

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 Advocacy Group at Cassels. Kate has a broad commercial litigation practice, with a focus on securities and franchise litigation and class actions. In her practice, Kate strives to bring a practical, results-oriented approach to resolving disputes in order to achieve efficient resolutions to complex litigation.

Kate has acted for public and private corporations, directors and officers, shareholders, and investment funds in litigation arising from shareholder disputes, oppression claims, proxy fights, and class actions, including primary and secondary market liability claims and claims in systemic negligence. Kate regularly acts for franchisors in disputes arising out of provincial franchise legislation, including rescission claims. Kate has also acted in a wide range of commercial litigation matters involving contract disputes, real estate (including disputes over the early redemption or discharge of a mortgage), and the granting of extraordinary relief such as Mareva injunctions and Norwich orders.

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. In addition, Kate has significant experience with private arbitration before single and panel arbitrators and mediation proceedings.

Examples of Kate's representative work include:

- Acting for issuers and individual directors and officers in defending securities class actions involving allegations of misleading or inaccurate financial, operational, and technical disclosure
- Representing shareholders, directors and officers, and corporations in oppression and breach of contract proceedings
- Acting for franchisors in proceedings alleging rescission claims, other breaches of the *Arthur Wishart Act (Franchise Disclosure)*, 2004, and breaches of franchise agreements, including pursuing injunctive relief in order to enforce restrictive covenants

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- Enforcing guarantees of franchisee obligations under franchise agreements
- Acting for mining companies in arbitrations arising out of the interpretation of a royalty or net profits interest agreement
- Investigating matters relating to allegations of corporate misconduct, including internal and external investigations

Kate is a frequent contributor to firm publications on franchise and securities litigation topics. She regularly volunteers for Pro Bono Law Ontario's free legal advice hotline. She is a member of the Young Leaders Council, a philanthropic board sub-committee of The WoodGreen Foundation, which raises funds in support of WoodGreen Community Services Inc., one of Toronto's largest social services agencies.

Achievements

- *Best Lawyers: Ones to Watch* (Corporate & Commercial Litigation)

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

- Ontario Court of Appeal Upholds Decision in Shoppers Drug Mart Franchise Class Action
- 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

Pro Bono & Community Involvement

- Young Leaders Council, Philanthropic Board Sub-Committee of The WoodGreen Foundation, Member

Education / Bar Admissions

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

- Ontario, 2015

Associations

- Ontario Bar Association
- The Advocates' Society
- Women in White Collar Criminal Defense