



# Katherine Booth

## Partner

Vancouver

[kbooth@mccarthy.ca](mailto:kbooth@mccarthy.ca)

t. +1 604 643 7198

## Bar Admission

Ontario 2012

British Columbia 2017

## Law School

Osgoode Hall Law School

## Practices

Litigation and Dispute Resolution

Corporate Commercial Litigation

Class Actions

Products Liability

## Industries

Consumer Products

Retail & Consumer Markets (RCM)

## Strategic Issues

Cyber/Data

**Katherine is an experienced litigator who brings a practical, results-oriented approach to complex commercial and class action litigation across a range of industries and legal issues.**

Katherine is a partner in our Litigation & Dispute Resolution Group and a member of the firm's national Class Actions, Retail & Consumer Markets, and Cyber/Data groups. Her practice focuses on complex commercial and class action litigation.

Katherine is a versatile litigator who has acted in disputes across a range of legal issues, including product liability, negligence, consumer protection, employment, contract, procurement, privacy and fraud claims. Her clients operate in diverse industries, including retail, manufacturing, consumer products, cosmetics, technology and electronics, gig economy, energy, forestry, food and beverage, and agribusiness.

Katherine prides herself on helping clients strategically and efficiently navigate disputes and manage legal risk. She is licensed to practise in British Columbia and Ontario, and has appeared as counsel before all levels of court in both provinces and before the Supreme Court of Canada. Katherine regularly defends clients in multi-jurisdictional and cross-border class proceedings and has a proven track record of developing and executing litigation strategies to achieve clients' legal and business goals. In 2023, Katherine was recognized as a Benchmark Canada Litigation "Future Star" and on Benchmark Canada's Litigation "40 & Under" list.

Katherine also helps clients respond to cybersecurity incidents and has been approved as a breach coach by insurers, and advises clients operating in certain regulated industries on their regulatory obligations and dealings with regulators.

Katherine writes and speaks frequently about class actions, litigation and cybersecurity. She is a contributing author to *Defending Class Actions in Canada: A Guide for Defendants* published by LexisNexis, past Co-Chair and Executive Member of the Canada Bar Association British Columbia Branch Class Action Section from 2019-2023, Co-Chief Editor of McCarthy Tétrault's [Canadian Class Actions Monitor](#) blog, and a past guest lecturer at

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Osgoode Hall Law School.

Katherine received her Juris Doctor from Osgoode Hall Law School in Toronto in 2011, and graduated from McGill University in Montréal with a B.A. (Honours) in 2007. During law school, Katherine was the recipient of an Ian Scott Public Interest Fellowship and completed a legal internship at Pivot Legal Society in Vancouver.

Katherine's experience includes:

### **Class Action Litigation**

- Representing a cosmetic products manufacturer in proposed class actions in BC and Ontario alleging personal injuries as a result of exposure to preservatives.
- Representing a pharmaceutical company in a proposed national class action alleging injuries relating to infant formulas.
- Representing an agribusiness company in proposed class actions in BC and Ontario alleging injuries relating to a pesticide product.
- Representing a manufacturer in a class action alleging price fixing of electronic components.
- Representing a software company in a proposed privacy class action arising from a ransomware attack.
- Representing a national retailer in a proposed class action alleging misrepresentations relating to a natural health product.
- Representing a cosmetics company in a proposed class action alleging personal injuries caused by hair care products.
- Representing a national food and beverage retailer in a class action alleging unpaid overtime entitlements.
- Representing a social media company in a proposed class action alleging breach of privacy.

### **Commercial Litigation and Advisory**

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- Representing employers in litigation against former employees for alleged breach of non-competition agreements and other employment obligations.
- Representing a manufacturing facility in defending appeals of an air emissions permit.
- Representing investors in litigation regarding an alleged fraudulent investment scheme and obtaining an injunction to freeze a defendant's assets.
- Representing a forestry company in litigation to enforce a statutory right of way over the defendant's property.
- Representing public health authorities in procurement disputes.
- Representing a technology company in a claim alleging negligent design and manufacture causing personal injury.
- Representing an online booking platform in litigation regarding liability for injuries allegedly suffered from the booked services.
- Representing a national retailer in a judicial review of a Human Rights Tribunal decision relating to COVID-19 masking requirements.
- Representing a software provider in arbitration relating to a services agreement.
- Representing physicians in medical negligence claims.
- Representing a leaseholder in enforcing property access rights and obtaining injunction against a trespasser.
- Representing a cannabis company in regulatory proceedings before the Farm Industry Review Board.
- Acting *pro bono* for a disability rights organization in litigation challenging the constitutionality of BC laws that permit forced psychiatric treatment of people with mental disabilities without an assessment of their capacity.
- Advising companies on litigation and risk management in relation to consumer complaints in a variety of industries.
- Advising companies on obligations under the *Canada Consumer Product Safety Act*, product recalls, and dealings with Health Canada.

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## Cybersecurity Incident Response

- Leading the breach response for a number of companies responding to criminal ransomware attacks.
- Advising a company on its response to a phishing attack and potential access to personal information.
- Leading the breach response for a company in relation to an unauthorized intrusion into their computer systems.
- Providing “on-call” breach response counsel for various organizations.
- Advising numerous companies on aspects of their cybersecurity incident response plans.

## Publications and Speaking Engagements

- Author: Manufacture and Sale of Goods in *Doing Business In Canada*, forthcoming
- Speaker: CBA BC Class Actions Year in Review, July 2023
- Speaker: Canadian Privacy Law Update, client presentation, June 2023
- Author: [Is Cyber-related Securities Liability Coming to Canada?](#), May 2023
- Working Group Member: *Sedona Conference Incident Response Guide*, 2<sup>nd</sup>, May 2023
- Speaker: Sedona Conference, Working Group 11 Meeting, Denver, USA, May 2023
- Author: Practice Note, [Service of Claim Documents in Canada: Overview \(Canada\)](#), published on Thompson Reuters Practical Law, March 2023
- Speaker: Appellate Quarterly Webinar, January 2023
- Author: Practice Note, [Attachment \(Freezing or Mareva\) Orders: Overview \(Canada\)](#), published on Thompson Reuters Practical Law, December 2022
- Speaker: Sedona Conference, Working Group 11 Meeting, Cleveland, USA, November 2022

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- Speaker: Cybersecurity Law for In-House Lawyers, Canadian Bar Association, October 2022
- Host: BC Class Actions “Bench and Bar” Reception, June 2022
- Host: Impact of the Russian Invasion of Ukraine on Cybersecurity in Canada, June 2022
- [Speaker](#): Cybersecurity and Ransomware, International Institute of Communications Canada annual conference, May 2022
- Speaker: CBA BC Canada Class Actions Year in Review, What Happened in 2021 and What to Watch for in 2022, April 2022
- Guest Lecturer: Osgoode Hall Law School Continuing Professional Development, Selected Topics in Privacy and Cybersecurity Law, April 2022
- Author: [Data Breach Class Actions and Litigation in Canada](#), February 2022
- Author: Product Liability and Regulatory Compliance in *Cross-Border: A Retailer’s Guide To Doing Business In Canada*, October 2021
- Author: [Getting Cyber Insurance Right: 5 Practical Tips](#), June 2021
- Author: [Sequencing in B.C.: Court of Appeal Rejects Presumption that Certification Goes First](#), June 2021
- Host: BC Class Actions “Bench and Bar” Reception, May 2021
- Author: [Protecting Legal Privilege in a Data Breach Response](#), May 2021
- Author: [Who Goes First? Debate Over Class Action Sequencing Heats Up in British Columbia](#), May 2021
- Author: [Settlement Approval: \*Cy-Près\* Settlement Gets Different Reception in BC and Ontario](#), March 2021
- Moderator: Who Goes First? Sequencing Issues in Class Actions, CBA BC section meeting, March 2021
- Contributing author: *Defending Class Actions in Canada*, 5th ed., published by LexisNexis, 2020
- Author: [Fit to be Tried? Supreme Court of Canada Rules on Certification of Competition Class Actions](#), September 2020

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- Speaker and Course Creator: "Consumer Product Law 101" for in-house counsel, 2019, 2021

## Awards & Rankings

### Benchmark Litigation Canada

Future Star

### Benchmark Litigation Canada

40 & Under

### The Canadian Legal Lexpert Directory

Leading Lawyer: Data Protection & Privacy

## Recent Experience

- **Supreme Court of Canada unanimously grants public interest standing to CCD**  
June 23, 2022
- **British Columbia's Provincial Health Services defends against Stericycle**  
November 1, 2021

## Recent Insights

- **Doing Business in Canada: Updated edition now available**  
November 9, 2023
- **Is Cyber-Related Securities Litigation Coming to Canada?**  
April 10, 2023
- **Canadian Securities Litigation: Trends to Watch 2023**

April 5, 2023

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- **Appellate Quarterly 01/17/2023 – Key Takeaways**

January 25, 2023

## Events

- **Appellate Quarterly**

July 26, 2023

- **Appellate Quarterly**

January 17, 2023

- **Appellate Quarterly**

July 14, 2022

- **Cross-Border: A Guide to Doing Business in Canada – Key Topics and Developments**

June 28, 2022