



## Chanakya Sethi

Partner

### Office

Toronto

### Tel

416.863.5516

### Email

csethi@dwpv.com

### Expertise

Dispute Resolution  
Commercial Litigation  
Competition Litigation  
Class Actions  
Financial Restructuring and  
Insolvency  
Public Law

### Bar Admissions

British Columbia, 2023  
District of Columbia, 2019  
New York, 2013  
Ontario, 2013

“One of our company’s ‘go-to’ lawyers for matters of high importance. He has a very strong presence in court and engages with the bench well.”

*Chambers Canada*

Chan has helped to lead the defence of several bet-the-company, multibillion-dollar cases involving competition and class action claims, and has briefed or argued cutting-edge public law appeals, in both Canada and the United States. Chan’s broad-based experience also includes international arbitrations, white collar investigations and intellectual property disputes.

Before joining Davies, Chan practised at a U.S. trial boutique firm and at a litigation firm based in Washington, D.C. His trial experience included successfully defending against an antitrust challenge by the Federal Trade Commission to a \$12.8 billion minority investment and defending a senior corporate executive in a four-month jury trial involving a federal racketeering prosecution, after which the trial judge threw out the prosecution’s principal charges. Chan’s appellate experience included the successful defence of a U.S. federal district judge in landmark mandamus proceedings concerning the prosecution of former White House national security advisor Michael Flynn.

As part of his commitment to pro bono work, Chan has represented national criminal defence groups, LGBT rights advocates and disability rights groups as amicus before the U.S. Supreme Court, including as lead counsel. He has published numerous articles on legal issues in academic and popular forums. In 2023, the Supreme Court of Canada favourably cited one of his academic papers in a constitutional case.

Chan clerked for Justice Michael J. Moldaver at the Supreme Court of Canada and Judge Ronnie Abrams of the U.S. District Court for the Southern District of New York, and interned for Justice Dalveer Bhandari of the Supreme Court of India. Earlier in his career, Chan worked for a global investment bank in New York.

## 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.

### FTI Consulting Canada Inc.

Acting for FTI Consulting Canada Inc. in its capacity as the neutral, court-appointed monitor of Imperial Tobacco Canada Limited and its affiliates in proceedings under the *Companies’ Creditors Arrangement Act* and Chapter 15 of the U.S. Bankruptcy Code involving a historic C\$32.5-billion plan of compromise and arrangement to settle tobacco-related liabilities.

# DAVIES

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### **Atlantic Lottery Corporation, British Columbia Lottery Corporation, Manitoba Liquor and Lotteries, Lotteries and Gaming Saskatchewan**

Acting for provincial lottery corporations representing seven out of 10 provinces in a criminal law reference before the Court of Appeal for Ontario concerning the scope of a province's authority to conduct and manage online gambling with international aspects.

### **Shaw Communications Inc.**

Successfully acted for Shaw Communications in landmark trial and appellate proceedings in which the Government of Canada challenged the company's C\$26-billion merger with Rogers Communications, the largest contested merger case ever heard in this country. This case was named the #1 business decision of 2023 by *Law360 Canada* and one of *Lexpert's* Top 10 Business Decisions of 2023.

### **Insolvency Institute of Canada**

Acted for the Insolvency Institute of Canada (IIC) as an intervener before the Supreme Court of Canada in *Aquino v. Ernst & Young (Aquino)* and *Scott v. Golden Oaks (Golden Oaks)*, two important commercial cases concerning corporate attribution and set-off in the bankruptcy and insolvency context.

### **National Beef Packing Company**

Acting for National Beef Packing Company in antitrust class actions commenced in Québec and British Columbia alleging a supply and price-fixing conspiracy in respect of cattle and beef.

### **Confidential client**

Acted for the claimant in a C\$1.1-billion ICC arbitration regarding a major Canadian infrastructure project.

### **The Electric Reliability Council of Texas, Inc.**

Acting as Canadian counsel for the Electric Reliability Council of Texas, Inc. in defence of an adversary proceeding under Chapter 15 of the U.S. Bankruptcy Code relating to the historic February 2021 winter storm in Texas and the resulting extraordinary demands on the state's power grid.

### **McKesson Corporation and McKesson Canada Corporation**

Acting for McKesson Corporation and McKesson Canada Corporation to defend a high-profile proposed class action brought by the Province of British Columbia on behalf of all Canadian provincial governments, as well as the Federal government, against manufacturers and distributors of opioids seeking to recover health care costs related to the opioid crisis. Also acting for McKesson in additional opioid-related proposed class actions.

## RECOGNITIONS

Benchmark Litigation Canada Awards—Impact Case of the Year (2023)

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

*Law360 Canada*—Top Business Decision (2023)

National LGBT Bar Association—Best LGBTQ+ Lawyers Under 40 (2021)

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

### INSIGHTS

Canadian Bar Association, Competition Law Fall Conference, “Closing Plenary Debate”; Ottawa, ON  
Sept. 27, 2024

Interview, *The Globe and Mail*, “Civil inaction in Canada’s courts.”  
Sept. 20, 2024

### EDUCATION

Yale Law School, LLM, 2014

Osgoode Hall Law School, JD (Gold Medallist), 2012

Princeton University, BA, 2007

Clerk, The Honourable Mr. Justice Michael J. Moldaver, Supreme Court of Canada

Clerk, The Honourable Ronnie Abrams, Judge, U.S. District Court, Southern District of New York

Judicial Intern, The Honourable Dalveer Bhandari, Supreme Court of India

### PROFESSIONAL AFFILIATIONS

The Advocates’ Society

Federation of Asian Canadian Lawyers

South Asian Bar Association

### BOARD MEMBERSHIPS

Canadian Foundation for AIDS Research, board member

The Daily Princetonian, trustee and secretary

Upper Canada College, governor

### COMMUNITY INVOLVEMENT

Ontario Bar Association, Civil Litigation Section Executive, former member

Osgoode Hall Law School, Laskin Moot Team, coach

Upper Canada College Association Council, president