



## Michel Gagné

Partner

Montréal

[mgagne@mccarthy.ca](mailto:mgagne@mccarthy.ca)

t. +1 514-397-4204

### Bar Admission

Québec 1989

### Law School

Université Laval

### Practices

Disputes and Litigation  
Class Actions  
Corporate Commercial Litigation  
IP Litigation  
Products Liability  
Professional Liability  
Environmental, Regulatory & Aboriginal (ERA)

### Industries

Pharmaceutical  
Global Metals & Mining  
Franchise & Distribution

Michel Gagné is a partner in our Litigation Group in Montréal. His practice focuses on commercial and civil litigation, and more specifically on complex technical litigation.

Mr. Gagné specializes in defending class actions as well as in environmental litigation. More specifically, he defends manufacturers' liability class actions related to pharmaceutical and consumer products. He has extensive experience in personal injury cases and in cases involving soil and groundwater contamination. He regularly pleads before the civil courts. His experience includes numerous proceedings for damages, injunctive relief and judicial review. He is skilled in statutory penal law and has pleaded before numerous administrative tribunals and arbitration boards.

He has had the opportunity to lead cases in various fields, including in the areas of technology and intellectual property, administrative and constitutional law, as well as expropriation. He has managed contractual and unfair competition disputes. His experience includes lawsuits with respect to manufacturers' liability and matters related to the *Consumer Protection Act*. He also has extensive experience in health law, professional liability and disciplinary law.

Mr. Gagné regularly provides advice and guidance to clients in the context of potential litigation to minimize their risk of liability. Many clients seek his experience and judgment to obtain strategic advice.

Mr. Gagné also regularly gives lectures, including for the Quebec Bar's continuing education department, the Canadian Bar Association, Insight and the Canadian Institute. Mr. Gagné has taught trial advocacy skills at the Quebec Bar School. He is a past chair of the Environmental Law Section of the Canadian Bar Association's Québec Branch and a member of the Defense Research Institute, an American organization.

Mr. Gagné has co-authored numerous articles, including the following: "La preuve dans un contexte électronique," 2001; "L'incidence de la condition personnelle préexistante de la victime sur l'évaluation des dommages : l'importance du lien causal," 2003; "Recours pour troubles de voisinage : les véritables enjeux," 2004; "Les recours collectifs et l'environnement : que nous réserve la prochaine décennie ?," 2005; "La preuve à l'étape de l'autorisation d'un recours collectif : à la recherche de l'équilibre," 2006; "Développements sans précédent en 2006-2007 dans le domaine des recours collectifs en matière environnementale," 2007; "Le droit à un environnement sain et respectueux de la biodiversité : valeur symbolique ou effet concret ?," 2009; and "Les décisions des tribunaux qui ont attiré l'attention en 2013-2015" in *Développements récents en droit de l'environnement*, 2015.

Mr. Gagné received his Bachelor of Laws degree from Université Laval in 1987.

## Awards & Rankings

Chambers Canada

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Leading Lawyer: Litigation - Products Liability

## The Legal 500 Canada

Recommended: Dispute Resolution - Quebec

## Canadian Legal Lexpert Directory

Leading Lawyer: Class Actions; Litigation - Product Liability; and Environmental Law

## Benchmark Litigation Canada

Litigation Star

## LMG Life Sciences Awards - 2020

Canadian Product Liability Attorney of the Year

## LMG Life Sciences

Star: Product Liability

## Lexpert Special Edition: Health Sciences

Leading Lawyer

## Lexpert Special Edition: Mining

Leading Lawyer

## Lexpert Special Edition: Litigation

Leading Lawyer

## Lexpert Special Edition: Energy

Leading Lawyer

## Who's Who Legal: Life Sciences

Leading Lawyer: Product Liability

## Best Lawyers in Canada

Leading Lawyer in the area of Environmental Law

## Acritas Stars

"Stand-out lawyer"

## Recent Experience

- **Endeavour Mining completes C\$1B all-stock acquisition of SEMAFO Inc.**  
July 01, 2020
- **Compagnie d'Arrimage de Québec defends environmental contamination class action**  
March 04, 2020

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## Recent Insights

- **P.A. c. Air Canada: Court of Appeal Upholds the Trial Judge's Decision to Narrow the Authorized Pan-Canadian Class to a Québec-only Class**  
June 23, 2021
- **Abusive and dilatory behavior of the plaintiffs: order to replace class representatives preferred over immediate dismissal of the class action**  
October 13, 2020
- **No indemnity for the representative in a class action in Quebec**  
September 15, 2020
- **Supreme Court of Canada Dismisses Application for Leave to Appeal Landmark Decision by Court of Appeal of Quebec Regarding Prescription Drug Manufacturers' Duty to Warn**  
April 16, 2020