



**David Rosenfeld\***  
**Partner**

**Practice Area**  
Class Actions

**Called to the Bar**  
Ontario, 2005

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David is a Partner in Koskie Minsky's Class Action Department. David's focus is on complex legal disputes involving large numbers of vulnerable people. He has experience in various areas including employment, pension, regulatory negligence, *Charter*, institutional abuse, securities misrepresentation, and environmental litigation. David currently represents a diverse group of class members including: employees seeking to enforce their basic employment rights; pensioners seeking to protect pension benefits; citizens seeking to remedy unfair government treatment (e.g. Thalidomide survivors); persons with disabilities seeking recourse for terrible harms suffered while under institutional care; and applicants to a First Nation band from alleged improper government action. He also represents several of the Firm's labour and pension clients in employment, organizational and pension-related litigation including experience in representing clients in complex pension administration disputes and litigation involving union decision-making and membership disciplinary decisions. He has appeared in courts and tribunals across the country including Ontario, Manitoba, Alberta, Newfoundland and Labrador and the Federal Court.

\* Practising through a professional corporation

## Experience

- Thalidomide Survivors Contribution Program Class Proceeding (review of the fairness of government program Thalidomide survivors)
- Qalipu Mi'kmaq First Nation Band Class Action (judicial review and Charter action relating to government involvement in Band formation)
- Apache Canada Ltd. Class Action (employment class action – long term compensation)
- Manitoba Development Centre Class Action (institutional abuse class action)
- Just Energy Class Action (employment misclassification class action)
- CPRI Class Action (institutional abuse class action)
- Brewers Retail Pension Class Action (pension benefits class action)
- Day v IATSE (internal union organization litigation)

Click here to view some of David's most notable decisions.

## Education

J.D., 2004, University of Toronto

B. Comm., 2001, McGill University

## Member/Affiliations

Member, Canadian Bar Association

Member, Ontario Bar Association

Member, Toronto Lawyers Association

Member, Advocates' Society

## Notable Decisions

- *Flesch v Apache Corporation*, 2021 ABQB 491 – Certification of a class proceeding concerning long term compensation cancelled by a US oil producer when it sold its Canadian subsidiary.
- *Weremy v Manitoba*, 2020 MBQB 85, 2021 MBCA 34 – Certification of a historical institutional abuse class proceeding concerning the Manitoba Development Centre.
- *Yeo v Ontario*, 2021 ONSC 4534 – Approval of a settlement in a certified institutional abuse class action concerning the Child and Parent Resource Institute (CPRI).
- *Wenham v Canada*, 2018 FCA 199 – Certification of a judicial review class proceeding concerning the Thalidomide Survivors Contribution Program.
- *Wenham v Canada*, 2020 FC 588 – Approval of a settlement a certified class proceeding concerning the Thalidomide Survivors Contribution Program.
- *Wenham v Canada*, 2020 FC 590 – Approval of fees following a settlement of a certified class proceeding concerning the Thalidomide Survivors Contribution Program.
- *Brake v Canada*, 2019 FCA 274 – Certification of a class proceeding involving the application process for the Qalipu First Nation Band.
- *Day v IATSE*, 2018 ONSC 6934 – Successful defence of union disciplinary proceedings from allegations of bias and breach of procedural fairness.
- *Changoor v IBEW 353*, 2014 ONSC 4558, 2015 ONSC 2472 (Div Crt) – Successful defence of union disciplinary proceedings from allegations of bias and breach of procedural fairness.