

Dispute Resolution

If you're confronted with a bet-the-company lawsuit or navigating a high-stakes contested merger, losing isn't an option. We marshal the right team to strategize, fight and win your battle – in the courtroom or behind closed doors – and help keep your business plans on target.

Whatever your litigation challenge, we understand what you're up against and how seriously the issues can affect your business. Backed by seasoned perspective and a well-established winning track record, we tailor a team with precisely the right expertise and experience to tackle the task at hand. And then we work seamlessly with your organization – and, if called for, with counsel elsewhere in Canada and internationally – to achieve the best possible resolution.

We regularly take cases to trial and to appellate courts across the country, including provincial courts of appeal and the Supreme Court of Canada. Spanning industries, sectors and borders, we win for our clients in every level of court, as well as in administrative tribunals and before domestic and international arbitral panels. Our trial-tested lawyers have one goal in mind: your success.

Arbitration and Mediation

“They are well prepared, masters of their brief, knowledgeable about the record and the law and have first class oral advocacy skills. They are first class litigators and always do a superb job.”

Market Commentator – *Chambers Canada 2019*

When your business interests are entangled in disputes that call for arbitration or mediation – in Canada or internationally – our lawyers work closely with you to determine the most effective strategy. We move quickly, creatively and efficiently to minimize expense and inconvenience and arrive at a solution that works for you.

Applying our broad experience in alternative dispute resolution, we pursue strategies for court-mandated and voluntary mediation. We also appear regularly as counsel in a broad range of domestic and international arbitrations, including before the ICC, the AAA and the LCIA.

Class Actions

“They are first rate. They have excellent judgment. Beyond excellent. They are maniacal about researching all the issues to make the case in as powerful a way as possible.”

Market Commentator – *Chambers Canada 2021*

If your business is hit with a class action, the long-term risk to your reputation and profitability can be significant. Finding the right strategy to defeat the challenge is essential – and that's where our team delivers. With our extensive experience throughout Canada and internationally, we cut through the most complex cases with clarity, diligence and fearlessness, including at trial and on appeal. Backed by a well-established record of success, we're uncompromising in our commitment to achieving the best possible result.

That's why organizations faced with some of the largest and most complex class actions in Canada – from LinkedIn to Morgan Stanley Canada – have chosen our team. Our extensive experience in litigating class actions in the areas of competition, securities and product liability gives you the edge you need to prevail, move forward and stay focused on your long-term goals.

DAVIES

Commercial Litigation

“They are exceptionally capable, diligent, practical, pragmatic and constructive in their approach to things. They have a top-shelf practice.”

Client – *Chambers Canada 2021*

Complex commercial disputes are part of doing business. Whether high-profile or highly confidential, they consume enormous amounts of time, effort and money while putting relationships and reputations at risk. Our Commercial Litigation team appreciates what’s on the line and takes a rigorous, detail-oriented approach to understanding your priorities, evaluating all available options and pursuing the strategy that works best for you.

Whether through a negotiated settlement or in the courtroom, we tackle each case with clarity and speed. When disputes escalate, we boldly advocate for your interests. Across the full range of commercial disputes – from contracts to environmental and real estate disputes – we remain steadfastly focused on your objectives. That’s why many of the largest and most sophisticated companies across Canada and worldwide consistently turn to our litigation team. Our goal is simple: helping you succeed.

Competition Litigation

“They are able to balance legal expertise with broader business acumen. They have a strong sense of collegiality and bring their best to the client.”

Client – *Chambers Canada 2021*

Competition disputes are technical, complex and often intense. They can land you in front of the Competition Tribunal or in court, including in civil and criminal matters. Resolving them successfully is critical to your business – and that’s our team’s sole focus. We collaborate closely with you to map out a strategy, minimize risk and manage and litigate the dispute. And whether a matter is settled inside or outside the courtroom, our lawyers advocate fearlessly to achieve the best outcome for you.

Our experience in defending cutting-edge cases – for companies as diverse as Mars, Staples and Google – is grounded in the deep expertise of our unrivalled Competition group, headed by a former Commissioner of Competition. Whether you’re facing a contested merger or a dispute around price-fixing, bid-rigging, misleading advertising or abuse of dominance, our team works alongside you to defend your interests. We’ve acted as counsel in numerous cases for and against the Competition Bureau and can provide valuable insights into the enforcement approach taken by the Bureau in Canada, as well as by other regulators internationally.

Public Law

When public law disputes occur, parties on either side need an ally that combines a fluent understanding of government processes with expert advocacy skills. We meet that challenge.

Clients in both the public and private sectors – including corporations, government agencies, professional associations, municipalities and post-secondary institutions – rely on our team to guide them through complex policy and regulatory frameworks and develop strategies for resolving the toughest disputes.

Drawing on our expansive knowledge of the public-private interface, we advocate on matters ranging from provincial and federal regulatory compliance to challenges against legislative or government decisions, and from contractual disputes involving Crown corporations to constitutional and Charter rights litigation.

DAVIES

Our expertise spans a wide range of industries intersecting the public-private spheres, including pharmaceuticals, healthcare, energy, education, utilities, gaming, alcoholic beverages, land use and transportation. We leverage our proficiency in corporate law, environment, labour, real estate and pensions to offer comprehensive and integrated solutions.

Whatever the forum – be it a judicial review proceeding, a regulatory hearing, an appeal before the Supreme Court of Canada – and whatever the issue, we work with you as a team to mitigate financial risk, preserve your business operations and protect your interests each step of the way.

Securities Litigation

Growing through mergers or by raising capital is a sound business strategy. But when transactions go wrong in an increasingly complex world, executives can find themselves embroiled in bet-the-company litigation. They need help fast – and that’s where we come in.

From insider trading cases to class actions and takeover disputes, what’s ultimately at risk is your company’s profitability – and reputation. When you face such a challenge, it’s critical to have experienced litigators by your side who can take the dispute to trial and, when necessary, pursue it on appeal. The proven track record of our team reflects our unflinching focus and total commitment to advancing your success, so you can stay focused on your long-term objectives.

Our strength is reinforced by the expertise of our market-leading securities group. We work closely together on strategy, preparation for litigation and resolution of enforcement proceedings. With extensive experience in proceedings before securities commissions throughout Canada as well as all levels of courts, we know – and have – what it takes to win.

REPRESENTATIVE WORK

Maple Leaf Foods Inc.

Acting for Maple Leaf Foods Inc., as well as several current and former executives of the company, in complex litigation pending before the Ontario Superior Court of Justice against Grupo Bimbo S.A.B. de C.V. and Canada Bread Company, Ltd. involving claims of more than C\$2.2 billion arising from the 2014 sale of Canada Bread to Grupo Bimbo, as well as allegations concerning price-fixing in the bread industry in Canada.

British Columbia Civil Liberties Association

Acting on a pro bono basis for the British Columbia Civil Liberties Association as intervener before the Supreme Court of Canada in *John Howard Society of Saskatchewan v. Saskatchewan (Attorney General)*, a constitutional challenge of certain provisions applicable to the adjudication of disciplinary offences in Saskatchewan correctional facilities.

Confidential client

Acted for a public company in defence of a proposed securities class action alleging misrepresentations contrary to the *Securities Act* (Ontario) in connection with government contracting and the importation of goods.

Saline Investments Ltd.

Acted for Saline Investments Ltd. in successfully defending against enforcement proceedings commenced by the Ontario Securities Commission alleging violations of the *Securities Act* (Ontario) in respect of certain short selling and securities lending transactions.

DAVIES

Continental Casualty Company

Successfully defended Continental Casualty Company (CNA) in the Ontario Superior Court of Justice in a class action in which billions of dollars of claims were asserted by or on behalf of thousands of businesses throughout Canada for business interruption coverage arising from the COVID-19 pandemic. This matter was decided by a Justice of the Commercial List in early June 2023 in favour of CNA and other insurers following a multi-week common issues trial. This is the first case to determine authoritatively at trial in Canada that the SARS-CoV-2 virus does not cause “physical loss or damage to property”, and that mere loss of use of property resulting from the COVID-19 pandemic does not trigger coverage under ordinary commercial property insurance policies.

RECOGNITION

Chambers Global: The World’s Leading Lawyers for Business—Disputes (International and Cross-Border)

Chambers Canada Awards—Litigation Law Firm of the Year (2018)

Chambers Canada: Canada’s Leading Lawyers for Business

- Dispute Resolution: Arbitration
- Dispute Resolution: Class Action (Defence)
- Litigation: General Commercial (Band 1 firm)
- Litigation: General Commercial: Ontario (Band 1 firm)
- Litigation: General Commercial: Québec (Band 1 firm)
- Litigation: Securities: Ontario

Benchmark Litigation Canada

- Competition Firm of the Year Award (2017, 2020, 2021)
- Impact Case of the Year Award (2017, 2019, 2020, 2023)

Benchmark Canada: The Definitive Guide to Canada’s Leading Litigation Firms & Attorneys—Ontario and Québec Provincial Litigation Firms (Highly Recommended)

The Canadian Law Awards—Commercial Litigation Team of the Year (2023)

The Legal 500 Canada

- Dispute Resolution: Ontario (Tier 1 firm)
- Dispute Resolution: Québec (Tier 1 firm)

The Canadian Legal Lexpert Directory

- Class Actions: Toronto (Most Frequently Recommended firm)
- Litigation – Corporate Commercial: Toronto and Montréal (Most Frequently Recommended firm)
- Litigation – Corporate Tax: Montréal (Most Frequently Recommended firm)
- Litigation – Securities: Toronto (Most Frequently Recommended firm)
- Class Actions: Montréal
- Litigation – Corporate Tax: Toronto

DAVIES

- Litigation – Securities: Montréal

The Best Lawyers in Canada—Appellate Practice (Law Firm of the Year 2022)

Law360 Canada—Top Business Decision (2023)

ALM Transatlantic Legal Awards—Transatlantic Litigation Team of the Year (2017)

ALM Global Legal Awards—Global Dispute of the Year: Transnational Litigation (2017)