



## Steven G. Frankel

Partner

### Office

Toronto

### Tel

416.367.7441

### Email

sfrankel@dwpv.com

### Expertise

Dispute Resolution  
Class Actions  
Securities Litigation

### Bar Admissions

Ontario, 2010

A fearless advocate for his clients, Steven acts in high-stakes, complex commercial disputes.

Steven assists Canadian and international clients in class action disputes and securities litigation matters. He also has substantial expertise in competition litigation, contractual disputes and franchise litigation. Steven offers clear and detailed advice to clients and appears before courts and tribunals across Canada, including the Supreme Court of Canada, the Court of Appeal for Ontario and the Ontario Securities Commission. Corporations across a broad range of industries, including resource extraction, value Steven for his focus and sharp analytical skills.

Steven is a member of the Toronto Student Committee. Outside of work, he is also a member of the legal task force of the Centre for Israel and Jewish Affairs and sits on the Executive of the 10+ Standing Committee of The Advocates' Society. He has also provided pro bono representation to the Canadian Civil Liberties Association.

### REPRESENTATIVE WORK

#### 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.

#### Confidential Client

Acted for a leading global services provider and its Canadian subsidiary in a high-stakes arbitration relating to the termination of a series of long-term services agreements.

#### LG Electronics

Acted for LG Electronics and its Canadian and U.S. subsidiaries in multiple class actions commenced across Canada. The class actions alleged that LG and a number of other electronics companies engaged in a price-fixing conspiracy in connection with the sale of optical disk drives and products containing them, and included a certification motion in the British Columbia Supreme Court and subsequent appeal in the British Columbia Court of Appeal and Supreme Court of Canada.

#### McKesson Canada Corporation and McKesson Corporation

Acted for McKesson Canada Corporation and McKesson Corporation in a \$200-million contractual indemnity claim arising out of the purchase of the Rexall Pharmacy Business and tort claims for alleged fraudulent misrepresentations in contract negotiation.

#### Royal Group, Inc.

Acted for Royal Group, Inc. in its successful defence of a wrongful dismissal

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action commenced by its former Chief Financial Officer. The action was dismissed by Justice Myers of the Ontario Superior Court of Justice in July 2017, following a three-week trial in the Commercial List. Royal Group prevailed on every issue, proving that the Plaintiff's role in certain related party transactions gave rise to cause for dismissal notwithstanding that the Plaintiff had previously been acquitted of criminal charges brought against him in respect of those transactions.

### **Sistem Muhendislik Insaat Sanayi Ve Ticaret Anonim Sirketi**

Acted for Sistem Muhendislik Insaat Sanayi Ve Ticaret Anonim Sirketi, a Turkish construction company, in its application before the Superior Court of Justice in Ontario for the recognition and enforcement of an arbitration award rendered against the Kyrgyz Republic in a case of illegal expropriation of an hotel it owned and operated in Bishkek, capital city of Kyrgyzstan.

### **Barrick Gold Corporation**

Acting for Barrick Gold Corporation and certain of its former and existing officers and directors in defence of multi-billion dollar class actions in Ontario and Québec alleging breaches of the public disclosure requirements under provincial securities legislation concerning Barrick's Pascua Lama mining project in Chile and Argentina.

### **Stingray Group Inc.**

Acted for Stingray Group Inc. in a \$50-million claim against its franchisor in a fast-tracked action before the Commercial List of the Ontario Superior Court of Justice.

### **Barrick Gold Corporation**

Acted for Barrick Gold Corporation in international tort litigation concerning the mining operations of an affiliate of Barrick in Africa, brought in the courts of Canada, the United Kingdom and Tanzania.

### **Potash Corporation of Saskatchewan (now known as Nutrien Ltd.)**

Acted for Potash Corporation of Saskatchewan (now known as Nutrien Ltd.) in proceedings before the Courts of Saskatchewan. This was a multi-billion dollar dispute over the ownership of potash reserves in the world's largest potash mine in Esterhazy, Saskatchewan, and gave rise to more than 100 days of discovery, numerous interlocutory motions as well as an appeal to the Saskatchewan Court of Appeal. The case was settled shortly before the commencement of a lengthy trial in Saskatoon, on terms satisfactory to Potash Corporation.

## RECOGNITIONS

*Chambers Canada: Canada's Leading Lawyers for Business*—Litigation, General Commercial: Ontario

*Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms & Attorneys*—Class Action (Litigation Star); Commercial (Litigation Star); Competition/Antitrust (Litigation Star); Securities (Litigation Star)

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

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

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*Lexpert Rising Stars: Leading Lawyers Under 40*

*Lexpert Special Edition: Litigation*

*The Canadian Legal Lexpert Directory*—Class Actions; Litigation: Corporate Commercial; Litigation: Securities

*The Best Lawyers in Canada*—Class Action Litigation; Corporate and Commercial Litigation

*Law360 Canada*—Top Business Decision (2023)

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

Doing Business in Canada 2023, contributor

Nov. 14, 2023

No Need to Disclose “Unsolicited, Inexpert, Premature and Unreliable” Opinions

Aug. 16, 2022

Co-chair, Law Society of Ontario, Class Actions: Update for Litigators 2021;

Webcast

Jan. 22, 2021

Canadian Lawyer Magazine, “Commercial Litigation Update: Top Trends

Impacting Clients Going into 2021”; Webcast

Nov. 05, 2020

Supreme Court of Canada Rules in *Nevsun Resources Ltd. v Araya*

Feb. 28, 2020

The Advocates’ Society, “Top Class Action Cases of 2019”

Jan. 20, 2020

Moderator, The Advocates’ Society, “A Litigator’s Guide to the Business of Law”

Nov. 02, 2019

Ontario Bar Association, 7th Annual Professional Issues for Business Lawyers, “Privilege and Board Meeting Minutes”

Oct. 23, 2019

Supreme Court to Rule on Novel Claims Against Canadian Multinationals

Operating Abroad

Jan. 22, 2019

Moderator, Law Society of Ontario, Class Actions Update

Nov. 08, 2018

## EDUCATION

University of Toronto, JD, 2009

McGill University, BA (Hons) (Political Science & History) (First Class Honours,

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Dean's List), 2006

### **PROFESSIONAL AFFILIATIONS**

The Advocates' Society

### **COMMUNITY INVOLVEMENT**

The Advocates' Society, 10+ Standing Committee, Practice Groups Standing Committee and Class Actions Practice Group Leadership Committee