DAVIES



Nick Rodrigo

Partner

Office

Montréal

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514.841.6548

Email

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Expertise

Class Actions
Commercial Litigation
Securities Litigation
Litigation
Competition, Antitrust and Foreign Investment

Bar Admissions

Québec, 1999
Ontario, 2001
British Columbia, 2024

Nick applies his creative and meticulous approach to complex litigation matters.

Nick has a well-rounded litigation practice focusing on class action defence, particularly in relation to securities, competition and consumer law. He also advises on various types of contractual and shareholder disputes such as oppression cases and brokers' liability cases.

Nick has gained broad trial and appellate experience, including at the Supreme Court of Canada. Clients across a wide range of industries – including telecommunications, retail, mining, technology and aerospace – trust Nick for his detail-oriented approach. His current caseload includes several large securities class actions, as well as matters regarding allegations of international price-fixing conspiracies and several consumer law class actions involving some of Canada's largest retailers.

Nick is a fellow of the American College of Trial Lawyers and a member of the firm's Management Committee. He is a frequent speaker at industry conferences across Canada.

Representative Work

Agnico Eagle Mines Limited

Acted for **Agnico Eagle Mines Limited** and certain of its current and former officers and directors in respect of their defence of a multi-jurisdictional class action alleging that the company's public disclosure was false and misleading contrary to the Québec *Securities Act*.

Lehman Brothers Real Estate Partners II LP

Acted successfully for **Lehman Brothers Real Estate Partners II LP** in connection with corporate proceedings in oppression and derivative action with respect to three real estate investments in Montréal.

Rogers Communications Inc. and Fido Solutions Inc.

Acting for **Rogers Communications Inc.** and **Fido Solutions Inc.** before the Québec Superior Court in their defence of a proposed class action with respect to fees for picture and video messaging from Canada to the United States.

Rogers Communications Inc.

Acting for **Rogers Communications Inc.** before the Québec Superior Court in its defence of a proposed class action related to early cancellation fees.

Brault & Martineau Inc.

Acted successfully for **Brault & Martineau Inc.** in defence of a class action instituted on behalf of consumers who purchased goods with financing that was alleged to breach the provisions of the *Consumer Protection Act*.

Brault & Martineau Inc., Corbeil Électrique Inc. and Sears Canada Inc.

Acting for Brault & Martineau Inc., Corbeil Électrique Inc. and Sears Canada Inc. in defence of various class actions instituted on behalf of consumers alleging that the sale of additional warranties breaches the provisions of the Consumer Protection Act.

Metromedia CMR Broadcasting Inc.

Acted successfully for **Metromedia CMR Broadcasting Inc.** before the Québec Court of Appeal and the Supreme Court of Canada in the case of *Bou Malhab v.*

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Diffusion Métromédia CMR Montréal Inc. et al. v., a defamation class action brought by a group of taxi drivers in Montréal. The Supreme Court of Canada dismissed the appeal and upheld the decision of the Québec Court of Appeal dismissing the action.

Canadian Chamber of Commerce

Acted successfully on behalf of the **Canadian Chamber of Commerce** in favour of Wal-Mart before the Supreme Court of Canada in an appeal concerning the scope of the employer's right to cease operations, even where the alleged reason for the business closure was the employer's unwillingness to deal with a union that had recently obtained certification of the workplace. The majority of the Supreme Court held that although anti-union animus could, in principle, constitute the basis for awarding compensation under the unfair labour practice provisions of the Québec *Labour Code*, the wrongful dismissal provisions assumed the continued existence of a workplace.

SONY BMG Music (Canada) Inc.

Acted for **Sony BMG Music (Canada) Inc.** in the successful defence of a national class action brought against Sony in the Ontario Superior Court concerning music copy protection software contained in CDs that were produced, marketed and sold by Sony.

BCE Inc.

Acted for **BCE Inc.** and **Bell Canada** in a successful appeal to the Supreme Court of Canada in a landmark commercial case involving the proposed $51.7 billion privatization of BCE. The decision of the Supreme Court in this case set the standard in Canada for approval of plans of arrangement and claims of oppression. It also clarified the law concerning the duties of directors of public companies faced with potential change of control transactions. This case also resulted in the fastest commercial appeal ever heard by the Supreme Court of Canada. The appeal was heard by the Court and decided unanimously in favour of BCE less than 30 days after BCE launched its application for leave to appeal from a decision of the Québec Court of Appeal revoking approval for BCE's proposed plan of arrangement that had been granted by Justice Silcoff of the Quebec Superior Court following a lengthy and highly expedited trial.

Pharmascience Inc.

Acted successfully for **Pharmascience Inc.** and secured the dismissal of a $3.9-billion class action against manufacturers of generic medications in relation to allegations of improper pricing of medications subsidized under the provincial drug insurance system.

Confidential Client

Acted successfully for a Québec-based gas retailer in connection with criminal charges laid by the Competition Bureau for alleged price-fixing and related class actions. Davies has succeeded in obtaining a stay of the criminal proceedings against its client based on a breach of its constitutional rights.

Société de transport de Montréal (STM)

Acted successfully for the **Société de transport de Montréal** in a dispute with Bombardier Transport Canada Inc. and Alstom Canada Inc. concerning the $1.2-billion contract for the renewal of the cars of the Montréal subway. The Superior Court of Québec granted the STM's motion to dismiss the motion for declaratory

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judgement instituted by the subway car manufacturers.

Kamaya Electric Co. Ltd. and Kamaya, Inc.

Acted for **Kamaya Electric Co. Ltd.** and **Kamaya, Inc.** in their defence of a class action alleging price-fixing in respect of linear resistors sold directly and indirectly into the Canadian market.

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. 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.

DENSO International America, Inc. and Denso Sales Canada, Inc.

Successfully acted for the **Denso Group** in its opposition to class action authorization proceedings before the Superior Court of Québec. Plaintiff sought to represent all buyers/lessees of certain motor vehicles models allegedly equipped with defective fuel pumps that would have been manufactured by the Denso Group. Davies successfully defended Denso and obtained the dismissal of the proposed class action.

Rio Tinto Limited

Acting for **Rio Tinto Limited** in relation to its US$6.7-billion Oyu Tolgoi project in a proposed class action filed in the district of Montréal seeking leave proceed under the *Securities Act* (Québec) and certification under the Québec *Code of Civil Procedure.* Oyu Tolgoi is one of the world's largest new copper-gold mines and is located in the South Gobi region of Mongolia, approximately 550 km south of the capital, Ulaanbaatar, and 80 km north of the Mongolia-China border.

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.

Epic Games Inc. and Epic Games Canada ULC

Acting for **Epic Games Inc.** of North Carolina and its Canadian subsidiary **Epic Games ULC** in relation to a class action by users of the popular video game Fortnite.

Red Bull Canada Ltd.

Acted in a national class action suit against **Red Bull Canada** and against its Austrian parent, **Red Bull GmbH**, alleging misrepresentations made in the marketing of Red Bull energy drinks in Canada.

Groupe Vision New Look Inc.

Acting for **Groupe Vision New Look Inc**., Québec's largest optical products retailer, in a class action claiming the refund of all fees charged for medications and services in relation to optical services provided to consumers between 2012 and 2015.

Morgan Stanley Canada Limited

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Acted for **Morgan Stanley Canada Limited** in a class action instituted against 12 global banks based on an alleged conspiracy to artificially fix foreign currency exchange rates.

Rogers Communications Inc.

Defended **Rogers Communications Inc.** and **Fido Solutions Inc.**, some of Canada's largest providers of wireless communications services, against accusations of offences under the *Consumer Protection Act* (CPA) while challenging the constitutional validity of key provisions within the CPA.

LinkedIn Ireland

Acted successfully for **LinkedIn** in a decision denying class certification in connection with a multi-defendant proposed class action alleging the violation of Québec *Consumer Protection Act* provisions dealing with the marketing of discounted limited-time offers of services.

Denso Corporation

Acted 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, Inc.

Acted for **LG Chem, Inc.** in connection with class actions commenced across Canada, alleging a global, criminal price-fixing cartel in respect of lithium ion batteries, including a contested certification hearing and appeals before the Ontario Divisional Court and Court of Appeal.

Beijing Matsushita Color CRT Company, Ltd.

Acted for **Beijing Matsushita Color CRT Company, Ltd.** in defence of class actions commenced in Canada alleging price-fixing in respect of the sales of cathode ray tubes.

Mars, Incorporated

Acted for **Mars Canada** in its defence of criminal proceedings under the *Competition Act* alleging charges of price-fixing of chocolate confectionery products in Canada and in follow on class actions commenced across Canada.

Société des casinos du Québec

Acting for the **Société des casinos du Québec** in connection with two class actions regarding electronic banking fees charged on certain transactions made in Loto-Québec's casinos.

Biomet Inc.

Acting for **Biomet Inc.** in defending class action proceedings in the Superior Court of Québec concerning alleged defects in Biomet's metal-on-metal hip replacement and resurfacing devices.

B.M. Osborn Investments Inc., Stephen Bronfman, et al.

Acted successfully before the Quebec Court of Appeal for a group of property owners in Mont-Tremblant, Quebec, in connection with their defence against a private expropriation of property to build a private road.

Paladin Labs Inc.

Acted for **Paladin Labs Inc.** in connection with its acquisition by Endo Health

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Solutions Inc. in a stock and cash transaction valued at approximately $3 billion.

Chi Mei Optoelectronics

Acted for **Chi Mei Optoelectronics** in its defence of multiple class actions commenced across Canada alleging price fixing in respect of the sales of LCD panels, including with respect to cross-border issues arising out of parallel U.S. class actions.

Gogii Inc.

Acted successfully for **Gogii Inc.** in defence of a class action in connection with allegations of privacy violations with respect to applications running on Apple iPhones. The claim against Gogii was settled on the basis of a desistment by the plaintiffs.

Seiko Epson Corporation

Acted successfully for **Seiko Epson Corporation** in connection with competition class action matters in Québec regarding allegations of price fixing in the market for Static Random Access Memory computer chips (SRAM). This action was resolved on the basis of a discontinuance of the class action proceedings against Seiko Epson.

Cinar Corporation

Acted on behalf of **Cinar Corporation** in significant litigation in Canada and elsewhere involving the recovery of in excess of $100 million in relation to certain unauthorized transactions effected by past directors and officers of the corporation. This litigation also involved multi-jurisdictional safeguard, enforcement and liquidation proceedings.

General Woods & Veneers Ltd.

Acted for **General Woods & Veneers Ltd** in relation to a class action suit for approximately $17.5 million for damages resulting from the alleged dust, noise and odour emission.

Unisource Canada, Inc.

Acted for **Unisource Canada, Inc.** in its defence of multiple class actions across Canada alleging a price-fixing conspiracy in respect of carbonless paper.

Concordia University

Acted successfully for **Concordia University** in the *Bisaillon v Concordia University* case before the Supreme Court of Canada. Davies argued that the Superior Court had no jurisdiction to entertain a class action initiated by Bisaillon claiming the payment by Concordia of well over $100 million to the pension fund of its employees.

Tenneco Inc., Tenneco Packaging and Packaging Corporation of America

Acted for **Tenneco Inc.**, **Tenneco Packaging Co.** and **Packaging Corporation of America** in their defence of a class action alleging a price fixing conspiracy and *Competition Act* violations in respect of linerboard.

E.I. Dupont De Nemours/DAK Americas

Acted for **E.I. Dupont De Nemours** and **DAK Americas** in their defence of multiple class actions across Canada alleging price fixing in the polyester staple industry.

LGS Group Consulting Corporation (LGS), an IBM company

Acting successfully for **LGS Group Consulting Corporation (LGS), an IBM company**, in connection with the high-profile public inquiry into the management of

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the Société de l'assurance automobile du Québec's (SAAQ) CASA modernization project.

Recognitions

American College of Trial Lawyers
Fellow

Chambers Canada
Dispute Resolution: Class Action (Defence); Litigation, General Commercial: Québec

Benchmark Canada
Class Action; Competition/Antitrust; Securities
Litigation Star

Legal 500 Canada
Dispute Resolution: Québec
Leading Partner

Lexpert Special Edition
Litigation; Technology and Health Sciences

Lexpert (CLLD)
Class Actions; Competition Law; Litigation: Corporate Commercial; Litigation: Securities

Best Lawyers Canada
Advertising and Marketing Law; Appellate Practice; Aviation Law; Communications Law

Best Lawyers Canada
Bet-the-Company Litigation; Class Action Litigation; Corporate and Commercial Litigation

Best Lawyers Canada
Appellate Practice
Lawyer of the Year 2027, Montréal

Best Lawyers Canada
Class Action Litigation
Lawyer of the Year 2022, Montréal

External Engagements

Speaking Engagement
Osgoode Professional Development, 18th National Symposium on Class Actions, “Carving Up the Cash”; Webinar
Apr 29, 2022

Article
International Arbitration Q&A
Dec 31, 2013
Talklaw Global

Article
Taking a Pass on Passing On – Indirect Purchaser Claims in Competition Class

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Action
Dec 31, 2013
The Lexpert Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada

Article
Letting a Thousand Flowers Bloom: Resolving Individual Claims in Class Actions Through Mini-Trials
Jun 30, 2013
Class Action Defence Quarterly, Vol. 7, No. 4

Speaking Engagement
Barreau de Québec, conference, "Développements récents au Québec, au Canada et aux États-Unis collectif"
Mar 21, 2013

Insights

Davies Lawyers Recognized by *Best Lawyers*
Sep 3, 2026

Lexpert Affirms Davies' Position as a Leading Firm
Mar 17, 2026

Matthew Milne-Smith Named Fellow of the American College of Trial Lawyers
Mar 3, 2026

Lexpert Recognizes Davies' Excellence in Litigation
Nov 20, 2025

Benchmark Litigation Recognizes Davies
May 1, 2025

Davies Recognized in *Lexpert Special Edition: Litigation*
Nov 29, 2021

Certification Dismissed in DRAM Class Action
Nov 10, 2021

Best Lawyers in Canada Recognizes 128 Davies Lawyers
Aug 26, 2021

Davies Litigators Achieve Top Ranking in*Benchmark Canada* 2021
Apr 28, 2021

Education

McGill University, BCL/LLB, 1998
Université Laval, French Cert., 1994
McGill University, BA (Liberal Arts & Philosophy), 1994

Bar Admissions

Québec, 1999
Ontario, 2001
British Columbia, 2024

Teaching Engagements

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Nick has lectured at the Québec Bar School, teaching a course on international arbitration. He also presented a seminar in Arusha, Tanzania, on trial advocacy techniques for prosecutors at the International Criminal Tribunal for Rwanda, which was prosecuting crimes against humanity committed during the 1994 Rwandan genocide.

Professional Affiliations

American College of Trial Lawyers (ACTL), Fellow
Young Canadian Arbitration Practitioners