



Pierre-Paul Daunais

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Pierre-Paul Daunais is a partner in the Litigation & Dispute Resolution Group. His practice is focused on general business law, with expertise in construction law, municipal law, aeronautics and insurance matters. It touches on all aspects of litigation, such as providing advice, drafting proceedings and mainly representing clients before all courts of law, including the Québec Superior Court and the Court of Appeal. Pierre-Paul has acquired considerable experience in contentious issues, procedural requirements and strategies, and all aspects related to the management of very complex litigation, both in interlocutory or preliminary proceedings and in hearings on the merits.

Pierre-Paul regularly advises various companies in the construction field, such as owners, real estate developers, consultants (engineering and architecture firms), contractors and manufacturers, as well as other companies, in the context of construction, product liability or municipal disputes. His experience and the various presentations and conferences in which he has participated have allowed him to develop expertise in this field, both in a private and a public context.

Over the years, he has also acted on behalf of aircraft manufacturers and insurance companies in numerous cases involving contractual disputes, product liability, application of foreign law in a domestic context and application of aviation regulations. As such, Pierre-Paul has acquired considerable knowledge of the aircraft manufacturing process and of various related commercial activities and contractual provisions.

Pierre-Paul also represented both public and private companies on contentious and potentially contentious matters in several areas of corporate and commercial law, such as shareholder disputes as well as transactional and commercial disputes (including those relating to misrepresentation and breaches of warranty).

Accolades

- *Chambers Canada 2021* as a leading lawyer in Transportation: Aviation: Regulation.
- *Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys 2020* as a Future Star.
- *Benchmark Litigation's Under 40 Hotlist 2019*.
- *The Canadian Legal Expert Directory 2020* as a leading lawyer in Litigation: Corporate Commercial and Litigation: Product Liability.
- *The Legal 500 Canada 2019* as a recommended lawyer in Transport: Aviation.
- *The Best Lawyers in Canada 2021* in Corporate and Commercial Litigation.
- *Lexpert's Rising Stars: Leading Lawyers Under 40, 2019*.

- *Lexpert Special Edition: Infrastructure*, September 2020, as a leading lawyer.
- *Lexpert/ROB Special Edition : Canada's Leading Litigation Lawyers*, November 2019.

Representative Work

- *7593724 Canada inc. v. Ville de Longueuil*: Representing 7593724 Canada Inc. acting as real estate developers in a large residential project in its claim against the City of Longueuil's refusal to abide by the terms of a land development agreement. The case is now awaiting judgment from the Court of Appeal.
- *Dans l'affaire de la Loi canadienne sur les sociétés par actions et de la Loi sur les arrangements avec les créanciers des compagnies de Développement Lachine Est*: Representing the Monitor in the context of a restructuring in various proceedings against the City of Montreal in the context of the development of residential properties, contractual agreements and the application of the Loi sur l'aménagement et l'urbanisme.
- *Montréal (Ville de) v. 7550570 Canada inc.*: Representing 7550570 Canada inc. in the context of injunctive proceedings against the City of Montreal for the exclusive use of a parking area under the terms of a lease entered into with the Société de développement de Montréal.
- *Développement 314 CSTC Inc.*: Representing a residential real estate developer in the context of changes to the zoning by-laws implemented by the City of Montreal, arrondissement d'Outremont.
- *Ville de Sherbrooke v. Sherax Immobilier Inc.*, Québec Superior Court (ongoing): Representing the developer and project manager in its defense against allegations of latent defects and poor workmanship as well as in a multi-million dollar lawsuit instituted against Ville de Sherbrooke for misrepresentations in the context of a call for tender process carried out by the City.
- Representing and advising owners, real estate developers, consultants (engineering and architecture firms) and contractors in connection with various litigation and contract negotiations as well as in the context of negotiations with municipalities.
- *Construction Cériko Asselin Lombardi Inc. v. Bombardier Inc.*: Representing Bombardier Inc. in its defense against an action instituted by the plaintiff for alleged delays, additional costs and impact costs related to the CSeries plant construction project in Mirabel, Quebec.
- *Alcoa Ltd. et al. v. VA Tech JST S.A. and Arno Électrique Ltée* (settled in an international mediation) - Representing Alcoa Ltd. and other entities in a latent defects claim worth approximately \$100M against a transformer manufacturer.
- *Procureur Général du Québec v. Imperial Tobacco Canada Limited et al.* - Representing BAT Industries plc, and British American Tobacco (Investments) Limited in their defense in a \$60B lawsuit filed by the Gouvernement du Québec against the tobacco industry's leading companies in Québec.
- *Moody Industries Inc. v. THE BOILER INSPECTION AND INSURANCE COMPANY OF CANADA* (judgment rendered on the merits and upheld on appeal): Represented Moody Industries Inc. in the context of an action for damages caused to a building after its collapse and the loss of productivity and the additional costs incurred by the company in the course of its operations.
- *Av-Tech Inc. and Logic-Contrôle Inc.*: Represented Av-Tech Inc. and Logic-Contrôle Inc. in different cases involving the Commission de la construction du Québec and in claims arising from call for tenders processes.

- *Compagnia Importazioni Esportazioni E Rappresentanze S.R.L. v. Bombardier inc.*, Québec Superior Court: Represented Bombardier Inc. in connection with an action for nearly C\$4M filed by a former representative of Bombardier Inc. in Italy, for the payment of commissions allegedly owed under the representation agreement in Italy after the signing of a new contract between Bombardier Inc. and an Italian customer.
- *Suat Yücel et al. v. Bombardier Inc. et al.*, Québec Superior Court: Represented Bombardier Inc. in connection with an action for several million Canadian dollars filed by two Turkish business aircraft pilots involved in an emergency landing in Russia.
- *Bahrain Executive Air Services Company (BEXAIR) W.L.L. et al. v. Bombardier inc. et al.* (ongoing) - Representing Bombardier Inc. and Bombardier Aerospace Corporation in connection with an action in damages for over C\$42M filed by an executive air carrier operating from Bahrain.
- *London Corporate Jet Ltd. v. Bombardier Inc.* (judgment rendered on the merits) - Represented Bombardier Inc. in connection with an action filed by an agent for payment of a commission for the sale of an aircraft, the award of punitive damages and the reimbursement of extrajudicial fees. The action was dismissed and ruled abusive, and a portion of the extrajudicial fees was awarded to Bombardier Inc.
- *Bombardier Inc. v. Tegra S.A.* (out-of-court settlement) - Represented Bombardier Inc. in connection with an action in damages for more than \$46M for breach of contract, filed against a business aircraft operator based in Luxembourg.
- *National Liability & Fire Insurance Company et al. v. Bombardier Inc.* (out-of-court settlement): Represented Bombardier Inc. in connection with its defense against an action for manufacturing and design defects.
- *Buzzard International Holdings v. Bombardier Inc.* (discontinuance) - Represented Bombardier Inc. in connection with declaratory judgment proceedings seeking the disclosure of documents relating to an aircraft manufacturing process.
- *Bombardier Inc. v. Eagle Globe Management Ltd.* (settled out of court) - Representing Bombardier Inc. in connection with proceedings for several million dollars regarding the termination of an aircraft sales contract and certain allegations of manufacturing defects, non-compliances, delivery deadlines and other elements related to an aircraft manufacturing process. In this case, several interlocutory decisions were rendered, both in Superior Court and in the Court of Appeal, and on leave to appeal to the Supreme Court of Canada.
- *Bombardier Inc. v. Fastwing Investments Holdings Limited* (settled out of court) - Representing Bombardier Inc. in connection with proceedings regarding the termination of an aircraft sales contract, in which several million dollars are at stake.
- *Bombardier Inc. v. Albatross Commercial Limited* (settled out of court) - Representing Bombardier Inc. in connection with proceedings regarding the termination of an aircraft sales contract, in which several million dollars are at stake.
- Represented Bombardier Inc. in connection with different cases involving seizures against property held by Bombardier Inc. and in connection with various negotiations regarding certain potentially contentious contractual relationships.
- *Layla Jet Ltd. v. ACASS Canada Ltd.* (ongoing) - Representing ACASS Canada Ltd., an aircraft management and maintenance company, in its defense against an action for nearly \$2M dollars filed by a corporate owner of a business aircraft. In connection with this action, a substantial portion

of the claim was dismissed by the Superior Court (upheld on appeal) under a motion to dismiss for abuse of process.

- *Amway Canada Corporation v. Daniel Courcy et al.* (case settled out of court) - Represented several defendants in connection with injunction proceedings, Anton Piller seizures before judgment and application of non-competition and non-solicitation clauses.
- Represented Visalus Sciences Canada Inc. in connection with several injunction proceedings filed in connection with the application of non-competition and non-solicitation clauses.
- Les Encans Ritchie Bros Canada Ltée: Represented Les Encans Ritchie Bros Canada Ltée in connection with several contentious cases, seizures and contract negotiations.
- In the matter of the bankruptcy of Georges Marciano (case settled out of court): Represented various entities in connection with Canadian and international bankruptcy proceedings, and in connection with seizures executed against the debtor, Georges Marciano, for over C\$100M.
- In the matter of the liquidation of Construction Frank Catania & Associés inc. et al. (ongoing) and the restructuring of Développement Lachine-Est: Representing the interests of PricewaterhouseCoopers Inc. and Raymond Chabot Inc., acting as liquidator and monitor of the property of the entities in liquidation/restructuring.
- *Sylvain Perron and Richard Ziedel v. Le Cabinet de relations publiques NATIONAL Inc. et al.* - Representing the defendants in connection with their defense against an oppression remedy filed by the plaintiffs.

Speaking Engagements

- “*Développements récents en droit de la construction*”, The Canadian Institute, 30th Construction Superconference, Montréal, 26-27 November 2019.
- "What the Usufruct? Learning How to Bridge the Common Law/Civil Law Divide", 2018 ABA Section of International Law Annual Conference, New York, April 20, 2018.
- "Particularités dans la préparation d'un dossier de réclamation lorsque vous œuvrez avec le secteur public et parapublic", 21st annual convention of the *Corporation des entrepreneurs généraux du Québec*, Québec, February 21-23, 2018.
- “Revue de la jurisprudence – une analyse des décisions rendues et leur impact sur votre pratique quotidienne”, 28th Construction Superconference organized by L'Institut Canadien, Montréal, November 28 and 29, 2017.
- "Protecting Privileged Information from Disclosure in Litigation Proceedings in Quebec", Client Presentation, Montréal, October 4, 2017.
- "Les particularités dans la préparation d'un dossier de réclamation lorsque vous œuvrez dans le secteur public et parapublic", Journée stratégique sur la construction, Montréal, October 2, 2017
- “Les réclamations contractuelles et extracontractuelles de l'entrepreneur à l'encontre d'une municipalité en l'absence de résolutions approuvant les travaux”, 27th Construction Superconference organized by L'Institut Canadien, Montréal, October 18 and 19, 2016.

- “Les implications de la notion de bonne foi dans les contrats de construction”, The Canadian Institute's 11th Advanced Conference on Claims and Disputes Management in the Construction Industry, Montréal, May 11, 2016.
- “Certaines clauses contractuelles à considérer avant de signer un contrat”, 40th Annual Congress of the Québec Air Transport Association, Drummondville, March 16, 2016.

Professional Activities

Pierre-Paul is a member of the Quebec Bar. He is also Fellow of the Construction Lawyers Society of America (CLSA). In addition, he is a member of the Montréal office's Crisis Management Committee. He is also a member of the Board of Directors of the *Fondation de l'hôpital Sacré-Coeur de Montréal*.

Education

Université de Sherbrooke (LL.B. 2001)

Bar Admission

Québec, 2002