



Sandra A. Forbes

Partner

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Expertise

Dispute Resolution
Competition Litigation
Investigations and White Collar
Defence

Bar Admissions

Ontario, 1992

"Sandra is one of the top trial lawyers in Canada. She has superb judgment. She is incredibly experienced."

Market Commentator – *Chambers Canada 2023*

Known to be hard-working and dedicated, Sandra achieves successful results for clients on diverse issues, including class actions alleging anti-competitive conduct or collusion, and competition matters such as abuse of dominance. Clients describe her as "superb counsel, adaptable and capable of handling complex matters" as well as "a truly exceptional litigator, among a very select few at the top tier of competition litigation practitioners in Canada, respected by her clients, the judiciary and other members of the bar for her professionalism and competence." (*Chambers 2023*)

Sandra is the Secretary Designate and Fellow of the American College of Trial Lawyers, fellow of the International Academy of Trial Lawyers and former president of the Advocates' Society. She is also a member of our firm's Management Committee.

REPRESENTATIVE WORK

McKesson Corporation and McKesson Canada Corporation

Acting for McKesson Corporation and McKesson Canada Corporation to defend a high-profile proposed class action brought by the Province of British Columbia on behalf of all Canadian provincial governments, as well as the Federal government, against manufacturers and distributors of opioids seeking to recover health care costs related to the opioid crisis. Also acting for McKesson in additional opioid-related proposed class actions.

Canadian Real Estate Association

Acting for the Canadian Real Estate Association (CREA) to defend a proposed class action in the Federal Court alleging that CREA's rule regarding broker commissions is anti-competitive.

Mohawk Industries Inc.

Acting for Mohawk Industries Inc. in defence of a proposed class action in Ontario alleging anti-competitive conduct in the condominium refurbishment industry.

National Beef Packing Company

Acting for National Beef Packing Company in antitrust class actions commenced in Québec and British Columbia alleging a supply and price-fixing conspiracy in respect of cattle and beef.

SK hynix Inc. and SK hynix America Inc.

Successfully represented 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.

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Davies successfully defeated certification in the Québec Superior Court, the Quebec Court of Appeal, the Federal Court of Canada and the Federal Court of Appeal, a result that is rarely seen in competition class actions.

Occidental Chemical Corporation and Oxy Canada Sales Inc.

Acting for Occidental Chemical Corporation and Oxy Canada Sales Inc. in antitrust class actions commenced in the Federal Court of Canada and in Québec, alleging that Occidental, together with a number of other chemical manufacturers, engaged in a price-fixing conspiracy in connection with the global sale of caustic soda, also known as sodium hydroxide (NaOH) or lye.

Lerøy Seafood Group

Acting for Lerøy Seafood Group, a seafood production and distribution company based in Bergen, Norway, in defending a proposed Federal Court of Canada class action, which alleges that Lerøy and the other defendants colluded to fix the global and North American supply and prices of salmon.

Denso Corporation

Acting for Denso Corporation (and related entities) in its defence of dozens of class actions commenced across Canada alleging anti-competitive conduct in respect of the sale of various automotive parts, including contested certification proceedings and with respect to cross-border issues arising out of parallel U.S. class actions.

LG Chem America, Inc.

Acted for LG Chem America, Inc. in its defence of multiple class actions commenced across Canada alleging anti-competitive behaviour in the market for rechargeable lithium-ion batteries, including contested certification proceedings before the Ontario Superior Court of Justice and Court of Appeal.

Canadian Real Estate Association

Acted for the Canadian Real Estate Association, an intervener in proceedings brought by the Commissioner of Competition against the Toronto Real Estate Board, including a hearing and rehearing before the Competition Tribunal in 2012 and 2015, two appeals decided by the Federal Court of Appeal and two applications for leave to appeal to the Supreme Court of Canada. Issues include privacy rights of consumers, copyright protection in property information databases and whether certain rules on the display of certain property information on portions of an internet website amounted to abuse of dominance.

RECOGNITIONS

American College of Trial Lawyers—Fellow and Secretary Designate

International Academy of Trial Lawyers—Fellow

Chambers Global: The World's Leading Lawyers for Business—
Competition/Antitrust: Litigators (Band 1)

Chambers Canada: Canada's Leading Lawyers for Business—
Competition/Antitrust: Litigators (Band 1); Dispute Resolution: Class Action (Defence) (Band 1); Litigation, General Commercial: Ontario

GCR 100 Canada: A Guide to the World's Leading Competition Law and

DAVIES

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Economics Practices—Competition and Foreign Investment Review

The Legal 500 Canada—Competition and Antitrust (Leading Individual); Dispute Resolution: Ontario (Hall of Fame)

Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms & Attorneys—Top 100 Women in Litigation; Commercial (Litigation Star); Competition/Antitrust (Litigation Star)

The Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada—Class Actions; Competition Law; Litigation: Corporate Commercial

Lexpert Special Edition: Litigation

Lexpert Guide to US/Canada Cross-Border Lawyers in Canada—Dispute Resolution

The Canadian Legal Lexpert Directory—Class Actions (Most Frequently Recommended); Competition Law (Most Frequently Recommended); Litigation: Corporate Commercial (Most Frequently Recommended); Litigation: Directors' & Officers' Liability; Litigation: Securities

The Best Lawyers in Canada—Class Action Litigation; Competition/Antitrust Law; Corporate and Commercial Litigation; Director and Officer Liability Practice

Who's Who Legal: Commercial Litigation; *Who's Who Legal: Competition*; *Who's Who Legal: Canada*—Commercial Litigation; Competition

Expert Guides' *Women in Business Law*; Expert Guides—Competition and Antitrust

INSIGHTS

Top Court Expands Scope of Potential Liability in Price-Fixing Class Actions
Sept. 24, 2019

Canadian Bar Association, Competition Law Spring Conference, "Class Actions & Private Enforcement of the Act"; Toronto, ON
May 07, 2019

Chair, The Advocates' Society and the American College of Trial Lawyers, Spring Symposium 2019; Toronto, ON
Apr. 24, 2019

Court of Appeal Opens the Floodgates to Umbrella Purchaser Claims in Ontario (For Now)
Oct. 26, 2018

Co-chair, Law Society of Ontario, "12 Minute Civil Litigator"; Toronto, ON; Annual
Sept. 18, 2018

The Advocates' Society, The Resilient Litigator, "Dealing with Difficult People – Practical Tips and Strategies"; Toronto, ON
July 19, 2018

Chair, The American College of Trial Lawyers and The Advocates' Society, "Spring Symposium 2018 – The Advocate Matters"; Toronto, ON

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Apr. 25, 2018

Co-chair, The Law Society of Upper Canada, "12 Minute Civil Litigator"; Toronto, ON; Annual

Sept. 14, 2017

The Advocates' Society, Competition Law For Advocates, "Advocacy in Civil Competition Matters"; Toronto, ON

Apr. 25, 2017

Moderator, UJA Federation/CIJA, Combating Hate Speech and Antisemitism – Legal Perspectives, "Panel Discussion on Law Society Statement of Principles"; Toronto, ON

Feb. 13, 2017

EDUCATION

Osgoode Hall Law School, LLB, 1990

Clerk, The Honourable Mr. Justice Peter Cory, Supreme Court of Canada

PROFESSIONAL AFFILIATIONS

American College of Trial Lawyers, Fellow and Secretary Designate

International Academy of Trial Lawyers, Fellow

The Advocates' Society

BOARD MEMBERSHIPS

Ontario Reports, Editorial Board

Toronto Summer Music Festival, director

TEACHING ENGAGEMENTS

Sandra is a frequent participant in education programs for lawyers on a variety of advocacy issues.