DAVIES



J. Henry Machum

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Expertise

Litigation

Bar Admissions

Ontario, 2021
British Columbia, 2025

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, 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

StarKist Company and Dongwon Industries Company Limited
Successfully represented **StarKist Company and Dongwon Industries Company Limited** in their defence of a class action commenced in Ontario alleging a conspiracy amongst canned tuna producers. Davies successfully defeated certification in the Ontario Superior Court and that decision was upheld by the Ontario Court of Appeal and leave to appeal to the Supreme Court of Canada was denied. This decision won an Impact Case Award at Benchmark Litigation Canada Awards 2025.

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.

National Beef Packing Company
Successfully settled class actions commenced in Québec and British Columbia on behalf of **National Beef Packing Company** alleging a supply and price-fixing conspiracy in respect of cattle and beef.

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.

Zimmer Biomet Holdings, Inc.

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Acted for **Zimmer Biomet Holdings, Inc.** in defending class action proceedings in the Superior Court of Ontario concerning alleged defects in Biomet's metal-on-metal hip replacement and resurfacing devices.

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*.

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.

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.

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.

Canadian Real Estate Association

Acting for the **Canadian Real Estate Association (CREA)** in its defence of a class action in the Federal Court alleging that CREA’s rule regarding broker commissions is anti-competitive.

Occidental Chemical Corporation and Oxy Canada Sales Inc.

Acting for **Occidental Chemical Corporation** and **Oxy Canada Sales Inc.** in antitrust class actions commenced in the Federal Court of Canada and in Québec, alleging that Occidental, together with a number of other chemical manufacturers, engaged in a price-fixing conspiracy in connection with the global sale of caustic soda, also known as sodium hydroxide (NaOH) or lye.

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

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to the opioid crisis. Also acting for McKesson in defence of additional opioid-related proposed class actions across Canada.

Recognitions

Benchmark Canada Awards
Impact Case of the Year
2025

Moot
Adam F. Fanaki Competition Law
First place, factum

Law360 Canada
Top Business Decisions
2024

Queen's University
Fasken Martineau Prize in Public Law; Queen's Law Prize in Public Law

External Engagements

Article
Raising the Bar: Canada's Evolving Approach to Cross-Border Antitrust Class Action Certification, co-author
Apr 30, 2026
The Antitrust Source, Vol. 25, Issue 5 (American Bar Association)
Read More

Article
Gifford v Air Canada: **Ontario Court Grounds Alleged Conspiracy to Suppress Supply of Transborder Air Travel, co-author**
Dec 1, 2025
Class Action Defence Quarterly (LexisNexis Canada Inc.), Vol. 20, No. 2
Read More

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 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

Bar Admissions

Ontario, 2021
British Columbia, 2025