

David A. Klein
Barrister & Solicitor

- Member of the British Columbia (1992), Ontario (1980) and Washington State Bars (1995)
- Appeared as Counsel in the Superior Courts of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Newfoundland & Labrador, and The Yukon

Significant Cases

Plaintiffs' counsel in first class action certified in British Columbia: *Harrington v. Dow Corning Corp.*, (1996) 22 B.C.L.R. (3d) 97 (S.C.); affirmed (2000) 193 D.L.R. (4th) 67, 2000 BCCA 605

Plaintiffs' counsel in first class action certified in Newfoundland & Labrador: *Pardy v. Bayer Inc.*, 2004 NLSCTD, 72; leave to appeal denied 2005 NLCA 20, [2005] N.J. No. 122

Plaintiffs' counsel in first class action certified in Manitoba: *Walls v. Bayer Inc.*, (2005) 189 Man. R. (2d) 262, 2005 MBQB 3; leave to appeal denied 2005 MBCA 93, [2005] M.J. No. 286

Plaintiffs' counsel in over 20 certified class actions in British Columbia, Alberta, Manitoba, Ontario and Newfoundland & Labrador:

- silicone gel breast implants: *Harrington v. Dow Corning Corp.*, (1996) 22 B.C.L.R. (3d) 97 (S.C.); affirmed (2000) 193 D.L.R. (4th) 67, 2000 BCCA 605
- silicone gel breast implants – certification of out-of-province residents: *Harrington v. Dow Corning Corp.*, (1997) 29 B.C.L.R. (3d) 88 (S.C.); affirmed (2000) 193 D.L.R. (4th) 67, 2000 BCCA 605
- defective jaw implants: *Sawatzky v. Society Chirgicacale Instrumentarium Inc.* (9 September 1999) Vancouver Registry, C954740 (B.C.S.C.)
- securities misrepresentation: *Fischer v. Delgratia Mining Corp.* [1999] B.C.J. No. 3149 (S.C.)
- securities misrepresentation: *Delf v. Merit Energy Ltd.*, (10 July 2000) Calgary, Action No. 0001-01899 (Alb. Q.B.)
- hydro dam flood: *Pausche v. B.C. Hydro et al.*, 2000 BCSC 1556; affirmed 2002 BCCA 62
- securities misrepresentation: *Pearson v. Boliden Ltd.* (2001) 94 B.C.L.R. (3d) 133, 2001 BCSC 1054

- harmful diet drugs (Pondamin & Redux): *Wilson v. Servier Canada Inc.* (2001) 11 C.P.C. (5th) 374, [2001] O.J. No. 1615 (Ont. Sup. Ct.)
- hepatitis C tainted blood: *Killough v. Canadian Red Cross Society* (2001) 91 B.C.L.R. (3d) 309, 2001 BCSC 1060
- e-coli outbreak from tainted meat products: *Knudson v. Consolidated Food Brands Inc. (c.o.b. Fleetwood Sausage)* 2001 BCSC 1837, [2001] B.C.J. No. 2902
- salmonella food poisoning outbreak: *Dalhuisen (Guardian ad litem of) v. Maxim's Bakery Ltd.*, 2002 BCSC 528, [2002] B.C.J. No. 729
- retiree benefits (4 actions): *Andrews v. Air Canada and Air Canada Regional Inc. d.b.a. Airbc* (26 February 2003) Vancouver Registry, S014583 (B.C.S.C.)
- hepatitis A food poisoning outbreak: *Fakhri v. Alfafa Canada, Inc. (c.o.b. Capers Community Market)*, (2003) 26 B.C.L.R. (4th) 152, 2003 BCSC 1717; affirmed (2004) 34 B.C.L.R. (4th) 201, 2004 BCCA 549
- faulty fuel additive: *Young v. Shell Canada Ltd.* (12 December 2003) Vancouver Registry, L021060 (B.C.S.C.)
- defective cholesterol drug (Baycol): *Pardy v. Bayer Inc.*, 2004 NLSCTD, 72; leave to appeal denied 2005 NLCA 20, [2005] N.J. No. 122
- faulty fuel additive: *Pinkson v. Shell Canada Ltd.*, [2004] O.J. No. 42
- defective cholesterol drug (Baycol): *Walls v. Bayer Inc.*, (2005) 189 Man. R. (2d) 262, 2005 MBQB 3; leave to appeal denied 2005 MBCA 93, [2005] M.J. No. 286
- deceptive marketing of light cigarettes: *Knight v. Imperial Tobacco Canada Ltd.*, (2005) 250 D.L.R. (4th) 347, 2005 BCSC 172
- pension surplus: *Williams v. B.C. College Pension Board of Trustees*, 2005 BCSC 788, [2005] B.C.J. No. 1211
- failure to sterilize hospital instruments: *Rideout v. Health Labrador Corp.*, 2005 NLTD 116, [2005] N.J. No. 228
- pension surplus: *Ruddell v. B.C. Rail Ltd.*, 2005 BCSC 1504
- pension surplus: *Lieberman and Morris v. Business Development Bank of Canada*, 2006 BCSC 242