



## Catherine Beagan Flood

Partner | Toronto

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Cathy litigates complex commercial and regulatory cases and defends class actions with a regulatory component. In particular, she is currently defending clients in multiple privacy, antitrust, product liability and consumer protection class actions.

Cathy has been counsel in many of the leading privacy and information law cases in Canada and acts as defence counsel and breach coach for clients experiencing a data breach or cybersecurity incident.

### SELECT EXPERIENCE

Recent cases that Cathy has been involved with include:

- Acted as lead counsel to the successful appellant in *Royal Bank of Canada v. Trang*, the leading Supreme Court of Canada decision interpreting Canada's private-sector privacy legislation
- Acted as lead counsel to Merck in *Merck Frosst Canada Ltd. v. Canada (Health)* with respect to the confidentiality of third-party information requested under the *Access to Information Act*
- Appeared before the Supreme Court of Canada in 14 other appeals on regulatory, constitutional, class action and tort law issues
- Counsel to a public-sector entity, gaming facility, automotive manufacturers and an investment company in class actions relating to alleged privacy breaches
- National counsel for Merck & Co. and Merck Frosst with respect to the Vioxx class actions commenced across Canada
- Counsel in numerous antitrust class actions, including proceedings relating to computer operating systems, polyether polyols, hydrogen peroxide, chocolate, LCD panels, optical disk drives, SRAM and CRT
- Counsel to the Standing Committee on Public Accounts of the Legislative Assembly for Ontario with respect to its inquiry regarding the Ornge air ambulance service
- Counsel to the Government of Canada with respect to the Judicial Compensation and Benefits Commission
- Counsel to Labatt in *Canada (Commissioner of Competition) v. Labatt Brewing Company Ltd.* (affirming Competition Tribunal decision regarding Labatt take-over of Lakeport)
- Represented the House of Commons with respect to parliamentary privilege before the Gomery Commission of Inquiry into Sponsorship Activities and the Arar Commission of Inquiry

## AWARDS & RECOGNITION

Benchmark has named Cathy as one of the Top 25 Women in Litigation for each of the past five years (2014-2018). She is also recognized as a leading litigation lawyer in the following publications:

- *The Canadian Legal Lexpert Directory 2019* (Class Actions, Litigation - Public Law)
- *Who's Who Legal: Canada 2019* (Life Sciences)
- *The Best Lawyers in Canada 2019* (Corporate and Commercial Litigation, Privacy and Data Security Law)
- *Who's Who Legal: Canada 2018* (Product Liability Defence)
- *The Canadian Legal Lexpert Directory 2018* (Litigation - Public Law)
- *Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys – 2018 Edition* (Litigation Star – Class Action, Competition, General Commercial and Product Liability)
- *The Best Lawyers in Canada 2018* (Corporate and Commercial Litigation, Privacy and Data Security Law)
- *The Legal 500 Canada* (Dispute Resolution)
- *Who's Who Legal: Life Sciences* (Product Liability Defence)
- *Lexpert* magazine, November/December 2007 ("Rising Stars: Leading Lawyers Under 40")

## PUBLICATIONS

[Co-author: Court of Appeal Unanimously Rules Against B.C. Blocking Trans Mountain Pipeline](#)  
Blakes Bulletin on Litigation & Dispute Resolution, May 28, 2019.

[Co-author: Federal Data Breach Reporting Regulations Published - Take Effect November 2018](#)  
Blakes Bulletin on Privacy, April 19, 2018.

[Co-author: Privacy Class Actions Five Years after Jones v. Tsige – Key Ontario and Federal Court Decisions](#)  
A Special Litigation Presentation: Cybersecurity and Privacy Law for Litigators, The Advocates' Society, Toronto, Ontario, October 23, 2017.

[Author: Chapter 11, Proving Antitrust Damages in Jurisdictions Outside the United States - Canada](#)  
Proving Antitrust Damages: Legal and Economic Issues, Third Edition, ABA Book Publishing, 2017.

[Co-author: Privacy Class Actions Five Years after Jones v. Tsige - Key Ontario and Federal Court Decisions](#)  
Privacy Class Actions: Defining the Standard of Care and Exploring the Impacts of a Breach, Ontario Bar Association's Institute, Toronto, Ontario, February 8, 2017.

[Co-author: Court of Appeal Upholds Law Society of Upper Canada's Decision to Not Accredite Proposed Law School](#)  
Blakes Bulletin on Litigation & Dispute Resolution, July 7, 2016.

## PROFESSIONAL APPEARANCES

[Speaker: Let's talk money: What is my exposure for a privacy breach?](#)  
NetDiligence® Cyber Risk Summit, Toronto, Ontario, April 4, 2019.

**Chair: Legal Drafting for Litigators Program**

The Advocates' Society, Toronto, Ontario, February 6, 2019.

**Speaker: Class Actions and Critical Practice Updates**

Cybersecurity and Privacy Law for Litigators, The Advocates' Society, Toronto, Ontario, November 9, 2018.

**Speaker: Human Rights Developments**

2018 Legal Section Annual Meeting, Canadian Life and Health Insurance Association, Montreal, Quebec, October 10-12, 2018.

**Speaker: Canada's Data Opportunity**

Canadian Chamber of Commerce, Toronto, Ontario, April 10, 2018.

**Speaker: Surveillance and Cyberattacks**

New Developments in Communications Law and Policy Conference, International Institute of Communications, Canadian Chapter, Ottawa, Ontario, November 14-15, 2017.

**Speaker: Canadian Update: Top 5 Regulatory Decisions and Guidance**

CBA Access to Information and Privacy Law Symposium, Ottawa, Ontario, October 27-28, 2017.

**Speaker: Litigation Strategies Involving Privacy and Access Issues**

A Special Litigation Presentation: Cybersecurity and Privacy Law for Litigators, The Advocates' Society, Toronto, Ontario, October 23, 2017.

**Speaker: Managing the Consequences of a Breach of the Standard**

Privacy Class Actions: Defining the Standard of Care and Exploring the Impacts of a Breach, Ontario Bar Association's Institute, Toronto, Ontario, February 8, 2017.

**Speaker: Minimizing the risk of litigation**

Benchmark Women in Litigation Forum, New York, NY, September 20, 2016

**MEDIA APPEARANCES**

**Quoted: Leading in Litigation**

Article by Jennifer Brown, Canadian Lawyer InHouse Magazine, Volume 13, Issue 1, January 2018.

**Quoted: IoT to impose 'incredible' legal responsibility on telecoms: panel**

Article by Ahmad Hathout, The Wire Report, November 15, 2017.

**Quoted: Bank fights disclosure of commercial contract**

Article by Shannon Kari, Law Times, April 10, 2017.

**PROFESSIONAL ACTIVITIES**

Cathy currently serves on the Blakes Executive Committee.

She taught a course on privacy and freedom of information at Osgoode Hall Law School from 2000 to 2008. From 1997 to 1998, she was law clerk to The Right Honourable Antonio Lamer, P.C., C.C., Chief Justice of Canada.

**EDUCATION**

Admitted to the Ontario Bar - 2000

LL.M., Harvard Law School - 1999

LL.B. (Gold Medallist), Osgoode Hall Law School, York University - 1997

B.A., University of Prince Edward Island - 1994