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SCC rules that class actions in lawsuits against tech giants can proceed

Paul-Erik Veel was quoted in the Canadian Lawyer article *SCC rules that class actions in lawsuits against tech giants can proceed*.

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Paul-Erik Veel, a commercial litigator at Lenczner Slaght Royce Smith Griffin LLP in Toronto, agrees with this concern, but has other reasons to question whether umbrella purchasers have a cause of action.

“The mere fact that someone, in response to market conditions, chooses to raise prices has never been of concern in competition law,” Veel says, but rather “individuals acting together in concert to raise prices deliberately. . . . So it’s a significant conceptual shift to attribute losses to total non-parties in the conspiracy and litigation.”

The vast part of the market for the products at issue in the case is controlled by four of the defendants, “so umbrella purchasers are at most an extra six per cent of individuals affected. … My own view is that this is a massive disruption to the law that will increase litigation costs, to the potential benefit of a small, very, very marginal increase to either deterrence or compensation,” he says.

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