



**Andrew Carlson**  
Partner

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**Expertise**  
Dispute Resolution  
Commercial Litigation

**Bar Admissions**  
Ontario, 2010

Andrew is a highly regarded litigator with a proven record of success in high-stakes, precedent-setting commercial litigation.

Andrew has acted in a wide variety of public and private sectors, including the telecommunications, mining and financial industries. His pragmatism and attentiveness have enabled him to form strong connections with clients, who value his excellent analytical skills and sound judgment.

Drawing on his broad legal knowledge, Andrew has successfully represented clients in complex cases involving allegations of breach of contract, oppression, insider trading, misleading advertising, negligence, breach of confidence, defamation and conspiracy.

Andrew is a member of the firm's Professional Development committee and frequently acts as an informal and formal mentor to associates and students-at-law.

## REPRESENTATIVE WORK

### **OMERS Administration Corp and OMERS Private Equity Inc.**

Acting for OMERS Administration Corporation and OMERS Private Equity Inc. in five separate lawsuits filed by former employees of OMERS Private Equity, including one that initially claimed C\$65 million in damages. The plaintiffs allege, among other things, breach of a long-term compensation plan.

### **Moez Kassam and Anson**

Acting for Moez Kassam and Anson funds in pursuing claims for defamation and conspiracy, arising from a series of false and defamatory statements published about them anonymously on the internet.

### **Hostess Brands LLC**

Acting for Hostess Brands LLC in pursuing claims valued at approximately C\$109 million arising from its C\$425-million acquisition of Voortman Cookies Limited in 2020.

### **Plenary Group**

Acting for Plenary Group, a leading investor, developer and operator of public infrastructure in North America, in confidential adjudication and arbitration disputes arising in respect to certain P3 projects.

### **Vale Canada Limited**

Acted for Vale Canada Limited and its affiliates in defending contractual claims before the Supreme Court of Newfoundland and Labrador in an amount of almost C\$500 million that were asserted by the Plaintiff under an Option Agreement pertaining to the Voisey's Bay Nickel Project. This case was settled in September, 2018, at the end of the first week of a four month trial that would have involved dozens of lay and expert witnesses. This was the first "hybrid" and first electronic trial ever conducted in the Province of Newfoundland and Labrador.

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### West Face Capital Inc.

Acted for West Face Capital Inc. in defending successfully claims asserted against it by The Catalyst Capital Inc. for more than \$500 million arising from the participation by West Face in the purchase and subsequent sale of Wind Mobile Inc. at a profit of approximately \$1.3 billion. Every claim asserted by Catalyst against West Face was dismissed by Justice Newbould of the Superior Court of Ontario in August 2016, following the conclusion of a closely watched trial in the Commercial List. In February 2018, the Ontario Court of Appeal dismissed from the bench Catalyst's appeal from the decision of Justice Newbould.

### West Face Capital Inc.

Acted for West Face Capital Inc. in defending successfully against a second claim asserted against it by The Catalyst Capital Inc., this time for more than \$1.3 billion, arising from the participation by West Face in the purchase and subsequent sale of Wind Mobile Inc. On April 18, 2018, Justice Hailey of the Ontario Superior Court of Justice determined that this second claim was essentially an attempt to re-litigate the same facts and issues that had previously been decided by Justice Newbould in the first such claim between Catalyst and West Face. As such, Justice Hailey dismissed the claim as against West Face, and all of the other defendants, as an abuse of process. Catalyst's appeal from the Order of Justice Hailey dismissing this action as an abuse of process was dismissed by the Ontario Court of Appeal in early May 2019. In November 2019, the Supreme Court of Canada dismissed Catalyst's application for leave to appeal.

### WIND Mobile Corp. and its shareholders

Acted for WIND Mobile Corp. (WIND) and its shareholders, including West Face Capital, in connection with the sale of WIND to Shaw Communications Inc. for approximately \$1.6 billion.

### TransAlta Corporation

Acted for TransAlta Corporation in defending successfully "public interest" proceedings initiated against TransAlta by Mangrove Partners before the Ontario Securities Commission and Alberta Securities Commission in respect of the election of Directors of TransAlta at its Annual Meeting on April 26, 2019, and concerning a \$750 million financing transaction entered into between TransAlta and Brookfield Renewable Partners.

### Maple Leaf Foods Inc.

Acted for Maple Leaf Foods Inc. in connection with its defence to a claim by its former food broker for reasonable notice of termination and breach of contract.

## RECOGNITIONS

Benchmark Canada Impact Case of the Year Award (2017, 2019)—Recipient

*Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms & Attorneys*—Future Star; 40 and Under List

*Lexpert Special Edition: Litigation*

*The Best Lawyers in Canada*—Corporate and Commercial Litigation

# DAVIES

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Chambers Canada Award—Litigation Firm of the Year (2018)

*Chambers Canada: Canada's Leading Lawyers for Business*—Litigation, General Commercial Department: Ontario (Band 1 for firm)

## INSIGHTS

Ontario Court of Appeal Issues Decision in *The Catalyst Capital Group Inc. v West Face Capital Inc.*

June 06, 2023

Canada's Top Court Confirms Anti-SLAPP Motions Protect Speakers, Not Plaintiffs

May 25, 2023

The Advocates' Society, Evidence for Litigators, "Common Evidentiary Pitfalls and How to Avoid Them"; Webcast

Oct. 26, 2022

Canada's Top Court Provides Guidance on SLAPPs

Sept. 21, 2020

## EDUCATION

University of Western Ontario, JD, 2009

Queen's University, BSc (Hons) (Math), 2005

## TEACHING ENGAGEMENTS

Andrew taught the derivative actions and oppressive remedy section of a graduate course in Corporate Remedies for LLM students at Osgoode Hall Law School. He also served as a guest lecturer on the topic of effective legal writing at the University of Toronto Faculty of Law.