DAVIES



Anthony M.C. Alexander
Partner

Office
Toronto

Tel
416.367.6920

Email
aalexander@dwpv.com

Expertise
Litigation
Class Actions
Commercial Litigation

Bar Admissions
Ontario, 1994

Tony excels at developing innovative solutions for our clients' complex litigation matters.

Clients in a broad range of industries – including mining, manufacturing, services and telecommunications – rely on Tony's expertise and big-picture thinking to resolve their intricate commercial disputes. He advises on cross-border proceedings, class actions, intellectual property litigation and administrative/regulatory matters. Before joining our firm, Tony was a partner at another leading national law firm.

Tony is an adjunct professor at the University of Toronto's Faculty of Law and a regular instructor for the Law Society of Ontario's Professional Conduct and Practice in Ontario program. He is a board member of the Foundation for International Education in Neurological Surgery.

Representative Work

NOVA Chemicals Corporation
Acting for **NOVA Chemicals Corporation** in multiple appeals before the Alberta Court of Appeal arising from a multi-billion-dollar judgment, described as one of the largest commercial awards in Canadian history, concerning the operation of a chemicals facility in Alberta.

Grup Mediapro S.L.U.
Acted for **Grup Mediapro S.L.U.** in a litigation settlement with CSB, LP, culminating in a transaction pursuant to which Mediapro sold its Canadian business, consisting of the OneSoccer Channel, to CSB.

Legion Partners Asset Management
Acted for U.S. activist shareholder **Legion Partners Asset Management** in connection with its campaign for operational change and board seats on the board of Primo Water Corporation, a TSX-NYSE listed pure-play water solutions provider in North America and Europe. Legion's campaign included the commencement by Legion of an oppression Application in the Superior Court of Ontario concerning the legality of Primo's Advance Notice By-Laws. It culminated in an agreement to appoint two Legion nominees to the Primo board and Primo agreeing to adopt certain corporate governance enhancements, including changes to its advance notice bylaw provisions.

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 the **claimant** in a C$1.1-billion ICC arbitration regarding a major Canadian infrastructure project.

Centerra Gold Inc.
Acted for the special committee of independent directors of **Centerra Gold Inc.** in successfully obtaining approval of a contested plan of arrangement under the *Canada Business Corporations Act* in relation to the global arrangement agreement between

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Centerra, Kyrgyzaltyn JSC and the Government of the Kyrgyz Republic.

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.

TransAlta Corporation

Acted for **TransAlta Corporation** in defending an oppression action brought by Mangrove Partners, a minority shareholder. Mangrove sought to set aside a $750-million strategic transaction entered into between TransAlta and Brookfield Renewable Partners.

McKesson Corporation and McKesson Canada Corporation

Acting for **McKesson Corporation** and **McKesson Canada Corporation** in its defence of a class action brought by the Province of British Columbia on behalf of all Canadian provincial governments, as well as the Federal government, against manufacturers and distributors of opioids seeking to recover health care costs related to the opioid crisis. Also acting for McKesson in defence of additional opioid-related proposed class actions across Canada.

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.

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.

Ontario Lottery and Gaming Corporation

Successfully acted for the **Ontario Lottery and Gaming Corporation** in a judicial review application brought by the City of Niagara and the Region of Niagara Falls concerning the selection process for an operator of the Niagara gaming bundle.

Royal Group, Inc.

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

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Detour Gold Corporation

Acted for **Detour Gold Corporation** in a securities class action involving alleged breaches of the public disclosure requirements of the *Securities Act* (Ontario) in relation to the company's production and cost guidance during the ramp-up of the Detour Lake Mine, and to details of one of the company's credit agreements.

McKesson Corporation

Acted for **McKesson Corporation**, a leading international healthcare services and information technology company, in connection with its $3-billion acquisition of Rexall and Rexall Pharma Plus, which operate approximately 470 pharmacies in Canada, from Katz Group, one of Canada's largest privately owned enterprises.

Robert Schad and Athena Automation Limited

Acted for **Robert Schad** and his company **Athena Automation Limited** in defending successfully a series of claims asserted against them for damages and injunctive relief arising from their alleged misuse of confidential information and the breach by Mr. Schad of his non-compete and non-solicitation obligations owed to Husky Injection Molding Systems Limited, a company founded by Mr. Schad half a century ago. All claims asserted by Husky against Mr. Schad and Athena in this "bet the company" case were dismissed by Justice Newbould of the Ontario Superior Court in April 2016, following a lengthy trial in the Commercial List.

Barrick Mining 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.

General Motors of Canada Limited

Acted for **General Motors of Canada Limited** in defending successfully claims asserted against it for approximately $1 billion in a class action before the Ontario Superior Court on behalf of approximately 180 former dealers of GMCL who were eliminated from GMCL's dealer network during the restructuring of the company in 2009. This case resulted in a lengthy trial in the Ontario Superior Court and appeals to the Ontario Court of Appeal. All claims asserted against GMCL were dismissed by the trial judge. The Ontario Court of Appeal upheld the trial judge's decision dismissing all claims against GMCL. This has been described by legal commentators as "one of the highest profile cases in Canadian franchise history".

Recognitions

Best Lawyers Canada
Corporate and Commercial Litigation

Benchmark Canada Awards
Impact Case of the Year
2019, 2023

Canadian Law Awards
Commercial Litigation Team of the Year
2023

Law360 Canada
Top Business Decision

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2023

Chambers Canada Awards
Litigation Firm of the Year
2018

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

External Engagements

Article
"But That's Not What That Means": When Can Evidence of Technical Jargon, Industry Custom and Trade Practice be Used to Interpret or Augment a Commercial Contract?
Jun 1, 2021
The Advocates' Quarterly, Vol. 51, No. 4

Speaking Engagement
The Law Society of Upper Canada, The Seventh Annual In-House Counsel Summit, "Solicitor-Client Privilege: A Guide for In-House Counsel"; Toronto, ON
Feb 27, 2017

Speaking Engagement
The Law Society of Upper Canada, Professional Conduct and Practice in Ontario, "Solicitor-Client Privilege and Confidentiality Rule 3.3: Issues for Corporate Lawyers"; Toronto, ON
Dec 1, 2016

Guide
Cross Border & Multijurisdiction Class Actions – A Canadian Perspective
Apr 20, 2015
Recent Developments in Business and Corporate Litigation, 2015 Edition (Chicago: American Bar Association)

Guide
Cross Border & Multijurisdiction Class Actions – A Canadian Perspective
Dec 31, 2014
Recent Developments in Business and Corporate Litigation, 2014 Edition (Chicago: American Bar Association)

Article
"Stinky" but Not "Fundamental" – The BCCA Sets a High Hurdle for Repudiation of a Lease
Jun 13, 2014
British Columbia Real Estate Law Developments (McCarthy Tétrault LLP)

Article
An Unexpected Expansion of the Common Law Anti-Deprivation Rule
Dec 31, 2013
National Insolvency Review, Vol. 30, No. 4 (LexisNexis)

Article

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To Agree or Not to Agree: When Do Discontinued Negotiations Lead to a Binding Contract?
Oct 28, 2013
Commercial Times (McCarthy Tétrault LLP)

Guide
Cross Border & Multijurisdiction Class Actions – A Canadian Perspective
Mar 19, 2013
Developments in Business and Corporate Litigation, 2013 Edition (Chicago: American Bar Association)

Insights

Boroo to Acquire Victoria Gold
Nov 3, 2026

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

Electronic Signatures: A Guide for Ontario Businesses
Mar 4, 2021

Davies Governance Insights 2017
Oct 2, 2017

Education

University of Toronto, LLB, 1992
Queen's University, MA, 1989
Queen's University, BA (Honours), 1988

Bar Admissions

Ontario, 1994

Teaching Engagements

Tony is a regular instructor at the Law Society of Ontario's Professional Conduct and Practice in Ontario program. He has lectured on the defence of securities class actions as part of the Osgoode Hall Law School LLM course Securities Litigation and Enforcement. Tony has taught The Business Torts (an upper-year seminar) as an adjunct professor at the University of Toronto Faculty of Law.

Board Memberships

Foundation for International Education in Neurological Surgery