institute, Montreal, April 2009.

Author, "Les recours collectifs dans le domaine des valeurs mobilières," Conference on Class Actions, Canadian Bar Association – Quebec Division, 2007.

Author, "Affaire Rankin: La Commission des valeurs mobilières de l'Ontario est déboutée," *Le Journal du Barreau*, Vol. 39, No. 3 (March 2007), p. 30.

Author, "Québec Secondary Market Liability Regime, New Securities Class Action Exposure in Québec," *Nota Bene*, Heenan Blaikie LLP, 2007.

Speaker, "Alternative Conflict Resolution Methods," Insight Conference on Regulations Governing Stockbrokers and Securities Managers, October 2006.

Awards and Recognition

- *Benchmark Litigation*, Litigation Star (2015) – Quebec
- Canadian Legal Lexpert® Directory (Securities Litigation – 2013)

Education

LL.B., Université de Montréal, 1997

Canadian Securities Course, Canadian Securities Institute (CSI)

International Investment Law, University of London (International Programmes)

Call to the Bar

Quebec, 1998

Professional Associations

- Barreau du Québec
- Canadian Bar Association
- Advocates' Society
- American Bar Association