



## Éric Mongeau

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Éric Mongeau is a partner and Head of the Montréal office's Litigation & Dispute Resolution Group. He regularly appears in front of civil courts under provincial and federal jurisdictions, including the Supreme Court of Canada. Éric also possesses vast experience in front of administrative and arbitration tribunals. His practice of general commercial litigation is focused more particularly in the energy, transportation, telecommunications and construction sectors and in the fields of administrative law and defamation law. Over the past few years, he has developed a particular expertise in commercial arbitration, both local and international.

Eric is a Fellow of the American College of Trial Lawyers since 2018.

### Accolades

- *Chambers Canada 2020* as a leading lawyer in Litigation: General Commercial – Québec.
- *The Best Lawyers in Canada 2020* in Alternative Dispute Resolution, Bet-the-Company Litigation, Construction & Corporate and Commercial Litigation.
- *The Canadian Legal Lexpert Directory 2019* as a leading lawyer in Corporate/Commercial Litigation and Energy (Electricity).
- *The 2019 Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada* in Corporate Commercial Litigation.
- *Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys 2019* in General Commercial.
- *Lexpert/ROB Special Edition: Canada's Leading Energy Lawyers*, August 2019.
- *The Best Lawyers in Canada 2018* in Corporate and Commercial Litigation, Alternative Dispute Resolution, Construction Law and Bet-the-Company Litigation.
- *Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers*, November 2018.
- *Lexpert 2017 Guide to the Leading US/Canada Cross-border Litigation Lawyers in Canada* in the area of Corporate Commercial Litigation.
- *Lexpert/ROB Special Edition: Canada's Leading Energy Lawyers*, October 2017.
- *Martindale-Hubbell* Peer Review Ratings, raking (BV) for his greatly appreciated judicial skills and professional ethic.

## Representative Work

- *881571 Canada Inc. c. Caisse de dépôt et al* : successfully represented the Caisse de dépôt et placement du Québec and obtained the dismissal of a constitutional challenge in connection to the expropriation process related to the implementation of a large public transit infrastructure project in excess of C\$6B, the Réseau Express Métropolitain (REM Project).
- *Hydro-Québec v. Churchill Falls (Labrador) Corp.* (pending) - Representing the owner of the Churchill Falls Hydro plant in a motion to obtain a declaratory judgment on the interpretation of the renewal terms of a long-term energy purchasing contract signed in 1969 which will become effective in 2016.
- Commercial Arbitration - Hydroelectric Power. Representing independent power producers in arbitration proceedings related to the renewal terms of their power sales agreements to a public utilities company.
- *Ville de Mascouche v. Axma Immobilier Inc.*, Superior Court of Quebec (ongoing). Representing the developer and project manager in its defense against a multi-million lawsuit related to the construction of an arena in the context of a public-private partnership.
- *Ville de Sherbrooke v. Sherax Immobilier Inc.*, Québec Superior Court (ongoing): Representing the developer and project manager in its defense against allegations of latent defects and poor workmanship as well as in a multi-million dollar lawsuit instituted against Ville de Sherbrooke for misrepresentations in the context of a call for tender process carried out by the City.
- *Ville de Québec v. Cogeco inc. et al.* - Successfully obtained the summary dismissal of a defamation lawsuit instituted by the City of Quebec against the owner and executives of a local radio station, on grounds of abuse of proceedings.
- *Régie des rentes du Québec v. Canada Bread Company Ltd.* - Represented Canada Bread before the lower courts and the Supreme Court of Canada in a case which raises the issue of the scope of declaratory statutes and the notions of pending case and res judicata.
- *Groupe Axor Inc. v. Aéroports de Montréal* - Represented the Contractor in connection with a dispute in excess of C\$50M before an arbitration tribunal (Canadian Commercial Arbitration Center) and the civil courts in respect of the modernization of the Montreal-Trudeau airport and the construction of a new hotel.
- *Aéroports de Montréal v. St-Paul Guarantee* - Successfully obtained the dismissal of a \$30M lawsuit instituted by the Owner against the Surety in connection to a dispute related to the modernization of the Montreal-Trudeau airport.
- *Alstom Canada Inc. v. Société de Transport de Montréal et al* - Obtained a favorable judgment from the Superior Court of Québec forcing the STM and the Government of Québec to proceed by way of a public tender process to award the contract for the replacement of the 336 Montréal MR-63 metro cars, a project valued at \$1,2B. This case was widely covered by the media.
- *ABB Inc. v. Domtar* - Obtained leave to appeal and represented the manufacturer of industrial equipment in this important case dealing with manufacturer's liability regarding latent defects under Québec law. The Supreme Court of Canada had not considered this issue in nearly 30 years.
- *Genex Communications Inc. v. CRTC* - Represented one of the competitors of the radio station CHOI-FM opposing the renewal of its license by the CRTC. The Federal Court of Appeal maintained the CRTC's decision and refused to renew CHOI-FM's license. This case raised constitutional and freedom of expression issues.

- Commercial Arbitration, Construction and Energy. Successfully represented a contractor, who was a member of an international consortium that had built a cogeneration power plant in Quebec, in the context of an arbitration on the respective claims of the Consortium and the Owner, totaling in excess of C\$40M. Éric was the lead counsel for the Consortium.

### **Speaking Engagements**

- “Mieux définir les clauses d’arbitrage dans les contrats de construction pour une résolution de conflit expéditive”, Canadian Institute advanced conference entitled Gestion des litiges dans le domaine de la construction, April 26, 2012.
- “L’arbitrage : comment rompre avec les vieilles habitudes pour rendre le processus pleinement efficace, rapide et moins coûteux”, The Canadian Bar Association, November 25, 2010.

### **Professional Activities**

Éric is a member of the Quebec Bar and of the London Court of International Arbitration North American Users’ Council.

### **Background**

Éric provided advocacy training to a group of counsel working for the Office of the Prosecution of the International Criminal Tribunal for Rwanda (ICTR) during the course of a UN-sponsored pro bono mission in Arusha, Tanzania.

### **Education**

London School of Economics (LL.M. European Law with merits, 1993)  
Université Laval (LL.B. , Dean’s list, 1991)

### **Bar Admission**

Québec, 1992