



Michel Gagné

Partner

Montréal

mgagne@mccarthy.ca

t. +1 514-397-4204

Bar Admission

Québec 1989

Law School

Université Laval

Practices

Disputes
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.

Michel Gagné

Partner

Montréal

mgagne@mccarthy.ca

t. +1 514-397-4204

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

Awards & Rankings

Chambers Canada

Leading Lawyer: Litigation - Products Liability

Canadian Legal Lexpert Directory

Leading Lawyer: Class Actions and Litigation - Product Liability

Lexpert Special Edition – Mining - 2020

Leading Lawyer

Best Lawyers in Canada

Leading Lawyer in the area of Environmental Law

Benchmark Litigation - Canada

Litigation Star: Dispute resolution, Environmental, Product liability and recall, Commercial and Class action

Acritas Stars

"Stand-out lawyer"

Recent Experience

- **Compagnie d'Arrimage de Québec defends environmental contamination class action**
March 04, 2020
- **Bayer Xarelto class actions**
- **Endeavour Mining enters C\$1 billion all-stock agreement to acquire SEMAFO Inc.**

Michel Gagné

Partner

Montréal

mgagne@mccarthy.ca

t. +1 514-397-4204

Recent Insights

- **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
- **The Quebec Court of Appeal Renders a Landmark Decision Regarding Prescription Drug Manufacturers' Duty to Warn**
May 13, 2019
- **No Appeal of SK Court's Refusal to Approve \$20 Million Class Action Settlement**
September 24, 2018
- **Court of Appeal of Québec Upholds Decision Allowing Defendant to Present Individual Settlement Offers to Class Members**
September 19, 2018