



## Alexander D. Rose

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Alexander Rose is a partner in the Litigation & Dispute Resolution Group. His practice focuses on complex commercial litigation, including securities litigation; litigation relating to oppression, takeover bids, proxy contests and other types of shareholder disputes; arbitration; and restructuring and insolvency proceedings. Alex has been involved in regulatory proceedings, injunctions and complex civil matters and has assisted companies in the conduct of internal investigations. He has appeared before all levels of court in Ontario, the Ontario Securities Commission and other regulatory and administrative tribunals and has extensive experience in commercial arbitration.

### Representative Work

- Canada Pension Plan Investment Board in proceedings involving the three shareholders of 407 International Inc. and the exercise by CPPIB of its right of first refusal to acquire 10.1% of 407 from SNC-Lavalin for over C\$3 billion.
- *Re Sirius XM Canada Holdings Inc.* – represented the company in a contested going-private transaction, including in seeking court approval of a plan of arrangement and responding to complaints to, and inquiry by, Staff of the Ontario Securities Commission.
- *Re Baffinland Iron Mines Corporation* – acted for Baffinland in responding to an application to cease trade a rights plan and subsequent application to approve a contested plan of arrangement; acted as counsel for certain former directors in respect of the related proceedings before the Ontario Securities Commission; and acts for the former directors of Baffinland in a proceeding under the *Class Proceedings Act*.
- *Lloyds Bank Commercial Finance Limited v. Air Canada and Re Aero Inventory (UK) Limited*– acted for Air Canada in respect of a claim for more than \$100M brought by Lloyds for breach of an intercreditor agreement.
- *Re Peter Beck, Swift Trade Inc., et al.* – acted for the respondents in a proceeding brought before the Ontario Securities Commission relating to high-volume day trading.
- *Mason v. Augen Capital Corp.* – acted for the company in responding to an application to overturn the disputed result of a shareholders' meeting.
- *Re Patheon Inc.* – acted for JLL Patheon Holdings, LLC in respect of an application before the Ontario Securities Commission relating to its offer for restricted voting shares of Patheon Inc.
- *Jameson Investment Corp. v. Jameson Bank* – acted for the Applicants in seeking court direction in respect of the conduct of a shareholders' meeting for a chartered bank.
- *Gold Reserve Inc. v. Rusoro Mining Ltd.* – acted for Endeavour Financial International Corporation in resisting an injunction to prevent a “hostile” takeover bid from proceeding.

- *Jameson Investment Corp. v. Jameson Bank* – acted for Jameson Bank in an application for a special meeting of shareholders under the *Bank Act*.
- *Wells v. Melnyk* – acted for Eugene Melnyk and EM Holdings B.V. in responding to an application to validate the election at a meeting of shareholders of Biovail Corporation.
- *R. v. Rankin* – acted for RBC Dominion Securities with respect to the investigation and subsequent proceedings against Andrew Rankin under ss. 76(1) and (2) of the *Securities Act* (tipping and insider trading).
- A Canadian healthcare company in an arbitration over an alleged breach of an asset purchase agreement and in a series of related proceedings across Canada.
- A publicly traded company in the United Kingdom in an arbitration with a Canadian investment dealer over fees for investment banking services.
- *Meridian Gold Holdings II Cayman Ltd. et al. v. Southwestern Gold (Bermuda) Ltd. et al.* – acted for Southwestern in an arbitration and subsequent appeal relating to a right of first offer in a joint venture agreement.
- *Brar v. Zellers Inc.* – acted for Zellers in resisting an injunction brought by a number of pharmacists to restrain Zellers from disposing of pharmacy records.
- *Longyear Canada v. 897173 Ontario Inc.* – acted for Sandvik Canada in resisting an injunction to stop an acquisition.
- *Hurst v. Societe Nationale de L'Amiante* (asbestos litigation) – acted for General Dynamics in a motion to stay or dismiss the action.
- *Re Allied Systems Holdings, Inc.* – acted as Canadian counsel to the unsecured creditors' committee in proceedings under the *Companies' Creditors Arrangement Act*.
- *Re Ivaco* – acted for Ernst & Young Inc., in its capacity as court-appointed Monitor, in Ivaco's proceedings under the *Companies' Creditors Arrangement Act*, including in its working capital dispute with The Heico Companies LLC.
- *Re Smurfit-Stone Container Canada* – acted for Smurfit-Stone and its affiliates in proceedings under the *Companies' Creditors Arrangement Act*.
- *Re Nortel* – acted for Genband U.S. LLC in relation to the acquisition of Nortel's Carrier Voice Over IP and Application Solutions business.
- *Re Air Canada* – acted for Air Canada in proceedings under the *Companies' Creditors Arrangement Act*.

## Publications

- "[Canada](#)" chapter, *Getting the Deal Through – Securities Litigation*, Law Business Research Ltd., London, UK, February 2018, (co-author).

## Legal Posts

The following posts are available on Stikeman.com:

- [Securities Litigation in Canada: A Practical Guide to the Core Issues](#)
- [Court of Appeal provides guidance for securities class actions](#)

## **Professional Activities**

Alex is a member of the Canadian Bar Association, the Law Society of Ontario, the Advocates' Society and the American, Boston and New York Bar Associations.

## **Background**

Prior to joining Stikeman Elliott, Alex practised in the mergers and acquisitions department at a major American law firm in Boston, Massachusetts.

## **Education**

University of Toronto (LL.B./M.B.A. 2000)  
Princeton University, Woodrow Wilson School of Public and International Affairs (B.A. magna cum laude, 1996)

## **Bar Admission**

Massachusetts, 2001  
New York, 2001  
Ontario, 2004