

Cassels



Kate Byers

Associate

Contact Information

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Office

Toronto

Expertise

- Litigation
- Franchise
- Securities Litigation

Biography

Kate Byers is an associate in the Litigation Group at Cassels. Kate has a broad commercial litigation practice, with a focus on franchise and securities litigation. Her franchise litigation experience includes franchise class actions, *Arthur Wishart Act* claims including rescission claims, and claims against guarantors of franchise corporations. Kate's experience with securities and corporate-commercial litigation includes oppression claims, primary and secondary market misrepresentation claims, and other shareholder disputes, including injunctions. She also has significant experience with matters relating to allegations of corporate misconduct, including internal and external investigations. Kate has appeared before the Ontario Superior Court of Justice, the Ontario Divisional Court, and the Ontario Court of Appeal. She has also worked on multiple leave applications and responding leave applications to the Supreme Court of Canada.

Kate has recently acted for the following clients:

- Mining companies in separate arbitrations arising out of the interpretation of different types of royalty or net profits interest agreements;
- A cannabis company in defending a proceeding alleging misleading disclosure in an offering memorandum;
- A private equity firm in proceedings to enforce certain agreements and shareholder rights and defend an oppression claim before the Ontario Superior Court of Justice (Commercial List)
- The special committee of a board of directors in investigating allegations of corporate misconduct
- An investments manager in a petition to the Supreme Court of British Columbia alleging an oppression claim against a corporation as a result of the client's investment in that corporation
- Multiple franchisors in successfully defending proceedings alleging breaches of franchise agreements and the *Arthur Wishart Act (Franchise Disclosure), 2004* and in successfully enforcing guarantees of franchisee obligations under franchise agreements

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While in law school, Kate obtained a certificate in International Business Law as part of the Queen's Global Law Program at Herstmonceux Castle in Sussex, England. She is a frequent contributor to firm publications on franchise and securities litigation topics.

Recent Representative Work

- Cassels Successfully Defeats Certification Motion for Class Action Brought by Major Junior Hockey League Players; Court Leaves Path Open for Individual Claims Process

Insights

- Whistling at Work: Ontario's New Whistle-blowing Protections and the Insurance Industry
- 'The Works' Doesn't Include Further Appeals: Supreme Court of Canada Dismisses Leave Application in a Case Determining That A Pleading Can Sometimes Constitute A Notice of Rescission
- Outlook 2020: A New Crop of Securities Class Actions and Amendments to the Class Proceedings Act

Education / Bar Admissions

- J.D., Dalhousie University
- B.A. (Hons.), Queen's University

- Ontario, 2015

Associations

- Ontario Bar Association
- The Advocates' Society