

Newsletter



Robinson Sheppard Shapiro
Avocats • Lawyers

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How was our first half of 2017?

This year marks the 375th anniversary of Montréal, the city where RSS was founded. We haven't had too much time for celebrations, though, since we have focused on helping clients manage their businesses and their lives. Here's a glimpse of what has been keeping us on our toes.

M&As, Financing and Business Transactions

Representation of the Uniprix drugstore network and its shareholders for the sale of the business to McKesson Canada. Founded in 1977, Uniprix has around 375 stores and 4,000 employees. With revenues in excess of \$1.6 billion, it is the second largest pharmacy chain in Quebec. The deal is subject to the approval of the competition regulators. (Jean-Yves Fortin, Éric Boulva, Peter S. Martin, Sharon G. Druker, Annie Claude Beauchemin, Xavier Morand-Bock (articling student))

Represented a Montréal-based supplier of licensed, branded and private label apparel and accessories and its affiliates in connection with an amendment to their secured credit agreement with TD Bank. (Sharon G. Druker)

Representation of Sears in the sale and leaseback of its Quebec distribution cen-

tre. (Herbert Z. Pinchuk, Éric Boulva, Rhona Luger)

Involvement in the family buyout of Club de golf Montcalm inc., operating a golf facility some 80 km away from Montréal, in the Lanaudière region. (Jean-Yves Fortin, Éric Boulva, Martin Lord)

Advising a long-standing manufacturing client joining forces with a manufacturer in the distribution and sale of ski accessories. (Herbert Z. Pinchuk)

Advising a European manufacturer and distributor of eyewear regarding a significant claim against its Canadian distributor. (Herbert Z. Pinchuk)

Involvement in a refinancing by Groupe S.M. International Inc. (Jean-Yves Fortin, Richard Uditsky, Sharon G. Druker, Annie Claude Beauchemin)

Ongoing representation of a producer and distributor of malt-based beverages respecting the acquisition of an ownership interest by third-party investors. (Herbert



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Mr. Pinchuk heads the
Business Law Group at
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Z. Pinchuk, Éric Boulva, Peter S. Martin,
Rhona Luger, Geneviève Goulet)

Tax, Estate Planning and High-net-worth Individuals

Rectifying drafting errors in wills that cause serious unintended effects, as for example, a testamentary provision requiring the surviving spouse to renounce to all matrimonial benefits and to her rights in the succession, which would produce the absurd result of zero benefits for the spouse. (Marilyn Piccini Roy, Jonathan Feingold)

Applying to court for replacements of trustees and liquidators in the absence of a replacement mechanism in the trust deed or will. (Marilyn Piccini Roy, Jonathan Feingold)

Retained as an expert witness in estate litigation in Calgary, Alberta involving an unjust enrichment claim by the estate of one spouse against the estate of the other spouse, both formerly from Quebec. (Marilyn Piccini Roy)

Real Estate and Leasing

Continuing representation of a real estate developer in connection with a dispute with the City of New Haven, Connecticut. (Herbert Z. Pinchuk, Martin Côté)

Advising real estate developers and owners on issues regarding exclusivity provisions in leases. (Herbert Z. Pinchuk, Rhona Luger)

Reviewing construction contracts. (Annie Claude Beauchemin)

Continuing representation of national food chains and jewellers in their leasing activities in Quebec. (Herbert Z. Pinchuk, Rhona Luger)

Insolvency and Restructuring

Represented a trustee in proceedings to appoint a receiver under s 243 of the *Bankruptcy and Insolvency Act*. (Annie Claude Beauchemin)

Transportation

The firm has assembled several members of our Litigation, Business Law and Insurance teams into our **Air and Space Law Group**. They have outstanding experience with the aviation and aerospace industry and can respond to all the needs in this dynamic and complex universe.

It did not take long for the Group's relevance to be illustrated, in the form of a mandate to help an airline adapt to amendments to the municipal by-law on road traffic in an area where the airline was operating.

Labour and Employment

Acted as employer's spokesperson for the negotiation of the renewal of the collective agreement between Franklin Empire, a distributor of electrical equipment for industrial and commercial use, and Métallos section locale 7625, representing some 35 employees of the Ville Mont-Royal distribution centre, for a five-year term. (Jean Denis Boucher)

Represented a construction company in the prompt settlement of a termination, thus avoiding any possibility of claim or complaint before the CNESST (in charge of labour relations), in a context where contradictory evidence made it difficult to determine whether there had been a resignation or whether there was cause for dismissal. (Jacques Bélanger)

Represented a nutritional supplement distributor before the CNESST and the Tribunal administratif du travail (in charge of workers' compensation), following a fall sustained by an accounting clerk. Workers' compensation case in which the imputation of costs to the employer was reduced from 33 months to less than three. (Jacques Bélanger)

Defended an employer against a claim for dismissal allegedly resulting from the exercise of a legal right, but coinciding with



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a decision to end the business. (Julie Forest)

Represented senior executives dismissed without cause, and obtaining optimal termination allowances. (David Paradis)

Defended brokerage firms after terminations and settlement of the former employees' claims. (David Paradis)

Negotiated and drafted employment contracts, with confidentiality, non-solicitation and non-competition clauses. (David Paradis)

Successful negotiation for senior managers of their severance plans in the course of business restructurings and repurchase of assets. (Julie Forest)

Updated all the employment contracts and drafted intellectual property protection clauses and restrictive covenants adapted for each employee's level and position for two mid-cap companies operating in Quebec, Ontario and the United States. (Julie Forest)

General Litigation, Arbitration and Mediation

Successful application for an injunction to compel an Internet service provider to disclose a user's name and address from his IP address. The user, under the relative anonymity of the Internet, posted defamatory messages on a Web site to damage a businessman's reputation. Additional proceedings against this person allowed an end to be put to this practice. (Jean-Pierre Sheppard)

Represented unpaid subcontractors in claims under construction contracts. (Annie Claude Beauchemin)

Represented the receiver and liquidators of various investment funds in the Channel Funds case, a malpractice claim against auditors, and negotiation of a settlement. (Martin Côté)

Defended the Société de développement des entreprises culturelles (SODEC)

against an application for injunction filed by a feature film distributor. (Martin Côté, Vincent Olivier Perreault)

Out-of-court settlement of latent defects claims and shareholders' disputes. (Martin Côté)

Defended the City of Lachute and its mayor against a libel claim for \$850K by an accounting firm. (Martin Côté)

Appeared before the Court of Appeal of Québec for the City of Westmount, its former mayor and a municipal councillor in opposition to an appeal of a judgment denying a libel claim filed by a citizen. (Martin Côté, David Paradis)

Defended the former mayor of the City of Lorraine against a libel claim filed by a mayoral candidate. (Martin Côté)

Provided advice on access to information and privacy matters. The firm acts for information seekers and holder organizations alike. (Julie Forest)

Opposed injunction proceedings by a student with physical limitations to compel a CEGEP to derogate from the usual conditions for an internship. (Pierre Brossoit)

Claim for unpaid rents under commercial leases; defaulting tenants were also sanctioned for their dilatory tactics by being condemned to reimburse the lessor's legal fees. (David Paradis)

Acted in a dispute over the contracts for a construction project: negotiation of a settlement and litigation over the judicial approval of the settlement. (Normand Laurendeau, David-Alexandre Genest)

Representation of the successful party in a challenge to an RFP launched by a municipality, involving the cancellation of the awarded contract and issuance of an injunction to enter into a new agreement with the plaintiff. (Pierre Brossoit)



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Defended a construction supplies manufacturer against product liability claims. (Pierre Brossoit, David Paradis)

Represented individuals in claims for latent defects against professional builders and sellers. (David Paradis)

Successful representation of a retailer against a class action alleging its failure to abide by the exceptionally low prices stated in its ads. (Jean-Pierre Sheppard)

Successful representation of a law firm in a claim for \$55M based on its alleged negligence in setting up a corporate structure. (Jean-Pierre Sheppard)

Defended against a petition for a rogatory commission in Quebec to supply evidence for a personal injury claim in Nevada. (Jonathan Feingold)

Represented the plaintiff in a claim for finder's fees challenged by claiming that Quebec courts do not have jurisdiction. (Jonathan Feingold)

Defended a manufacturer against a class action based on the allegation that it had sold defective laundry washers that could explode. (Jean-Pierre Sheppard)

Represented a bus transportation company and its insurer in a claim based on major embezzlement by the company's general manager and accountant. (Normand Laurendeau, Jordi Montblanch)

Acted in a claim for partition of an immovable, accounting and damages. (Jean-Pierre Sheppard)

Defended Canada Post Corporation against a claim for bodily injury, and negotiating a settlement. (Martin Côté)

Represented a municipality that allowed a minor zoning derogation, against ensuing claims by citizens and by the landowner who benefited from the derogation. (Pierre Brossoit)

Represented Uniprix Inc. before the Supreme Court of Canada in a matter dealing with the interpretation of a renewal clause in an affiliation agreement. (Jean-Yves Fortin)

Settled a conflict between a modeling agency and an advertising firm over the use of a model's image on the client's various platforms and the duration and compensation for this licence. (Julie Forest)

Professional and Social Involvement

RSS was present at the annual meeting of the International Trademark Association (INTA), where 10,000 attendees gathered in Barcelona. Being there allows us to enhance our network of contacts, a resource that frequently benefits our clients. (François A. Raymond)

Meet our newest recruit!

Our Litigation Group has welcomed one new member since January. A member of the Bars of Quebec and Ontario, Zachary Ouimet already has a number of years' experience before the courts, in a wide variety of matters.



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