

November 10, 2021

## Certification Dismissed in DRAM Class Action

Davies is acting for SK hynix Inc. and SK hynix America Inc. in their defence of multiple class actions across Canada alleging anticompetitive conduct in respect of the sale of dynamic random-access memory (DRAM) chips, including with respect to cross-border issues arising out of parallel U.S. class actions.

In a case that raises difficult evidentiary, liability and causation questions in the context of allegations of foreign price-fixing activities, Davies successfully defeated certification in both the Québec Superior Court and the Federal Court of Canada (FCC), a result that is rarely seen in competition class actions.

In a November 5 judgment, the FCC dismissed the plaintiffs' motion for certification, finding that it failed on the reasonable cause of action criterion and on the common issues requirement.

The Davies team advising on this case includes [Sandra Forbes](#), [Chantelle Cseh](#), [Nick Rodrigo](#), [Faiz Lalani](#) and Trevor May.