

Class Actions

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Learning Objectives

- Understand the basics of class actions in Canada

Overview

- Duty of care
 - Duty not to create dangerous situations
- Duty to warn
 - *Hollis v. Dow Corning Corp.*, [1995] 4 SCR 634, 1995 CanLII 55 (SCC)
- Increased standard of care with increased risk
 - BPL or PG v B

Economics of Litigation

- Economics of Civil litigation
 - Bret Rappaport sets out the following formula to illustrate when parties may litigate: $C < L(G)$.*
- Economics of Class Action
 - $C < L(G)(N)$

*Bret Rappaport, "A Shot Across the Bow: How to Write an Effective Demand Letter" (2008) 5 Journal of the Association of Legal Writing Directors.

Goals of Class Actions in Canada

- *Hollick v. Toronto (city)*, [2001] 3 S.C.R. 158, 2001 SCC 68
 - judicial economy;
 - access to justice; and
 - behaviour modification

Stages of Class Actions

- Pre-certification
- Common Issues Trial
- Individual assessment process

Practical Implications

- How might this impact you as an engineer?