



Litigation & Dispute Resolution

Stikeman Elliott litigators bring unmatched technical expertise and an unwavering focus on the interests of our clients to every file. We approach each matter with a clear understanding of the ultimate business objectives of our clients which enables us to design and aggressively pursue a litigation strategy that achieves those objectives, whether by way of a successful outcome in court or a favourable settlement.

Drawing upon the unparalleled subject matter expertise of the Group as well as experts across the firm – from product liability to securities regulation - we provide a range of alternative litigation strategies, always with the understanding that decisions about approach need to be the result of consultation with and decisions made by clients.

Members of the Litigation & Dispute Resolution Group are regularly retained to act on a wide range of proceedings, from injunction applications to complex trials and appeals at all levels of provincial and federal courts, and the Supreme Court of Canada, as well as the full spectrum of regulatory tribunals. We have also earned a reputation as cross-border specialists, working in collaborative teams with lawyers and experts from other jurisdictions on multijurisdictional lawsuits, ensuring the Canadian piece of litigation fits into the global legal strategy.

Our Expertise

- Commercial contracts
- Competition/antitrust matters
- Constitutional and administrative law matters
- Consumer protection
- Defamation
- Directors' and officers' liability
- Fraud
- Human rights
- Medical devices
- Professional negligence
- Real estate and construction
- Regulatory matters
- Securities regulators

Accolades

- *Chambers Canada 2019* for Dispute Resolution: Class Action (Defence)
- *Chambers Global 2019* for Dispute Resolution - Canada
- Competition Litigation Firm of the Year - *Benchmark Canada Awards 2019*
- Quebec Firm of the Year - *Benchmark Canada Awards 2018*
- *The Canadian Legal Lexpert Directory 2018* for Litigation: Corporate Commercial

- *The Canadian Legal Lexpert Directory 2018* for Litigation: Corporate Tax
- *The Canadian Legal Lexpert Directory 2018* for Litigation Product Liability
- *The Canadian Legal Lexpert Directory 2018* for Litigation: Securities
- *The Canadian Legal Lexpert Directory 2019* for Class Actions
- *The Legal 500 Canada 2018* for Dispute Resolution: Alberta, British Columbia, Ontario and Quebec
- Class Actions Law Firm of the Year - *Best Lawyers in Canada 2019*

Recent Work

- *Livent Inc. (Receiver of) v. Deloitte & Touche*- acting for Livent in substantial auditors' negligence claims at trial, court of appeal and Supreme Court of Canada.
- British American Tobacco PLC in the C\$10B action being brought by the Province of Alberta for recoupment of tobacco related health care costs pursuant to the Alberta *Crown's Right of Recovery Act*.
- Veolia Water Technologies, Inc. in its C\$500M litigation with K+S Potash Canada General Partnership and Aecon Mining Construction Services surrounding the alleged failure of several crystallizer vessels manufactured by Veolia and installed at the K+S mine facility.
- Home Capital Group Inc. in a proceeding by the Ontario Securities Commission and related securities class action alleging failure to comply with public disclosure obligations.
- The TDL Group Corp. (Tim Hortons) in a successful summary judgment application against a franchisee for recovery of significant unpaid amounts owed to TDL.
- *Coburn and Watson's Metropolitan Home v. Bank of America Corporation et al* – acting for CIBC in defence of a set of class actions brought against several banks and credit card companies in British Columbia, Ontario, Quebec, Alberta, and Saskatchewan alleging anti-competitive conduct with respect to fees paid by merchants for the acceptance of credit cards.
- BP Canada in its C\$1B litigation against Aux Sable Canada relating to a twenty year product supply agreement for natural gas and NGLs transported on the Alliance Pipeline.
- *Commissioner of Competition v. HarperCollins Publishers, LLC*– defending the respondents to an application by the Commissioner of Competition before the Competition Tribunal alleging unlawful competitor collaboration in the market for e-books in Canada.
- Altius Minerals Corporation in the defence of a C\$1.6B claim relating to a coal lease option agreement.
- Hudson's Bay Company in a case brought by the Commissioner of Competition to the Competition Tribunal regarding marketing practices, alleging a breach by Hudson's Bay of the "ordinary selling price provisions" of the *Competition Act* with respect to the advertising of the sale of mattresses.
- Ontario Energy Board (OEB) in appeal to the Supreme Court of Canada restoring OEB's decision to disallow rate recovery by Ontario Power Generation of C\$145M in collective bargaining related costs.

- Medtronic Inc., in relation to Covidien pelvic mesh, in the cross-Canada class actions (including in Ontario, Quebec, Alberta and Saskatchewan) and individual litigation.
- *Reference re Senate Reform* – representing the Dean of the Canadian Senate in an historic reference regarding the constitutionality of proposals for Senate reform.
- ARC Financial Corp. in litigation against Composite Technologies Inc. relating to allegations of misuse of confidential information relating to the manufacture of flexible composite pipe.
- *Ernst & Young et al v. Essar Global Fund Limited et al*– acting for Algoma in oppression remedy proceedings against Algoma's affiliates.
- *ONOC Inc. v. United Hydrocarbon International Corp.* – claim for lost opportunity in relation to oil and gas concessions in the Republic of Chad.
- *Eliot Shore v. Avid Life Media Inc.* – defending Avid Life Media in class action relating to alleged privacy breach in connection with the hacking of the AshleyMadison.com website.
- Osisko Mining Corporation in its challenge before the court of Goldcorp Inc.'s hostile take-over bid and in the ensuing C\$3.9B sale to white knight Yamana Gold Inc. and Agnico-Eagle Mines Limited.
- *SNC-Lavalin Inc. v. ArcelorMittal Exploitation Minière Canada et al. v. BBA Inc. et al* - defending SNC-Lavalin Inc. in the matter of a C\$533M counterclaim for allegedly grossly negligent EPCM services rendered in the context of a brownfield mining project in Northern Quebec.
- *Richard James Goodwin, et al. v. British Columbia (Superintendent of Motor Vehicles), et al.*, (Supreme Court of Canada) - co-counsel for the Insurance Bureau of Canada as intervener on the case dealing with the constitutionality of provincial road side breathalyzer laws.
- *8811571 Canada Inc. v. Procureur Général du Québec et als* – acting for La Caisse de Dépôt et Placement du Québec, the province's largest institutional investor in connection to a constitutional challenge regarding a C\$6B public transit infrastructure project.
- *Hydro-Québec v. Churchill Falls (Labrador) Corp.* - as co-counsel for the owner of a 5428 MW hydro power plant in lawsuits involving the modification of the multi-billion dollars Churchill Falls electricity contract (Supreme Court of Canada) and the interpretation of the renewal terms of the contract (Québec Court of Appeal).
- Alstom Grid (now GE), and its insurer Axa/Intact with respect to losses sustained in connection with the work performed under a contract entered into with RioTintoAlcan for the supply and installation of the sub-station of RTA's new technology AP60 Aluminium Smelter in Arvida.