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The Theratechnologies Case

March 1, 2014

On February 20, 2014, the Supreme Court of Canada allowed the motion for leave to appeal the judgment of the Court of Appeal of Québec rendered in the case of *Theratechnologies inc.* v. *121851 Canada Inc.*[1]. In this unanimous judgment, the Court of Appeal decided that a judgment authorizing a class action based on section 225.3 of the *Securities Act* (Quebec)[2] may be appealed, contrary to the current rules under the *Code of Civil Procedure* (hereinafter, the "CCP"), which does not authorize the appeal of a judgment allowing a motion to institute a class action.

More details on this judgment of the Court of Appeal are available in our newsletter *In Fact and In Law Express* entitled "*An unprecedented decision of the Court of Appeal: a judgment authorizing a class action under the SA may be appealed*" authored by Sophie de Saussure, Josianne Beaudry and Jean-Philippe Lincourt.

The upcoming judgment of the Supreme Court of Canada will be all the more interesting since the *Act to establish the new Code of Civil Procedure* was assented to on February 21, 2014 and makes some changes respecting class actions, including that to allow the appeal with leave of a judgment allowing a motion to institute a class action. Lavery will shortly publish a bulletin discussing these modifications.

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1 2013 QCCA 1256.

2 R.S.Q., c. V-1.1.

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