



**J. Henry Machum**  
Associate

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**Expertise**  
Dispute Resolution

**Bar Admissions**  
Ontario, 2021

## Henry is developing a comprehensive litigation practice.

Henry has assisted on a wide range of litigation matters including numerous class action defenses, securities litigation, arbitrations, constitutional disputes, appeals to the Court of Appeal for Ontario and an intervention before the Supreme Court of Canada. He has acted for a wide range of clients including in the telecom, mining, energy, food, basic chemicals, real estate, air travel, construction, heavy machinery and medical device industries.

Prior to law school, Henry represented Canada at numerous international sailing competitions in the International 420 and Laser classes. He remains an avid keelboat racer.

### REPRESENTATIVE WORK

#### **Riot Platforms Inc.**

Acting for Riot Platforms Inc., a Bitcoin mining and digital infrastructure company, in connection with its strategic pursuit of change at Bitfarms Ltd., a Toronto-based bitcoin mining company, including its shareholder meeting requisition and challenge to Bitfarms' poison pill at the Ontario Capital Markets Tribunal.

#### **Riot Platforms Inc.**

Acted for Riot Platforms Inc., a Bitcoin mining and digital infrastructure company, in connection with its successful application to the Capital Markets Tribunal of Ontario to cease trade the 15% trigger poison pill adopted by Bitfarms Ltd., a Toronto-based bitcoin mining company, in response to Riot's unsolicited strategic pursuit of Bitfarms and shareholder meeting requisition.

#### **TotalEnergies EP Canada Ltd.**

Acted for TotalEnergies EP Canada Ltd., a subsidiary of TotalEnergies SE, in connection with its acquisition of an additional 6.65% working interest in the Fort Hills oils sands project located approximately 90 km north of Fort McMurray, Alberta.

#### **Insolvency Institute of Canada**

Acting for the Insolvency Institute of Canada as an intervenor before the Supreme Court of Canada in *Aquino v. Ernst & Young Inc.* and *Scott v. Doyle Salewski Inc.*, two cases raising important questions about corporate attribution and set-off in the 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.

#### **StarKist Company and Dongwon Industries Company Limited**

Successfully represented StarKist Company and Dongwon Industries Company Limited in class action proceedings commenced in Ontario alleging anti-competitive behaviour in the market for canned tuna. Davies successfully

# DAVIES

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defeated certification in the Ontario Superior Court and that decision was upheld by the Court of Appeal for Ontario.

## **Regional Municipality of Halton**

Acted as counsel to the Regional Municipality of Halton, the Town of Milton, the Halton Region Conservation Authority and other municipalities in a constitutional challenge concerning the enforcement of dozens of provincial and municipal laws in respect of a major industrial development that the Canadian National Railway Company intends to proceed with in Milton and Halton. The matter was heard by a Justice of the Superior Court of Ontario in May and June, 2022.

## **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.

## **Canadian Real Estate Association**

Acting for the Canadian Real Estate Association (CREA) to defend a proposed class action in the Federal Court alleging that CREA's rule regarding broker commissions is anti-competitive.

## **Occidental Chemical Corporation and Oxy Canada Sales Inc.**

Acting for Occidental Chemical Corporation and Oxy Canada Sales Inc. in antitrust class actions commenced in the Federal Court of Canada and in Québec, alleging that Occidental, together with a number of other chemical manufacturers, engaged in a price-fixing conspiracy in connection with the global sale of caustic soda, also known as sodium hydroxide (NaOH) or lye.

## **RECOGNITIONS**

Queen's University—Fasken Martineau Prize in Public Law; Queen's Law Prize in Public Law

Adam F. Fanaki Competition Law Moot—First place, factum

## **EDUCATION**

Queen's University, JD, 2020

Queen's University, BA (Hons) (with Distinction), 2017