



## Byron Shaw

### Partner

Toronto

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

t. +1 416-601-8256

### Bar Admission

Ontario 2009

### Law School

University of British Columbia

### Practices

Litigation and Dispute Resolution  
Appellate Litigation  
Class Actions  
Corporate Commercial Litigation  
Product Liability and Mass Torts  
Professional Liability  
Public Law  
Securities Litigation

### Industries

Healthcare  
Pharmaceutical

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## A fearless litigator, Byron is known for his bench strength and his ability to advocate for and defend our clients and their businesses

Byron's practice includes corporate and commercial litigation, class actions and public law litigation. He regularly acts for corporations, individuals and government agencies in commercial litigation before the courts and private arbitration panels. Byron has considerable expertise in class action defense of financial institutions and product liability claims against manufacturers and distributors of pharmaceutical, medical device and consumer products and services. Byron also litigates and advises public and private entities on constitutional and administrative law.

**Byron Shaw is a brilliant lawyer and a terrific person; I can't say enough good things about him and would recommend him to any client.**

— CLIENT INTERVIEW, CHAMBERS & PARTNERS

Byron has appeared before the Supreme Court of Canada, all levels of court in Ontario and trial and appellate courts in other Canadian provinces. Between 2017-2018, Byron worked at Paul, Weiss in New York, where he assisted in the defence of securities class actions and commercial and antitrust litigation before federal and state courts, the Department of Justice and the Federal Trade Commission.

Byron co-authors Constitutional Law with Justice Patrick Monahan and Padraic Ryan and his texts and other writings are frequently cited by trial and appellate courts including the Supreme Court of Canada. Byron also lectures Advanced Contracts at the University of Western Ontario, Faculty of Law.

**[Byron is a] great leader and really drove the negotiations and paid attention to the details of the case.**

— CLIENT INTERVIEW, CHAMBERS & PARTNERS

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Byron clerked for the Court of Appeal for Ontario in 2008-2009 where he worked with former Associate Chief Justice Dennis O'Connor and Justices Sharpe, Weiler and Gillese. He received his B.A. (Hons.) in Economics from the University of British Columbia in 2005 and his LL.B from the University of British Columbia in 2008. He was called to the bar in Ontario in 2009.

Byron is active in the law community and is the Chair of the Canadian Subcommittee of the Commercial & Business Litigation Committee of the American Bar Association. He is also a member of the Canadian and Ontario Bar Associations and the Advocates Society.

## NOTABLE CASES

Byron's significant engagements include:

- **St. Jude Medical** in product liability class action concerning defibrillators and cardiac resynchronization therapy devices.
- **Abbott Laboratories** in putative class actions concerning opioid medications.
- **Abbott Laboratories** and **AbbVie** in the first pharmaceutical class action to be defeated on summary judgment in Canada.
- **Canadian Creditors Committee** in cross-border trial and related appeals concerning the allocation of \$7.3 billion amongst the debtor estates of Nortel.
- **J.D. Irving, Limited** in proceedings involving forest product marketing boards.
- **National Bank** in successful defence of proposed secondary market securities class action alleging that National Bank was a "promoter" under the *Securities Act*.
- **The former CFO of Manulife** in a class action regarding alleged inadequacies in the company's public disclosure.
- **Ontario Lottery and Gaming Corp.** in commercial dispute with Ontario First Nations.
- **The Canadian Constitutional Foundation** in an intervention before the Supreme Court of Canada regarding the right to a jury for individuals charged with *Securities Act*

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## PUBLICATIONS

- *Constitutional Law*, 5th ed. (Toronto: Irwin Law, 2017) (co-authored with Justice Patrick Monahan and Padraic Ryan).
- *Constitutional Law*, 4th ed. (Toronto: Irwin Law, 2013) (co-authored with Patrick Monahan).
- "*Goldhar v. Haaretz.com: A Product of the Supreme Court's Unfinished Project to Reform Canadian Private International Law*" (2019) 49(2) *Advocates' Q.* 143 (co-authored with Scott Robinson).
- "Questions About Leave Test for Secondary Market Claims Remain Unanswered after Court of Appeal Decision in *Rahimi v SouthGobi Resources Ltd*" (2018) 13(1) *Canadian Class Actions Review* 5.
- "A Wise Development? The Growing Trend Towards Summary Judgment in Class Actions" (2017) 47 *Advocates' Q.* 164 (co-authored with Neil Finkelstein and Brandon Kain).
- "Summary Judgment Prior to Certification in Class Actions: How *Microsoft* and *Hryniak* Have Changed the Landscape" (2015) 44 *Advocates' Q.* 229 (co-authored with Neil Finkelstein, Brandon Kain and Eric Block).

## Awards & Rankings

### Chambers Canada

Up and Coming: Litigation - Product Liability

### The Canadian Legal Lexpert Directory

Leading Lawyer: Litigation - Corporate Commercial

### Lexpert Special Edition: Litigation

Leading Lawyer

### Lexpert Rising Star 2023

Leading Lawyers Under 40

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## Recent Experience

- **Sanofi wins product liability class action**  
May 11, 2023
- **Infrastructure Ontario and Metrolinx select Scarborough Transit Connect as development phase contractor for Scarborough Subway extension**  
November 30, 2022
- **Contract awarded for the C\$1.2B Thunder Bay Correctional Complex Project**  
April 25, 2022
- **Infrastructure Ontario and Trillium Health Partners to redevelop Mississauga's Peter Gilgan Hospital**  
April 20, 2022

## Recent Insights

- **What's in a name? The BC Court of Appeal clarifies when an arbitral decision constitutes an award**  
June 4, 2024
- **Key Product Liability Cases: Q1 2024 Update**  
April 22, 2024
- **Ontario Court of Appeal clarifies standards for compensable psychological injury in product liability claims: Palmer v. Teva**  
April 10, 2024
- **Ontario Court of Appeal clarifies standards for compensable psychological injury in product liability claims: Palmer v. Teva**  
April 9, 2024

## Events

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- **Appellate Quarterly - May 2024**

May 15, 2024

- **Appellate Quarterly**

May 2, 2023

- **Appellate Quarterly**

July 14, 2022

- **VAX-LAW: A Symposium on COVID-19 Vaccine Mandates for the Private Sector**

October 14, 2021

