DAVIES




**Andrew Carlson**
Partner

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Toronto

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416.367.7437

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acarlson@dwpv.com


Expertise
Litigation
Commercial Litigation

Bar Admissions
Ontario, 2010

## “Andrew is an outstanding litigator who takes the time to focus on what's really important to us.”

### Client – *Chambers Canada*

Andrew acts in a wide variety of public and private sectors, including the telecommunications, P3 infrastructure, mining and financial industries. His pragmatism and attentiveness enable him to form strong connections with clients, who value his excellent analytical skills and sound judgment. As one client recently stated in *Chambers Canada*, “Andrew lets us know what the legally correct move is and what is best for the organization.”

Drawing on his broad legal knowledge, Andrew has successfully represented clients in complex cases involving allegations of breach of contract, oppression, insider trading, misleading advertising, negligence, breach of confidence, defamation and conspiracy.

Andrew is a member of the firm's Professional Development committee and frequently acts as an informal and formal mentor to associates and students-at-law.

### Representative Work

**OMERS Administration Corp and OMERS Private Equity Inc.**
Acting for **OMERS Administration Corporation** and **OMERS Private Equity Inc.** in multiple 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.

**Moez Kassam and Anson**
Acting for **Moez Kassam** and **Anson funds** in pursuing claims for defamation and conspiracy, arising from a series of false and defamatory statements published about them anonymously on the internet.

**Plenary Group**
Acting for **Plenary Group**, a leading investor, developer and operator of public infrastructure in North America, in confidential adjudication and arbitration disputes arising in respect to certain P3 projects.

**Vale Canada Limited**
Acted for **Vale Canada Limited** and its affiliates in defending contractual claims before the Supreme Court of Newfoundland and Labrador in an amount of almost C$500 million that were asserted by the Plaintiff under an Option Agreement pertaining to the Voisey's Bay Nickel Project. This case was settled in September, 2018, at the end of the first week of a four month trial that would have involved dozens of lay and expert witnesses. This was the first "hybrid trial" and first electronic trial ever conducted in the Province of Newfoundland and Labrador.

**West Face Capital Inc.**
Acted for **West Face Capital Inc.** in defending successfully claims asserted against it by The Catalyst Capital Inc. for more than $500 million arising from the participation by West Face in the purchase and subsequent sale of Wind Mobile Inc. at a profit of

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approximately $1.3 billion. Every claim asserted by Catalyst against West Face was dismissed by Justice Newbould of the Superior Court of Ontario in August 2016, following the conclusion of a closely watched trial in the Commercial List. In February 2018, the Ontario Court of Appeal dismissed from the bench Catalyst's appeal from the decision of Justice Newbould.

### West Face Capital Inc.

Acted for **West Face Capital Inc.** in defending successfully against a second claim asserted against it by The Catalyst Capital Inc., this time for more than $1.3 billion, arising from the participation by West Face in the purchase and subsequent sale of Wind Mobile Inc. On April 18, 2018, Justice Hainey of the Ontario Superior Court of Justice determined that this second claim was essentially an attempt to re-litigate the same facts and issues that had previously been decided by Justice Newbould in the first such claim between Catalyst and West Face. As such, Justice Hainey dismissed the claim as against West Face, and all of the other defendants, as an abuse of process. Catalyst's appeal from the Order of Justice Hainey dismissing this action as an abuse of process was dismissed by the Ontario Court of Appeal in early May 2019. In November 2019, the Supreme Court of Canada dismissed Catalyst's application for leave to appeal.

### WIND Mobile Corp. and its shareholders

Acted for **WIND Mobile Corp. (WIND)** and its shareholders, including **West Face Capital**, in connection with the sale of WIND to Shaw Communications Inc. for approximately $1.6 billion.

### TransAlta Corporation

Acted for **TransAlta Corporation** in defending successfully "public interest" proceedings initiated against TransAlta by Mangrove Partners before the Ontario Securities Commission and Alberta Securities Commission in respect of the election of Directors of TransAlta at its Annual Meeting on April 26, 2019, and concerning a $750 million financing transaction entered into between TransAlta and Brookfield Renewable Partners.

### Maple Leaf Foods Inc.

Acted for **Maple Leaf Foods Inc.** in connection with its defence to a claim by its former food broker for reasonable notice of termination and breach of contract.

### Bruce Walter

Acted for **Bruce Walter**, a senior Canadian mining executive, in defending successfully enforcement proceedings brought against him by Staff of the Ontario Securities Commission in connection with a takeover bid for a public mining company. Every allegation made against Mr. Walter was rejected by the Ontario Securities Commission following a lengthy trial.

### Rogers Communications Inc.

Acted for **Rogers Communications Inc.** in connection with its successful defence in closely watched misleading advertising proceedings in the Ontario Superior Court brought by the Commissioner of Competition. The case concerned comparative performance-based advertising used by Rogers in connection with its launch in 2010 of Rogers' Chatr brand. This case gave rise to a lengthy trial fought over many weeks, and involved complex expert evidence concerning the testing and operation of wireless networks as well as constitutional challenges to the misleading advertising

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provisions of the *Competition Act*.

### InnVest Real Estate Investment Trust

Acted for **InnVest Real Estate Investment Trust** in connection with a number of disputes relating to the management of a hotel.

### Attorney for personal care

Acted for an **attorney for personal care** in a family dispute in successfully defending her right to continue acting as attorney for personal care in an application for the Court appointment of a substitute guardian of the person under Ontario's *Substitute Decisions Act, 1992*.

### Retail franchisor

Acted in arbitration proceedings for a well-known retail **franchisor** in successfully defending against a claim brought by a franchisee for breach of contract and breach of the duty of good faith and fair dealing.

### Ontario Lottery and Gaming Corporation

Acted for the **Ontario Lottery and Gaming Corporation** in connection with a negligence claim brought by an alleged compulsive gambler.

### Private Company

Acted for a **private company** in connection with its claim for conversion, unjust enrichment, and/or breach of fiduciary duty against a former director and officer.

### Rogers Communications Inc.

Acted for **Rogers Communications Inc.** in obtaining summary judgment dismissing Allarco Entertainment's claim against Rogers for more than $100 million in damages for alleged breach of contract, negligence, breach of fiduciary duty and intentional interference with economic relations.

### Tecpetrol Investments S.L.

Acted for **Tecpetrol Investments S.L.** in its successful unsolicited take-over bid to acquire Alpha Lithium Corporation for C$310 million.

### TransAlta Corporation

Acting for **TransAlta Corporation**, an Alberta-based power company, and certain of its affiliates in respect of a C$200-million claim commenced in New Brunswick (and potentially related arbitration proceedings) relating to the collapse of a wind turbine at the Kent Hills wind power facility, the largest in the province.

### Fiera Capital Corporation and Fiera Infrastructure Inc.

Acted for **Fiera Capital Corporation** and its infrastructure platform, **Fiera Infrastructure Inc.**, in a high-profile dispute on the Commercial List of the Ontario Superior Court of Justice, brought by the founder and former President of Fiera Infrastructure and their holding company.

### Dye & Durham Limited

Acting for **Dye & Durham** in a dispute with a major shareholder, Plantro Ltd. and former CEO Matthew Proud, concerning a cooperation agreement between the parties.

## Recognitions

Chambers Canada
Litigation, General Commercial: Ontario

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Benchmark Canada
Commercial
Litigation Star

Lexpert Special Edition
Litigation

Best Lawyers Canada
Corporate and Commercial Litigation

Benchmark Canada Awards
Impact Case of the Year
2017, 2019

Chambers Canada Awards
Litigation Firm of the Year
2018

Chambers Canada
Litigation, General Commercial Department: Nationwide and Ontario
Band 1

## External Engagements

Speaking Engagement
**The Advocates' Society, Evidence for Litigators, "Common Evidentiary Pitfalls and How to Avoid Them"; Webcast**
Oct 26, 2022

## Insights

Davies Lawyers Recognized by *Best Lawyers*
Sep 3, 2026

*Governance Insights*: A Preview of 2026
Jan 26, 2026

*Lexpert* Recognizes Davies' Excellence in Litigation
Nov 20, 2025

*Benchmark Litigation* Recognizes Davies
May 1, 2025

Ontario Court of Appeal Issues Decision in *The Catalyst Capital Group Inc. v West Face Capital Inc.*
Jun 6, 2023

Canada's Top Court Confirms Anti-SLAPP Motions Protect Speakers, Not Plaintiffs
May 25, 2023

Six Davies Litigators Named in *Benchmark Litigation's* 40 & Under List 2021
Jul 21, 2021

## Education

University of Western Ontario, JD, 2009
Queen's University, BSc (Hons) (Math), 2005

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## Bar Admissions

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## Teaching Engagements

Andrew taught the derivative actions and oppressive remedy section of a graduate course in Corporate Remedies for LLM students at Osgoode Hall Law School. He also served as a guest lecturer on the topic of effective legal writing at the University of Toronto Faculty of Law.