

## Linda Visser

Partner - Class Actions

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Linda is a partner in Siskinds' class action department. Linda's practice is focused primarily on price-fixing conspiracy class actions. She has been recognized as a leading lawyer in this area.

### Education

Western University, LL.B. 2005  
The Australian National University (Canberra, Australia)  
Wilfrid Laurier University H.B.A. 2002 - Graduated with honours.  
Called to the Bar in Ontario, 2006; British Columbia, 2021

## About

Linda J. Visser is a partner of Siskinds LLP. Linda has a diverse class actions practice. She prosecutes complex price-fixing, product liability, consumer protection and pharmaceutical class actions.

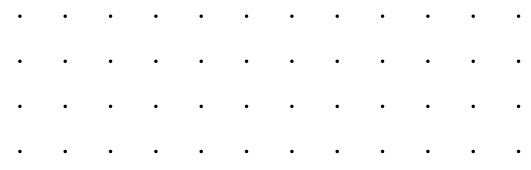
Linda has been counsel in many important price-fixing cases, including the recent Supreme Court of Canada decision in *Pioneer Corp. v Godfrey*, 2019 SCC 42, which dealt with important issues relating to who can assert a claim based on price-fixing and what claims can be brought. Linda was also counsel in hydrogen peroxide - the first case to be certified on behalf of a class that includes indirect purchasers. Linda has argued at all levels of court, including before the Supreme Court of Canada. In recent years, she was before the Ontario Court of Appeal or Supreme Court of Canada on important legal issues, including the court's jurisdiction of foreign class members, whether umbrella purchasers (purchasers of the relevant product from non-defendant manufacturers) have a cause of action in a price-fixing claim, and whether the statutory claim contained in the Competition Act provides for discoverability.

Linda is a ranked lawyer in the nationwide plaintiff class action lawyers rankings by Chamber & Partners for 2020.

In 2019, Linda was honoured as London's top 20 under 40 by London Inc. Magazine. Recipients are judged based on the overall impact of their work – both professional and volunteer contributions.

In 2014, Linda was awarded the Order of Merit by the Consumers' Association of Canada in recognition of her outstanding contribution to Canadian consumers.

Prior to joining Siskinds in 2007, Linda practiced commercial litigation in the Toronto office of a large national firm.



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### Awards and Recognition

- 2020, named by Benchmark Litigation in their 40 & Under Hot List
- 2018, 2019, 2020, 2021, named by Chambers & Partners as a ranked lawyer in the nationwide plaintiff class action lawyers rankings
- 2019, recognized as a Top 20 Under 40 by London Inc. Magazine, see the article here
- 2019, selected to appear in the 4th Edition of Benchmark 40 and Under Hotlist and on [www.benchmarklitigation.com](http://www.benchmarklitigation.com)
- 2019, named to the Canadian Legal Lexpert Directory
- 2014, awarded the Order of Merit by the Consumers' Association of Canada in recognition of outstanding contribution to Canadian consumers

### Notable Work and Decisions

#### Counsel to the class in the optical disc drive (ODD) class action

Action relates to alleged price fixing in the market for ODDs, which are used to read/write data to CDs, DVDs, Blu-ray drives, etc. Linda was counsel in a precedent setting Supreme Court of Canada decision, *Pioneer Corp. v Godfrey*, 2019 SCC 42, which dealt with important issues relating to who can assert a claim based on price-fixing and what claims can be brought.

#### Counsel to the class in the auto parts price-fixing class action

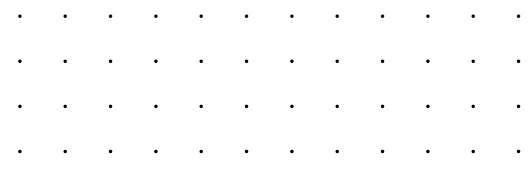
This is a collection of more than 40 cases relating to the alleged price fixing of automotive parts for installation in new vehicles. The auto parts litigation stems from, perhaps, the largest cartel in history (at least in terms of the number of companies implicated and fines levied). To date, settlements have been reached totaling more than \$160 million.

#### Counsel to the class in the air cargo class action

Action relates to a global conspiracy to fix prices of surcharges levied on air cargo shipments. Linda was counsel before the Court of Appeal regarding the court's jurisdiction of foreign class members. The Court of Appeal found in favour of the plaintiffs, holding that the court take assert jurisdiction over foreign class members. *Airia Brands Inc. v. Air Canada*, 2017 ONCA 792. Settlements have now been achieved with all defendants, totalling more than \$45 million.

#### Counsel to the class in the hydrogen peroxide price-fixing class action

Linda was counsel in precedent setting price-fixing class actions, including the hydrogen peroxide case – the first price-fixing conspiracy class action in Canada to be certified on behalf of both direct and indirect purchasers. *Irving Paper Ltd. v. Atofina Chemicals Inc.*, 2009 CanLII 92127. Settlements were achieved with all defendants totaling over \$23 million.



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### **Counsel to the class in the LCD price-fixing class action**

Settlements were achieved all defendants totaling over \$65 million. In the LCD case, the Ontario Court of Appeal ruled that the limitation period contained in the Competition Act is subject to discoverability. This is an important ruling from an access to justice perspective. The ruling ensures that companies are not able to avoid liability by concealing their conduct. Fanshawe College of Applied Arts and Technology v. AU Optronics Corporation, 2016 ONCA 621

### **Counsel to the class in the XL Foods beef recall class action**

Action was certified on behalf of a Canadian and U.S. class. Harrison v XL Foods Inc, 2014 ABQB 720. A settlement was reached for persons who suffered personal or economic injury as a result of the recall.

### **Counsel to the class in the IKO organic roofing shingles class action**

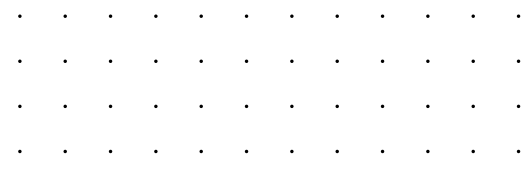
Action was certified on behalf of a national class. A settlement has been reached in the action for \$7.5 million.

### **Counsel to the class in the chocolate products price-fixing class action**

Settlements have been reached with all defendants totaling over \$23 million.

## **Publication and Speaking**

- Speaker, "Bill 161", Class Actions: Update for Litigators 2021, hosted by the Law Society of Ontario, January 22, 2021
- Speaker, "The View From Here: A Primer on Class Actions in America" A Special Litigation Presentation: Class Actions Advocacy hosted by The Advocates Society, June 09, 2020
- Speaker, "Claims Administration from Beginning to End: Lessons Learned and Best Practices", 11th Annual Class Actions Colloquium: The Practical Side of Litigating Class Actions: Experiences, Challenges and Lessons Learned hosted by the Ontario Bar Association, December 2, 2019  
Quoted in The Lawyer's Daily, "Regulated conduct defence clarified in Court of Appeal decision, counsel says", October 16, 2019
- Speaker "Summary Judgment: A New Hope", hosted by The Advocates Society, May 31, 2019
- Speaker "What's Going on With False Advertising Cases?", 16th National Symposium on Class Actions hosted by Osgoode Hall Law School, Professional Development, April 4-5, 2019.
- Speaker "Managing the Civil and Criminal Aspects of a Cartel" hosted by the Canadian Bar Association, March 7, 2017
- Speaker "The Latest in Competition Law Class Actions", 14th National Symposium on Class Actions hosted by Osgoode Hall Law School, Professional Development, April 6-7, 2017.  
Quoted in Law Times, "Appeal court disallows fee to stay rival class action", April 3, 2017
- Speaker "Competition Litigation: Trends and Tactics", hosted by the Canadian Bar Association, March 7, 2017



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- Speaker “Hot Topics: Key Issues and Trends in Competition, Securities and Privacy Law” 8th Annual Class Action Colloquium hosted by the Ontario Bar Association, December 5, 2016
- Speaker “Bringing and Defending Class Actions: 10 Things Plaintiffs’ and Defendants’ Counsel Need to Know”, Class Actions for Litigators, hosted by the Law Society of Upper Canada, November 15, 2016
- Speaker “What’s New in Anti-trust Class Actions”, 5th Annual Class Action Colloquium hosted by the Ontario Bar Association, December 2, 2013
- Speaker “Supreme Court Holds Time is Ripe for Indirect Purchasers in Canada – An Economic and Legal Discussion”, hosted by the Economics and Law Committee and the Class Action and Private Enforcement Committee of the CBA’s National Competition Law Section, November 27, 2013
- Speaker “Session III: Sun-Rype Mock Argument” Annual Competition Law Fall Conference hosted by The Canadian Bar Association, September 20th 2012

### Community Involvement

- Reforest London, Former Member of the Board of Directors and Former Chair of the Governance Committee
- London International Children’s Festival, Former Member of the Board of Directors
- Linda has participated in various fundraising runs, including a marathon and several half-marathons.
- In 2014, through her work at Siskinds LLP, Linda was awarded the Order of Merit by the Consumers’ Association of Canada in recognition of her outstanding contribution to Canadian consumers.