

Best Practices in Prosecuting and Defending Rescission Claims

Franchise Law

Date: Thursday, June 13, 2019 | 9:00 am to 11:30 am

Location: OBA Conference Centre
20 Toronto Street, 2nd Floor, Toronto

Agenda: 8:30 am Registration
9:00 am Program Commences
11:30 am Program Concludes



In-Person



Webcast



Professionalism Hours: This program contains 15 Minutes of Professionalism content.

Substantive Hours: This program is eligible for up to 2h 15m.

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.

Franchise rescission files pose unique challenges. Join us for an in-depth discussion as our highly experienced panel guides you through the life of a rescission, from initial receipt of the notice through to litigation. The panel will take you beyond the basics to discuss strategic considerations in rescission, from the perspective of both franchisor and franchisee counsel.

Both experienced and new franchise counsel should not miss out on this very valuable and comprehensive program.

Program Speakers: **Jennifer Dolman**, Osler, Hoskin & Harcourt LLP
Derek Ronde, Cassels Brock & Blackwell LLP
Adrienne Boudreau, Sotos LLP

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **Early Evaluation of the Notice of Rescission**

- Assessing the strength of the case
- Asking for particulars on the Notice of Rescission
- Considerations related to early settlement
- Shutting Down / Over-holding the Franchise

9:40 am **Choice of Process**

- Summary Judgment
- Applications, references and trials
- Special considerations relating to mediation and arbitration
- How advancing misrepresentation and other claims can affect the choice of process
- Pros and cons of non-litigious exits

10:15 am Networking Break

10:30 am **Quantifying Compensation / Damages**

- Accounting for contingent liabilities
- Franchisee debt forgiveness
- Third party obligations
- Strategic considerations of using expert evidence

11:00 am **Third Party Issues**

- Factors to consider when suing associates
- Practical considerations related to third parties
- Insurers and indemnity issues
- Joint retainer and conflict considerations

11:30 am Program Concludes

Choose an item. www.oba.org/pd
Questions? pd@oba.org