



## Marc-André Coulombe

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Marc-André Coulombe is a partner in the Litigation & Dispute Resolution Group and a member of the firm's Partnership Board. He joined the firm as a student in 1991, and became a member of the Quebec Bar in 1993. His practice covers all facets of litigation, ranging from providing strategic advice to clients on litigious or potentially litigious issues to representing clients at trial and in appeal before the Quebec courts and the Federal Court of Canada. He has broad experience in all areas of commercial law, including contract law, corporate litigation and shareholder disputes, as well as substantial expertise in provisional or extraordinary proceedings such as injunctions and safeguard orders.

Marc-André believes that a good trial lawyer's abilities are forged through frequent experiences before the courts on a wide range of commercial litigation matters. He began his career acting for debtors in real estate restructuring litigation and has since pleaded over 140 cases on a vast array of subjects, including competition, mergers & acquisitions, securities, and patents.

### Accolades

- *The Best Lawyers in Canada 2020* in Corporate and Commercial Litigation.
- *The Canadian Legal Lexpert Directory 2019* as a leading lawyer in Corporate Commercial Litigation.
- *Chambers Canada 2019* as a leading lawyer in Litigation: General Commercial – Québec.
- *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* as *Top 50 Trial Lawyers in Canada in General Commercial*.
- *The Best Lawyers in Canada 2018* in Corporate and Commercial 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* as a leading lawyer in the area of Corporate and Commercial Litigation.

### Representative Work

- Lead Canadian counsel for World Fuel Corporation in connection with the catastrophic derailment in Lac-Mégantic. Marc-André is in charge of all environmental and law enforcement issues and legal proceedings relative to this event.

- He handles a class action directed against the Montréal Canadiens NHL hockey team relative to certain modalities of the sale of tickets.
- He acts on behalf of SNC-Lavalin and certain of its officers and directors in several securities class actions brought under Section 225.4 of the *Securities Act* (Québec) and under Sections 138.3 and 138.8 of Part XXIII.1 of the *Securities Act* (Ontario) relative to disclosures and other regulatory matters.
- He acts for Bank of Montréal in a class action alleging that the Bank did not take the appropriate steps to detect the occurrence of an alleged fraud by a former client.
- He successfully represented Penson Financial Services Canada Inc. in class action proceedings and in individual recourses by investors in securities investing through offshore entities (*Association for the Protection of Investors of Securities et al. v. Penson Financial Services Canada Inc. and Autorité des marchés financiers*).
- He successfully acted on behalf of a group of auctioneers against competitors claiming fraud in the context of a bidding process (*Corporate Assets Inc. v. 9214-6463 Québec Inc. and al.*, 2018 QCCS 2132).
- He has acted for clients in class actions, notably in *Lachance v. Cleyn & Tinker Inc.*, before the Québec Court of Appeal (leave to appeal to the Supreme Court of Canada was denied). *Rabinovitch v. CIBC Asset Management Inc.* (pending).
- He acted on behalf of CAE Inc. in a shareholder appraisal remedy case arising from CAE's acquisition of a publicly-traded corporation.
- He has represented Airboss of America Inc. in the context of a litigation over representations, warranties and adjustments in the context of a M&A transaction and obtained judgment upholding all of the client's claims after a one and a half month trial.
- He acted for the Fonds de solidarité FTQ in seeking a Court order to close the sale of a significant enterprise in the biopharmaceutical sector.
- He has represented several public companies such as CN, Axcan Pharma, C-MAC Industries, Intertape Polymer Group, North American Palladium, Genivar Inc. and Astral Media in the context of arrangements under the *Canada Business Corporations Act* or the *Québec Companies Act*.
- He acted as lead counsel for the National Bank of Canada in a complex multi-jurisdictional arbitration relating to a motion picture film financing, which involved arbitration proceedings in Montréal and California as well as proceedings before the courts in Montréal and Germany. The strategy he devised prevailed, which led to a full recovery for his client.
- He represented Air Canada before the courts in one of the largest hostile take-over cases in Canadian history, which pitted Air Canada against a subsidiary of Onex (*Air Canada v. Airline Industry Revitalization Co.* [1999] R.J.Q. 2912).
- He acted for Biochem Pharma on an arbitration relating to drug patent infringement.
- He acted for several professional artists and athletes such as Bruny Surin, Phil Mickelson and Anita Pointer in relation to litigations in the Province of Québec.
- He acted for Unvala Ltd. in a dispute concerning the ownership of technology for measuring the development and progression of microscopic metal failures on the surface of combat aircraft.

- He acted for Alfid in real estate litigation with the Société de développement de Montréal involving a large condo development in Old Montréal.
- He has acted in insurance law matters, including in the pending cases of Boiler Inspection and Insurance Company of Canada and *Munich Re Ag v. Babcock & Wilcox et al.* as well as *Domtar Inc. v. Babcock & Wilcox et al.*, which involve substantial damage claims for business interruption arising from failures of a pulp and paper digester.
- He has acted for and advised AIG on coverage issues.
- He represented Export Development Corporation in challenging the sovereign immunity of the Republic of Iraq against the seizure of two consular properties located in Montréal. The challenge was maintained both before the Québec Superior Court and the Court of Appeal. The resulting judgments led to the satisfaction in full of the client's claim through the Fund for the Reconstruction of Iraq set up by the United Nations (*Republic of Iraq v. Export Development Canada*, [2003] R.J.Q. 2416 (Court of Appeal [2003] R.J.Q. 553 (Superior Court))).
- He successfully pleaded the most important Québec case to date on the termination of distribution and license contracts and the theft of satellite signals (*General Instrument Corporation v. Ernst & Young Inc.*, J.E. 2002-1107 (Quebec Court of Appeal)).
- He has substantial experience litigating and advising clients on private international law matters. In particular, he successfully pleaded what is currently the leading case on the jurisdiction of the Québec Courts over foreign defendants in commercial disputes, a decision rendered by the Québec Court of Appeal in *Bank of Montréal v. Hydro Aluminum Wells Inc.*, J.E.-2004-669 (Quebec Court of Appeal).
- He has acted before the criminal courts on white collar matters and was successful in obtaining a stay of proceedings for one of his clients based on a defence that relied on entrapment as a violation of the Canadian Charter of Rights and Freedoms.
- He has acted in several reported cases relating to oppression, appraisal and compliance remedies under the *Canada Business Corporations Act*.
- He has acted on several post-transaction cases involving purchase price adjustments, misrepresentations, and breaches of representations and warranties and indemnities.

## Legal Posts

The following posts are available on Stikeman.com:

- [Contrats publics - Adoption à l'unanimité du projet de loi N° 26](#)

## Professional Activities

Marc-André is a member of the American Bar Association, where he is active on the Committee of the Business & Commercial Law Section. He has been a member of the Canadian Bar Association since 1993. In addition, he was a member of the Board of Directors of the Young Bar Association in 1994. He has also acted as speaker on a variety of occasions at conferences and other professional forums.

Marc-André formerly chaired the Montréal office's Students & *Stagiaires* Committee and has continued his long-standing involvement in the firm's recruitment process. He is now a member of the Montréal office's Associates Committee and Gender Balance Initiative Committee.

He is a *Gouverneur de la Fondation du Barreau du Québec*.

## **Background**

Marc-André has written papers and spoken at several conferences sponsored by Insight and the Québec Bar on matters relating to injunctive relief, adducing evidence in charter cases, and the termination of service contracts.

In 2007, Marc-André received a BV rating in the *Martindale-Hubbell Peer Review Ratings* in recognition for the high regard in which his legal skills and professional ethics are held.

Marc-André was the youngest lawyer in Quebec to be “consistently recommended” according to surveys conducted by *The Canadian Legal Lexpert Directory*.

## **Education**

Université de Montréal (LL.B. 1991)  
Osgoode Hall Law School (LL.B. 1991)

## **Bar Admission**

Québec, 1993