



J. Henry Machum
Associate

Office
Toronto

Tel
416.367.7608

Email
hmachum@dwpv.com

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

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.

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. This decision was named one of the top 10 business decisions of 2024 by *Law360 Canada*.

Riot Platforms Inc.

Acted for Riot Platforms Inc. in connection with its strategic pursuit of change at Bitfarms Ltd., including its shareholder meeting requisition and successful challenge to Bitfarms' 15% trigger poison pill at the Ontario Capital Markets Tribunal, which culminated in the parties entering into a settlement agreement and Riot's director nominee being appointed to Bitfarms' board.

Google LLC

Defending Google LLC and Google Canada Corporation in an application launched by the Commissioner of Competition before the Competition Tribunal in late November 2024 concerning allegations of abuse of dominance in the digital display advertising technology, or "ad tech", industry. In the application, the Commissioner seeks, among other things, an order requiring Google to divest significant assets as well as potentially compelling the payment by both companies of administrative monetary penalties of up to 3% of their worldwide gross revenues.

StarKist Company and Dongwon Industries Company Limited

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

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

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. These decisions were named #2 of the top 10 business decisions of 2024 by *Law360 Canada*.

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.

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.

RECOGNITIONS

Law360 Canada—Top 2 and 6 Business Decisions (2024)

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

INSIGHTS

Capital Markets Tribunal Establishes New Framework for Evaluating Poison Pills
Nov. 21, 2024

Making a Profit Is Not Illegal: Capital Markets Tribunal Dismisses Enforcement

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Proceedings Finding Borrowed Free Trading Shares Remain Unaffected By
Pledge of Restricted Shares

Nov. 11, 2024

EDUCATION

Queen's University, JD, 2020

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