DAVIES



Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Expertise
Litigation
Commercial Litigation
Competition Litigation
Securities Litigation

Bar Admissions
Ontario, 1984
Alberta

> “I think he is the best litigator in Canada. He can find the winning argument like a jet-seeking missile. He has a flawless execution and court presence; his oral and written work is stellar.”
>
> Client – *Chambers Canada*

Kent is the Head of the Litigation Department of Davies in Toronto. He specializes in complex, high-stakes commercial litigation. Recognized repeatedly as one of Canada’s leading trial and appellate counsel, Kent is trusted by clients to act on their most critical matters.

Described by clients as “one of the premier litigators in the country,” Kent appears regularly in courts at every level throughout Canada. (Client, *Chambers Canada*) He also acts before a number of tribunals in Canada, including the Ontario Securities Commission and the Competition Tribunal.

Lead counsel in many of Canada’s most closely watched cases, Kent has succeeded in obtaining numerous precedent-setting decisions in areas as diverse as oppression, plans of arrangement, class actions, corporate law, securities law, tort law, competition law, tax law, voting law and defamation, including on a number of occasions in the Supreme Court of Canada. He has also succeeded in obtaining numerous Awards for clients in complex domestic and international arbitrations in Canada, the U.S., Europe, Australia and Africa.

As one client says, “He’s indefatigable; he has a motor like no one else” and a “very strong sense of how to move a case forward, how to organise the tactics of a case and how to manage interactions with the court system.” (*Chambers Canada*)

Representative Work

BCE Inc.

Acted for **BCE Inc.** and **Bell Canada** in a successful appeal to the Supreme Court of Canada in a landmark commercial case involving the proposed $51.7 billion privatization of BCE. The decision of the Supreme Court in this case set the standard in Canada for approval of plans of arrangement and claims of oppression. It also clarified the law concerning the duties of directors of public companies faced with potential change of control transactions. This case also resulted in the fastest commercial appeal ever heard by the Supreme Court of Canada. The appeal was heard by the Court and decided unanimously in favour of BCE less than 30 days after BCE launched its application for leave to appeal from a decision of the Québec Court of Appeal revoking approval for BCE's proposed plan of arrangement that had been granted by Justice Silcoff of the Quebec Superior Court following a lengthy and highly expedited trial.

Shaw Communications Inc.

Acted for **Shaw Communications Inc.** in a successful appeal to the Supreme Court of Canada from a decision of the Federal Court of Appeal that would have permitted the CRTC to implement a so-called "value for signal" regime in Canada. The implementation of that regime would have had a transformative impact on television broadcasting in Canada. This case involved the intersection of Canadian copyright

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and broadcasting laws. The reference question at issue was whether the CRTC had jurisdiction to implement the proposed regime. A majority of the Supreme Court of Canada (with four judges dissenting) held that the CRTC did not have jurisdiction, noting limits on the powers of a subordinate legislative body such as the CRTC.

Ted Opitz

Acted for Member of Parliament **Ted Opitz** in a successful appeal to the Supreme Court of Canada from a decision of the Ontario Superior Court overturning the results of a federal election in the riding of Etobicoke Centre. This case involved the first consideration by the Supreme Court of election laws in Canada in more than 50 years.

Casey Hill

Acted for the plaintiff, **Casey Hill**, in a successful appeal to the Supreme Court of Canada from a decision of the Ontario Court of Appeal in a libel case against the Church of Scientology and its lawyer, Morris Manning. This case resulted in one of the largest jury awards in Canadian history in favour of Mr. Hill, rendered following the conclusion of a lengthy trial, and remains one of the leading decisions of the Supreme Court in the areas of defamation and punitive damages.

Continental Bank of Canada

Acted for **Continental Bank of Canada** and its subsidiary **Continental Bank Leasing Corporation** in successful appeals to the Supreme Court of Canada from decisions of the Federal Court of Appeal concerning the proper tax treatment of complex partnership transactions entered into at the time of the winding-up of Continental Bank. The Federal Court of Appeal had set aside a decision rendered in favour of the Bank and its subsidiary by the Honourable Mr. Justice Bowman following the conclusion of a lengthy trial in the Tax Court of Canada. This remains one of the leading decisions of the Supreme Court in the areas of tax law and partnerships.

Government of Canada

Acted for the **Government of Canada** in an appeal to the Supreme Court of Canada in a controversial case involving legislative changes to Canada's compulsory licensing regime governing the production, marketing and sale of generic pharmaceutical products.

Thomson Newspapers Limited

Acted for **Thomson Newspapers Ltd.** in an appeal to the Supreme Court of Canada from a decision of the Ontario Court of Appeal concerning the constitutional validity of the investigative provisions of the *Combines Investigation Act* (now, the *Competition Act*). This case gave rise to a rare application to the Supreme Court by both parties to the appeal for reconsideration of the Court's original decision.

Apotex Inc.

Acted for **Apotex Inc.** in defending successfully at trial in the Superior Court of Ontario claims made by Alcon Canada Inc. concerning an alleged settlement of claims between the parties arising from patent disputes in the United States and Canada. Alcon's claims were dismissed by a Justice of the Commercial List in Toronto following the conclusion of an expedited trial.

Baffinland Iron Mines LP and Baffinland Iron Mines Corporation

Acted as counsel for **Baffinland Iron Mines LP and Baffinland Iron Mines Corporation** (together, “BIM”) in a high-stakes application to set aside or overturn an

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Office
Toronto

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416.863.5566

Email
kentthomson@dwpv.com

arbitral award of more than $114 million in damages. The resulting appeal in this case resulted in an important decision rendered by the Ontario Court of Appeal in April 2023 that addresses the circumstances in which an arbitration agreement will be interpreted as excluding rights of appeal, the application of the presumption of consistent expression in the interpretation of Canadian contracts, and the narrow circumstances in which a refusal to grant leave to appeal by a Superior Court may be appealed directly to the Court of Appeal.

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.

Barrick Gold Corporation

Acted for **Barrick Gold Corporation** in international tort litigation concerning the mining operations of an affiliate of Barrick in Africa, brought in the courts of Canada, the United Kingdom and Tanzania.

Barrick Gold Corporation

Acted for **Barrick Gold Corporation** in defending successfully claims asserted against Barrick by Newmont Mining Corporation (now known as Newmont Goldcorp Corporation) and St. Andrew Goldfields Ltd. in respect of royalty and other agreements entered into in conjunction with the sale of a sizeable operating mine in Northern Ontario. The claims asserted against Barrick were dismissed following a highly expedited trial in the Superior Court of Ontario that was conducted in the absence of pleadings and discoveries.

Barrick Gold Corporation

Acted for **Barrick Gold Corporation** in defending successfully litigation in the Ontario Superior Court concerning its pre-bid agreement with Goldcorp Inc. to dispose of certain assets acquired by Barrick in its takeover bid for Placer Dome Inc. and in the subsequent disposition of US$1.6 billion of assets to Goldcorp.

Barrick Gold Corporation

Acted for **Barrick Gold Corporation** in an appeal to the British Columbia Court of Appeal from a decision reached at the conclusion of a four-month trial pertaining to a failed commercial transaction involving the proposed acquisition of an operating mine in Québec.

Barrick Gold Corporation

Acted for **Barrick Gold Corporation** in class action and other litigation in the United States and Canada arising from the Bre-X debacle, in which Bre-X was found to have perpetrated a $6-billion fraud involving a non-existent gold deposit in Busang, Indonesia.

Bayer Corporation

Acted for **Bayer Corporation** in successfully opposing in the Ontario Divisional Court and Ontario Court of Appeal certification of a proposed national class action concerning alleged price fixing in the supply of iron oxide, a colourant in bricks and paving stones. This case, known as *Chadha v Bayer*, is one of the leading decisions in Canada concerning the certification of antitrust class actions.

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Beaverbrook (U.K.) Foundation

Acted for the **Beaverbrook (U.K.) Foundation** in closely watched trial and appellate arbitration proceedings that were held in public in New Brunswick concerning the ownership of numerous valuable works of art acquired by the Beaverbrook (U.K.) Foundation between 1954 and 1965 that are currently housed at the Beaverbrook Art Gallery in Fredericton. This case was the subject of extensive media coverage throughout Canada, including a lengthy book written by a reporter from the Canadian Broadcasting Corporation.

Zimmer Biomet Holdings, Inc.

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.

Canada Life Company

Acted as counsel to **Canada Life** in a significant appeal argued recently in the Court of Appeal for Ontario concerning the proposed rectification of a complex corporate transaction that gave rise to an unintended tax liability measured in the tens of millions of dollars. The appeal is under reserve.

Canada Pipe Company Ltd.

Acted for **Canada Pipe Company Ltd.** before the Competition Tribunal, Federal Court of Appeal and Supreme Court of Canada with respect to the only fully contested abuse of dominance case to be decided in Canada in more than 15 years. This matter was decided in favour of Canada Pipe following a lengthy trial in the Competition Tribunal and against Canada Pipe in the Federal Court of Appeal. The matter was eventually resolved through a negotiated Consent Agreement in December 2007.

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

CIBC World Markets Inc.

Acted for **CIBC World Markets**, the financial advisors to the Special Committee of Magna International Inc., in connection with litigation before the Ontario Securities Commission and the Superior Court of Ontario arising from the elimination by Magna of its dual-class share structure and the creation by Magna of a single class of equity securities by way of a plan of arrangement.

Confidential client

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

Continental Casualty Company

Successfully defended **Continental Casualty Company (CNA)** in the Ontario Superior Court of Justice in a class action in which billions of dollars of claims were asserted by or on behalf of thousands of businesses throughout Canada for business interruption coverage arising from the COVID-19 pandemic. This matter was decided by a Justice of the Commercial List in early June 2023 in favour of CNA and other insurers following a multi-week common issues trial. This is the first case to determine authoritatively at trial in Canada that the SARS-CoV-2 virus does not cause “physical

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Office
Toronto

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416.863.5566

Email
kentthomson@dwpv.com

loss or damage to property", and that mere loss of use of property resulting from the COVID-19 pandemic does not trigger coverage under ordinary commercial property insurance policies. This decision was named one of the top 10 business decisions of 2024 by *Law360 Canada*.

Commissioner of Competition

Acted for the **Commissioner of Competition**, the Head of the Canadian Competition Bureau, in the first challenge ever brought under the civil price maintenance provisions of the *Competition Act* alleging that the merchant rules of Visa and MasterCard are unlawful. This is one of the most significant proceedings to be brought before the Competition Tribunal in recent years, and resulted in a lengthy trial before the Tribunal.

Coventree Inc.

Acted for **Coventree Inc.** in defending enforcement proceedings brought against Coventree and two of its officers by Staff of the Ontario Securities Commission following the collapse of the $35-billion asset-backed securities market in August 2007. A number of allegations made against Coventree were dismissed following a lengthy trial at the OSC. This was the only matter that proceeded to trial following the collapse of the ABCP market in 2007.

Fido Solutions Inc.

Acted for **Fido Solutions Inc.** in the Superior Court of Ontario and Ontario Court of Appeal in defending successfully a $160-million claim commenced against it by Unique Broadband Wireless Services, Inc. relating to an alleged breach of contract, breach of confidence and breach of fiduciary duty.

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".

General Motors of Canada Limited

Acted for **General Motors of Canada** in defending claims asserted against it in the Ontario Superior Court of Justice for approximately $250 million by approximately 20 Buick GMC dealers who were retained by GMCL following the restructuring of the company in 2009. The claims asserted were resolved consensually on the eve of trial.

General Motors of Canada Limited

Acted for **General Motors of Canada Limited** in defending claims asserted against it in the Ontario Superior Court for approximately $400 million by approximately 20 dealers in the Toronto area arising from changing market conditions in the period following the restructuring of GMCL in 2009.

Google LLC, Alphabet Inc. and Google Canada Corporation

Successfully defended **Google LLC**, **Alphabet Inc.** and **Google Canada Corporation** in the first ever application brought before the Canadian Competition

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Toronto

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Tribunal by a private party for leave to proceed with a private claim on behalf of millions of Canadians and Canadian businesses under novel amendments to the *Competition Act* that came into effect in June 2025. The application and proposed claim concern allegations of abuse of dominance in the provision of internet search engine services as well as allegedly anticompetitive agreements between Google and Apple Inc.

Google LLC

Defending **Google LLC** and **Google Canada Corporation** in claims launched by the Canadian Competition Bureau alleging abuse of dominance in the digital display advertising technology, or “ad tech”, industry. As part of its defence, Google challenged as unconstitutional the Bureau’s demand for a penalty potentially compelling the payment of a financial penalty of up to 3% of Google’s worldwide gross revenues.

GrowthWorks Ltd.

Acted for **GrowthWorks Ltd.** in its successful opposition to a plan of arrangement put forward by VenGrowth Funds in proceedings before the Ontario Superior Court of Justice.

HudBay Minerals Inc.

Acted for **Jaguar Financial Corporation**, a shareholder of HudBay Minerals Inc., in its successful and precedent-setting application to the Ontario Securities Commission to set aside a decision of the Listing Committee of the Toronto Stock Exchange and compel HudBay to obtain shareholder approval in respect of HudBay's proposed $550-million acquisition of Lundin Mining Corporation. This case led to the termination of the proposed transaction and ultimately to the removal from office of members of the Board of Directors of HudBay.

Kemira Chemicals Canada Inc.

Acted for **Kemira Chemicals Canada Inc.** in its defence of multiple class actions across Canada alleging a price fixing conspiracy in respect of hydrogen peroxide.

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.

Liquor Control Board of Ontario

Acted for the **Liquor Control Board of Ontario** in defending claims asserted against it for approximately $1.5 billion in antitrust class action proceedings pending in the Ontario Superior Court against the LCBO, Brewers Retail Inc. and a number of major brewers. In March 2018, Justice Perell of the Ontario Superior Court granted summary judgment dismissing all claims asserted against the LCBO and the other defendants, and awarded substantial costs of almost $800,000. The decision of Justice Perell granting summary judgment in favour of the LCBO was affirmed by the

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Email
kentthomson@dwpv.com

Ontario Court of Appeal in April 2019.

MI Developments Inc.

Acted for a subsidiary of **Magna International Inc.** in defending successfully a precedent-setting oppression application brought against it before the Ontario Superior Court by Greenlight Capital Corporation and its founder, David Einhorn. Magna prevailed at trial, as well as on appeal in the Divisional Court of Ontario and Ontario Court of Appeal.

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.

Eugene Melnyk

Acted for **Eugene Melnyk**, the founder of Biovail and the owner of the Ottawa Senators, in defending enforcement proceedings before the Ontario Securities Commission arising from an "earnings warning" issued by Biovail in 2003. This case resulted in a lengthy trial before the OSC, following which many of the allegations made against Mr. Melnyk were dismissed.

MI Developments, Inc.

Acted for **MI Developments, Inc.** (MID) in its successful defence of applications made by minority shareholders of MID to the Ontario Securities Commission by seeking orders denying MID the use of various securities law exemptions and seeking to require MID to obtain minority shareholder approval before proceeding with proposed related party transactions with Magna Entertainment Corp.

National Hockey League

Acted for the **National Hockey League** and a number of teams in defending dozens of arbitrations in the United States and Canada involving the National Hockey League Players Association.

Nevsun Resources Ltd.

Acted for **Nevsun Resources Limited** in defending cross-border securities class actions in Canada and the United States. This litigation was resolved successfully following mediations in New York and Los Angeles.

Newmont Mining Corporation (now known as Newmont Corporation) and other defendants

Acted for **Newmont Mining Corporation, Fronteer Gold Inc.** and its founder **Mark O’Dea** in a successful defence against a claim for over C$1.2 billion in damages and other relief asserted by Jacqui Safra and his holding company, NWG Investments Inc. Safra alleged fraud and misrepresentation concerning a transaction in which Fronteer acquired a mineral exploration company he founded and controlled. Safra’s claim was commenced after the newly formed Government of Nunatsiavut imposed a moratorium on uranium mining in April 2008. Justice Steele of the Superior Court of Ontario dismissed the claim on the grounds of delay in August 2023. Mr. Safra’s appeal from the decision of Justice Steele was dismissed from the bench by the Court of Appeal for Ontario in May 2024.

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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.

Nunavut Iron Ore Acquisition Inc.

Acted for **Nunavut Iron Ore Acquisition Inc.** and **The Energy and Minerals Group** in takeover bid proceedings at the Ontario Securities Commission in connection with their unsolicited takeover bid for Baffinland Iron Mines Corporation, and their subsequent successful joint bid with ArcelorMittal, in a transaction valued at $590 million. Nunavut succeeded in its efforts to cease trade the Shareholders Rights Plan of Baffinland, and as a result was able to proceed with its unsolicited bid.

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.

Ontario Securities Commission

Acted as counsel to the Chairman and Enforcement Branch of the **Ontario Securities Commission** in connection with enforcement proceedings against a number of the senior officers and directors of Research in Motion concerning a stock option backdating scheme. This case resulted in the imposition of some of the most severe sanctions ever levied in enforcement proceedings by Securities Commissions in Canada.

Osprey Media Income Fund

Acted for **Osprey Media Income Fund** in defending successfully takeover bid litigation in the Superior Court of Ontario concerning competing bids for Osprey by Quebecor and Black Press. This transaction was valued at approximately $600 million.

Patheon Inc.

Acted for the Special Committee of **Patheon Inc.** in defending successfully at trial claims of unlawful proxy solicitation made by JLL Partners Inc. in connection with its hostile bid for Patheon. This is now one of the leading cases in Canada in the area of proxy solicitation.

Pershing Square Capital Management LP

Acted for **Pershing Square Capital Management, L.P.** and other shareholders in trial and appellate proceedings before the Ontario Securities Commission, Ontario Divisional Court and Ontario Court of Appeal concerning a coercive insider bid for Sears Canada Ltd. made by its controlling shareholder, Sears Holdings. Pershing Square prevailed before the OSC, as well as in the Divisional Court and Court of Appeal.

Potash Corporation of Saskatchewan (now known as Nutrien Ltd.)

Acted for **Potash Corporation of Saskatchewan (now known as Nutrien Ltd.)** in prosecuting complex commercial claims before the Courts of Saskatchewan. This was a multi-billion dollar dispute over the ownership of potash reserves in the world's largest potash mine in Esterhazy, Saskatchewan, and gave rise to more than 100 days of discovery, numerous interlocutory motions as well as an appeal to the

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Email
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Saskatchewan Court of Appeal. This case was settled shortly before the commencement of a lengthy trial in Saskatoon.

Potash Corporation of Saskatchewan (now known as Nutrien Ltd.)

Acted for **Potash Corporation of Saskatchewan** in an appeal to the Saskatchewan Court of Appeal from a trial judgment requiring PCS to pay damages arising from an undertaking given when PCS obtained an interlocutory injunction restraining its former General Counsel from breaching his fiduciary duties and duty of confidence.

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.

Riot Platforms Inc.

Successfully acted for **Riot Platforms, Inc.** in an expedited, trial-like hearing before the Capital Markets Tribunal in an application by Riot for a cease trading order regarding an unusual Shareholders Rights Plan adopted by the board of Bitfarms Ltd. The plan would have been triggered if any shareholder had acquired 15% or more of the outstanding shares of Bitfarms. The Tribunal issued the cease trading order in late July 2024. This decision was named one of the top 10 business decisions of 2024 by *Law360 Canada*.

Rogers Communications Inc.

Acted for **Rogers Communications Inc.** in opposing successfully a widely publicized Application for injunctive relief brought by indigenous leader Douglas Cardinal that, if granted, would have had the effect of preventing Rogers from broadcasting any Major League Baseball game involving The Cleveland Indians, including the American League Championship Series against The Toronto Blue Jays and The World Series against The Chicago Cubs. Cardinal objected to the use by Cleveland of the team's name and logo. His Application was dismissed from the bench by the Honourable Mr. Justice McKeown of the Ontario Superior Court in October 2016.

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 provisions of the *Competition Act*.

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.

Rogers Communications Inc.

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kentthomson@dwpv.com

Acting for **Rogers Communications Inc.** in connection with numerous multi-billion dollar class action proceedings across Canada to recover "system access fees" charged to consumers by wireless service providers in Canada in the period since 1987. These are some of the largest class actions in Canadian history and have given rise to numerous trial level and appellate decisions in favour of Rogers in various provinces in Canada, including Saskatchewan, Manitoba, Québec, Nova Scotia, Alberta and British Columbia.

Rogers Communications Inc.

Acted for **Rogers Communications Inc.** in defending successfully a consumer class action seeking damages of more than $100 million alleging, among other things, that certain cable services of Rogers were not made available as advertised.

Rogers Communications Inc.

Acting for **Rogers Wireless Inc.**, **Fido Solutions Inc.** and other Rogers and Fido companies in their defence of a proposed national class action in the courts of Saskatchewan in respect of 911 fees charged by wireless service providers.

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.

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.

Sears Canada Inc.

Acted for **Sears Canada Inc.** in defending claims for approximately $100 million asserted against it by Canadian Premier Life Insurance Company arising from the termination of arrangements between the parties. This case was settled on the eve of trial in the Supreme Court of Ontario.

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.

SONY BMG Music (Canada) Inc.

Acted for **Sony BMG Music (Canada) Inc.** in the successful defence of a national class action brought against Sony in the Ontario Superior Court concerning music

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Toronto

Tel
416.863.5566

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copy protection software contained in CDs that were produced, marketed and sold by Sony.

Syndicate of underwriters

Acted for a syndicate of underwriters in defending a securities class action in the Superior Court of Ontario arising from the IPO of **Zungui Haixi Corporation**, a China-based issuer.

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.

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.

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 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

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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.

Confidential Client
Acted for a **leading global services provider** and its Canadian subsidiary in a high-stakes arbitration relating to the termination of a series of long-term services agreements.

Xstrata plc
Acted for **Xstrata plc** in complex takeover bid litigation, including in contested hearings at the Ontario Securities Commission associated with Xstrata's hostile $22-billion takeover bid for Falconbridge Inc. Xstrata succeeded in its efforts to cease trade the Shareholders Rights Plan of Falconbridge. As a result, Xstrata was able to proceed with its hostile bid, which was accepted by the shareholders of Falconbridge. This was at the time, and remains, one of the largest takeover bids in Canadian history.

Recognitions

American Bar Foundation
Fellow

American College of Trial Lawyers
Fellow

International Society of Barristers
Fellow

International Academy of Trial Lawyers
Fellow

The Commercial Bar Association (COMBAR)
Honorary Overseas Member

Expert Guides
Best of the Best
Top 30 Litigators Worldwide

Benchmark Canada
Hall of Fame Award
2020 - Presented to select practitioners who have had an illustrious career with considerable achievements and have earned unanimous market recognition.

Benchmark Canada
Top 50 Trial Lawyers in Canada
2017-2026

Who’s Who Legal
Top Ranked
Most Highly Regarded Practitioner in Litigation in Canada in 2019

Chambers Global
Dispute Resolution
Ranked repeatedly as a Band 1 Litigation Counsel

Chambers Canada

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Email
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Dispute Resolution: Class Actions (Defence); Litigation: General Commercial: Ontario
Ranked repeatedly as a Band 1 Litigation Counsel

Chambers Canada Awards
Litigation Firm of the Year
2018

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

Legal 500 Canada
Dispute Resolution: Ontario
Hall of Fame

Lexpert 500 Cross Border
Class Actions, Corporate Commercial Litigation, and Securities Litigation
Ranked repeatedly as one of Canada’s leading Litigation Counsel

Lexpert 500 Cross Border
Competition Law; Corporate Commercial Litigation; Class Actions; Securities Litigation
Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada

Lexpert 500 Cross Border
Competition Law
Guide to the Leading US/Canada Cross-Border Corporate Lawyers in Canada

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Litigation: Directors’ & Officers’ Liability; Competition Law

Expert Guides
Competition and Antitrust; Litigation

Best Lawyers Canada
Corporate and Commercial Litigation
Lawyer of the Year 2021, Toronto

Best Lawyers Canada
Class Action Litigation
Lawyer of the Year 2020, Toronto

Best Lawyers Canada
Competition/Antitrust
Lawyer of the Year 2013

Best Lawyers Canada
Bet-the-Company Litigation; Class Action Litigation; Competition/Antitrust Law (Litigation); Corporate and Commercial Litigation

Best Lawyers Canada

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Director and Officer Liability Practice; Securities Law

Global Competition Review
The International Who's Who of Competition Lawyers and Economists

Canadian Who's Who
Repeatedly Included

Canadian Law Awards
Commercial Litigation Team of the Year
2023

Law360 Canada
Top Business Decisions
2023, 2024

Benchmark Canada Awards
Impact Case of the Year
2017, 2019, 2020, 2023

Benchmark Canada
Class Action; General Commercial Litigation; Competition Law; Securities Litigation Star

Martindale Hubbell
AV Preeminent
Highest ranking for legal ability and integrity

External Engagements

Article
Working Smarter But Not Harder in Canada: The Development of a Unified Approach to Case Management in Civil Litigation, principal author
Dec 1, 2016
American College of Trial Lawyers

Article
The Magna Proceedings: Devising a Litigation Strategy Having Regard to the BCE Test
Dec 31, 2011
The Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada (Carswell)

Article
One Hand Taketh Away: Recent Developments in Indirect Purchaser Competition Class Actions in Canada
Sep 1, 2011
The Advocates' Quarterly, Vol. 38, Nos. 3 and 4

Article
Truncated Disclosure in Competition Tribunal Proceedings in the Aftermath of Canada Pipe: An Experiment Gone Wrong
Feb 1, 2006
The Advocates' Quarterly, Vol. 31, No. 1

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Article
The Use of Arbitration Clauses as a Shield Against Consumer Class Actions in the Wake of Seidel
Dec 31, 2012
Corporate Litigation, Vol. 13, No. 2

Article
The Paramountcy of Federal Bankruptcy Priorities Over Provincial Lien Interests
Dec 31, 1996
Credit and Banking Litigation Quarterly, Vol. 3

Article
Testing the Authority of the Competition Tribunal
Jan 31, 1993
McGill Law Journal

Article
Restricting Absolute Liability: What You Don't Know May Not Hurt You
Mar 31, 1986
Business and the Law, Vol. 3, No. 4

Article
Practical Advice of a Litigator Concerning Effective Written Advocacy
May 1, 2009
Ontario Bar Association

Article
Limiting the Search and Seizure Powers of Combines Investigators: The Southam Decision and its Aftermath
Dec 31, 1985
Canadian Business Law Journal, Vol. 55

Article
Developments in Canadian Combines Legislation and Enforcement, co-author
Feb 28, 1986
Section of International Law and Practice of the American Bar Association

Article
Structural Rationalization: An Analysis of The Specialization Agreement, Merger and Pre-Merger Notification Provisions of Bill C-91, co-author
Dec 31, 1986
Insight Educational Services Limited

Article
Proxy Contests in an Era of Enhanced Shareholder Activism
Apr 2, 2014
Osgoode Professional Development

Article
Putting the New Tribunal Rules to the Test: Lessons from the Canada Pipe Proceedings
Dec 31, 2005
Canada Competition Record

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Article
Private Competition Litigation in Canada: Private Rights of Action in Canada
Jul 28, 2010

Article
Hercules Management Ltd. v. Ernst & Young **Narrowing the Scope of Auditors' Liability**
Dec 31, 1997
Credit and Banking Litigation Quarterly, Vol. 4, No. 3

Article
Oral Examinations for Discovery Under The Rules of Civil Procedure
Jun 30, 1984
Insight Educational Services Limited

Article
An Overview of the Courts of Justice Act, 1984 and The Rules of Civil Procedure, co-author
Jan 31, 1985
Osler, Hoskin & Harcourt

Article
Class Action First in Canada: Contested Price-Fixing Class Action Including Indirect Purchasers Certified for First Time by a Canadian Court
Oct 7, 2009

Article
Corporate Liability for the Toxic Tort
Apr 30, 1986
Corporate Structure, Finance and Operations, Vol. 4

Article
Competition Tribunal to Reconsider Loyalty Rebate Case
Jun 28, 2006

Article
Classification of Creditors under the CCAA - Excessive Fragmentation of Classes
Jul 31, 1993
Credit and Banking Litigation Quarterly, Inaugural Issue

Speaking Engagement
American Bar Association, Business Law Fall Meeting, "The BCE Litigation: Principles of Corporate Law Reaffirmed"; Washington, D.C.
Nov 22, 2008

Speaking Engagement
Osgoode Professional Development, Current Issues in Corporate Litigation Program, "Effective and Expeditious Dispute Resolution: The Use of Arbitration Clauses in Commercial Agreements"
Apr 1, 2002

Speaking Engagement
2015 Northwind Class Actions Invitational Forum, "Developing Issues in Class Action Litigation"; Cambridge, ON

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Jun 11, 2015

Speaking Engagement
Conference Board of Canada, Mergers and Acquisitions: New Threats and Opportunities Conference, "Lessons from Sears: The Fundamental Importance of Fairness"
Jan 18, 2007

Speaking Engagement
The Advocates' Society, Class Actions Advocacy Symposium, "Taking it to Trial: Top Practical Advocacy Tips"; Toronto, ON
Mar 3, 2016

Speaking Engagement
The Advocates' Society, Civil Litigation Skills Certificate Program: Trial from A to Z, "Successful Use of Cross-Examination: When, Why and How"; Toronto, ON
Apr 3, 2012

Speaking Engagement
The Advocates' Society, "Electronic Trials and Arbitrations"; Toronto, ON
Apr 9, 2018

Speaking Engagement
The Law Society of Upper Canada, Special Lectures 2004: Corporate & Commercial Law, "When the Going Gets Tough: Emerging Trends in Securities Litigation"; Toronto, ON
Apr 1, 2004

Speaking Engagement
New York State Bar Association, conference, "Selected Issues in the American and Canadian Law of Expert Witnesses"
May 1, 2000

Speaking Engagement
30th Annual Securities Law Practitioners' Conference, "The Role of the Business Judgment Rule in Securities Litigation"; Cambridge, ON
Feb 18, 2010

Speaking Engagement
Osgoode Professional Development Program, Mergers and Acquisitions Course, "Proxy Contests in an Era of Enhanced Shareholder Activism"; Toronto, ON
Apr 2, 2014

Speaking Engagement
Queen's University, Faculty of Law, "The Future of Corporate Litigation"; Kingston, ON
Feb 4, 2019

Speaking Engagement
Osgoode Professional Development, M&A Skills Boot Camp, "Corporate Governance and Regulatory Issues"; Toronto, ON
Apr 28, 2010

Speaking Engagement

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Co-Chair, The Advocates' Society, "Examining and Cross-examining Experts: Strategic Advice for Litigators"; Toronto, ON
Apr 18, 2018

Speaking Engagement
The Canadian Institute, Third Annual National Class Actions Forum, "The Use of Arbitration Clauses as a Shield to Class Actions"; Toronto, ON
Sep 1, 2002

Speaking Engagement
Canadian Bar Association, Competition Law Annual Fall Conference, "The Certification of Proceedings Involving Antitrust Claims by Indirect Purchasers"; Ottawa, ON
Oct 1, 2002

Speaking Engagement
University of Saskatchewan Faculty of Law, "BCE Bondholder Litigation"; Saskatoon, SK
Nov 3, 2009

Speaking Engagement
The Rotman School of Management, University of Toronto, "The Changing World of Directors' Liability"; Toronto, ON
Sep 20, 2013

Speaking Engagement
Co-Chair, The Advocates' Society, Civil Litigation Skills Certificate Program, "Evidence for Litigators"; Toronto, ON
Nov 29, 2018

Speaking Engagement
National Judicial Institute, "Injunctions, Oppression and Extraordinary Remedies"; Webcast
Jan 28, 2021

Speaking Engagement
Co-Chair, The Advocates' Society, "Examining and Cross-Examining Experts"; Webcast
May 30, 2023

Speaking Engagement
Law Society of Ontario, Securities Law Update, "Securities Litigation Update"; Toronto, ON
Nov 14, 2018

Speaking Engagement
Insight, conference, "The Private Enforcement of Rights Under the *Competition Act***"; Toronto, ON**
Jun 1, 1996

Speaking Engagement
Insight, conference, "For Your Eyes Only?"
May 15, 2000

Speaking Engagement

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Lecturer and Member of the Faculty, American College of Trial Lawyers, Diversity Trial Advocacy Program; Toronto, ON
May 10, 2024

Speaking Engagement
The Law Society of Upper Canada, Securities Law Update, "Shareholder Activism"; Toronto, ON
Nov 6, 2014

Speaking Engagement
Osgoode Professional Development, Canadian Securities Law Update, "Securities Commission as an Antidote to Poison Pills: Xstrata's Bid for Falconbridge"
Jan 30, 2007

Speaking Engagement
The Advocates' Society, National Expert Witness Academy, "Recognizing Opposing Counsel's Cross-Examination Strategies and Maintaining Your Composure"; Toronto, ON
Apr 28, 2011

Speaking Engagement
Osgoode Professional Development, "Winning the Battle of Experts: Putting Your Best Case Forward – Using Evidence Effectively"; Toronto, ON
Dec 1, 2001

Speaking Engagement
Co-Chair, The Advocates' Society, Dealing With Difficult People Series, "Opposing Counsel"; Webcast
Jun 15, 2021

Speaking Engagement
Canadian Bar Association, International Commercial Arbitration Conference, "Judging from Afar? Interim Measures in International Commercial Arbitration & the Need for Reform"; Vancouver, BC
Jun 1, 2005

Speaking Engagement
The Advocates' Society, Spring Symposium 2013: Advocacy in the Real World, "Unpacking Pandora's Box: Consumer Arbitration Law After Seidel"; Toronto, ON
Apr 26, 2013

Speaking Engagement
Queen's Conference on International Business; Toronto, ON
Jan 23, 2010

Speaking Engagement
University of Toronto, Faculty of Law, "Perspectives in Class Actions in Canada"; Toronto, ON
Apr 3, 2019

Speaking Engagement
Faculty and panelist, Osgoode Professional Development, 16th National Symposium on Class Actions, "The Kings of Comity: When Should a Class

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Action Court Defer to a Case in Another Jurisdiction?"; Toronto, ON
Apr 4, 2019

Speaking Engagement
Canadian Bar Association, Competition Law Annual Fall Conference, "The Certification of Class Proceedings Involving Antitrust Claims by Indirect Purchasers"
Sep 1, 2001

Speaking Engagement
The Law Society of Upper Canada, symposium, "The Commercial Arbitration: It's What You Make of It"
Mar 1, 1998

Speaking Engagement
Canadian Corporate Counsel Association, Spring Seminar, "A Moveable Feast: Recent Developments in the Law Pertaining to Solicitor-Client Privilege"; Montréal, QC
Apr 1, 1994

Speaking Engagement
Atlas Information (Canada), Competition Law Issues in Difficult Times Conference, "Litigating Abuse of Dominance Cases After Bill C-23"
Nov 1, 2002

Speaking Engagement
Ontario Bar Association, Shareholder Disputes Conference, "The Judge Said I was Personally Liable – BUTT I am Director! Keeping One Step Ahead: The Latest in Shareholder Disputes and Remedies"; Toronto, ON
May 1, 2003

Speaking Engagement
2015 Competition Law Spring Forum, "Competition Class Actions and Criminal Cartel Enforcement – The Road Ahead"; Toronto, ON
Jun 9, 2015

Speaking Engagement
The Law Society of Upper Canada, 17th Biennial National Conference: New Developments in Communications Law and Policy, "Canada's Anti-Spam Law and Its Implications for Businesses and The Law That Governs Them: Some Constitutional Concerns, Unanswered Questions and Practical Issues"; Ottawa, ON
May 1, 2014

Speaking Engagement
Canadian Competition Policy Record Symposium, "The Investigative Provisions of the Competition Act: An Analysis"
Sep 1, 1986

Speaking Engagement
The Canadian Institute, Third Annual Corporate Counsel Symposium, "A Time of Change: Recent Developments in Canadian Competition Law" (1991) 23 Ottawa Law Review 373
Jan 31, 1991

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Speaking Engagement
Insight, conference, "Advertising: You and Your Competitor - Comparative Advertising and Recent Amendments to the *Competition Act***"**
Oct 1, 1999

Speaking Engagement
Faculty, The Advocates' Society and the American College of Trial Lawyers, Spring Symposium 2019, "Demonstration & Discussion: What Category of Expert Is Your Opponent Calling And Why Does It Matter?"; Toronto, ON
Apr 24, 2019

Speaking Engagement
Osgoode Professional Development, M&A Skills Boot Camp, "Corporate Governance and Regulatory Update"; Toronto, ON
Apr 10, 2012

Speaking Engagement
Canadian Bar Association, 2007 Annual Fall Conference on Competition Law, "Reviewable Matters and Private Enforcement: A Two-Year Review"; Ottawa, ON
Oct 11, 2007

Speaking Engagement
Panelist, The Advocates' Society, Trial Advocacy in Action: The Rosenberg Spy Case, "The Art of Cross-Examination"; Toronto, ON
Sep 10, 2019

Speaking Engagement
The Canadian Institute, conference, "Wholesale Travel: The Availability of the Due Diligence Defence in a Misleading Advertising Prosecution"
May 1, 1994

Speaking Engagement
Moderator and Panelist, The Advocates' Society and The American College of Trial Lawyers Program, "Trial Advocacy in Action: Al Capone and the St. Valentine's Day Massacre"; Toronto, ON
Apr 19, 2024

Speaking Engagement
The Advocates' Society, Fall Convention, "Communications with Testifying Witnesses"; Mayan Riviera, Mexico
Nov 8, 2024

Speaking Engagement
Moderator, Ontario Securities Commission, Embracing Change Conference, "Retooling Enforcement Strategies for Changing Times" Panel Discussion (with the Director of Enforcement of the OSC, the Co-Director of the Division of Enforcement of the U.S. Securities & Exchange Commission, the Senior Director of Market Regulation Technology of FINRA and the Executive Director of the Enforcement Department of the Monetary Authority of Singapore); Toronto, ON
Oct 12, 2017

Speaking Engagement
The Advocates' Society, Civil Litigation Skills Certificate Program: Trial from A

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

to Z Program, “Preparing and Leading Expert Evidence”; Toronto, ON
Feb 25, 2016

Speaking Engagement
American College of Trial Lawyers and The Advocates' Society, joint meeting, “The Bermuda Triangle of Litigation: Missing Documents and the Tort of Spoliation”
May 2, 2008

Speaking Engagement
The Advocates’ Society, Civil Litigation Skills Certificate Program, “Summary Judgment Motions”; Toronto, ON
May 25, 2018

Speaking Engagement
The Law Society of Upper Canada, Commercial Litigation Conference, “The Oppression Remedy and the Duty to Maximize Shareholder Value”
Apr 28, 2006

Speaking Engagement
The Law Society of Upper Canada, conference, “Conduct of Commercial Arbitrations”
Oct 1, 2001

Speaking Engagement
The Law Society of Upper Canada, conference, “The Certification of Proceedings Involving Antitrust Claims by Indirect Purchasers”
Oct 15, 2001

Speaking Engagement
Osgoode Professional Development, Corporate Insolvency and Restructuring Advanced Program, “The BCE Litigation: Principles of Corporate Law Reaffirmed”; Toronto, ON
Dec 11, 2008

Speaking Engagement
The Law Society of Upper Canada, Twelve-Minute Civil Litigator Conference, “Three Surprises at Trial and How to Deal with Them”; Toronto, ON
Sep 15, 2016

Speaking Engagement
The Law Society of Upper Canada, Securities Law Practitioner’s Conference, “Litigation Update”; Cambridge, ON
Feb 20, 2015

Speaking Engagement
Law Society of Ontario, Class Actions Update, “Recent Trends in Class Certification and Common Issues Trials”; Toronto, ON
Nov 8, 2018

Speaking Engagement
Osgoode Professional Development, Corporate Insolvency & Restructuring Program, “Shareholders’ Rights and Directors’ Duties in a Restructuring Environment”; Toronto, ON
Nov 19, 2009

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Speaking Engagement
The Institute of Corporate Directors and the Rotman School of Management, University of Toronto, meeting, "Risk and the Unforeseen Events on the BCE Litigation"; Toronto, ON
Jun 25, 2008

Speaking Engagement
Canadian Bar Association, Living with the Competition Act in the 1990s seminar, "The Constitutional Validity of the Investigative Provisions of the Competition Act: The Implications of Thomson Newspapers"; Vancouver, BC
Sep 1, 1993

Speaking Engagement
The Canadian Institute, conference, "The Aftermath of Thomson Newspapers: Compelled Testimony Under the *Competition Act***"**
May 1, 1996

Speaking Engagement
The Canadian Institute, Second Annual Competition Law & Competitive Business Practices Conference, "Commercial Equality: The Law of Price Discrimination in Canada"
May 1, 1991

Speaking Engagement
Insight, conference, "Defending Allegations of Misleading or Deceptive Advertising"
Apr 1, 1998

Speaking Engagement
Panelist, Canadian Bar Association, Spring Conference on Competition Law, "Mergers in a Dangerous Time: Litigating Deals"; Toronto, ON
Apr 27, 2023

Speaking Engagement
Insight, Intellectual Property in Commercial Transactions Seminar, "Competition Laws and Restrictions on Exploitation"
Nov 1, 1992

Speaking Engagement
The Advocates' Society, 2009 Fall Convention, "Securities Fraud: How to Beat the Rap"; Grand Cayman, Cayman Islands
Nov 13, 2009

Speaking Engagement
The Canadian Institute, conference, "Defending Investigations Of Alleged Misleading Or Deceptive Advertising"
Jun 1, 1997

Speaking Engagement
Canadian Bar Association, National Competition Law Section, conference, "A Measure of Avoidance: The Design and Implementation of Competition Law Compliance Programs"
Sep 1, 1995

Speaking Engagement

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Osgoode Professional Development, Advising the Public Company Board of Directors Program, "The Role of the Business Judgment Rule in Securities Litigation"; Toronto, ON
Feb 19, 2010

Speaking Engagement
The Canadian Institute, Litigating Class Proceedings Conference, "Who Pays the Piper? Costs Awards in Class Proceedings"
Sep 1, 2003

Speaking Engagement
Co-Chair, The Advocates' Society, Civil Litigation Skills Certificate Program, "Evidence for Litigators"; Toronto, ON
Oct 16, 2019

Speaking Engagement
Co-Chair, The Advocates' Society, "Dealing With Difficult Counsel"; Webcast
May 9, 2023

Speaking Engagement
Insight, Advanced Mergers & Acquisitions: Leading Players, Leading Deals Conference, "The BCE Litigation: Principles of Corporate Law Reaffirmed"; Calgary, AB
Dec 2, 2008

Speaking Engagement
Insight, conference, "Advertising Regulated Products Under the *Food and Drugs Act***"**
Feb 1, 2001

Speaking Engagement
Conference Board of Canada, Class Actions Conference, "Establishing a Reasonable Alternative to a Class Action"
Oct 3, 2007

Speaking Engagement
Co-Chair, The Advocates' Society, Dealing With Difficult People Series, "The Difficult Client"; Webcast
Sep 24, 2021

Speaking Engagement
The Rotman School of Management, University of Toronto, "Directors Liability: Recent Developments in an Ever-Changing Area of the Law"; Toronto, ON
Mar 7, 2009

Speaking Engagement
International Bar Association, conference, "Arbitration in a Canadian Antitrust Setting"; San Francisco, CA
Sep 15, 2003

Speaking Engagement
Faculty, The Advocates' Society, Alternative Dispute Resolution Skills Certificate, "ADR Advocacy: Advanced Techniques"; Toronto, ON
Dec 11, 2018

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Speaking Engagement
Co-Chair, The Advocates' Society, "Dealing With Difficult Counsel"; Webcast
Nov 28, 2024

Speaking Engagement
Osgoode Professional Development, "Corporate Governance and Regulatory Issues"; Toronto, ON
Apr 12, 2011

Speaking Engagement
Northwinds Professional Institute, 2005 Competition Law and Policy Forum, "Dual Tracking: Do the Railroad Tracks Lead to the Brink of a Cliff?"
May 1, 2005

Speaking Engagement
Faculty member, The Advocates' Society, 2012 National Expert Witness Academy; Toronto, ON
Apr 26, 2012

Speaking Engagement
Institute of Corporate Directors and Rotman School of Management, University of Toronto, "The Changing World of Director Liability"; Webcast
Mar 21, 2021

Speaking Engagement
Insight, Advanced Mergers & Acquisitions: Leading Players – Innovative Strategies Conference, "BCE Bondholder Litigation: Corporate Governance Implications"
May 5, 2009

Speaking Engagement
The Canadian Institute, Fraudulent Insurance Claims Symposium, "Fraudulent Insurance Claims: A Survey of Legal Issues"
Sep 1, 1991

Speaking Engagement
Osgoode Professional Development, Third Annual Managing Internal and Regulatory Investigations, "Managing the Multi-Jurisdictional Investigation: Special Challenges"; Toronto, ON
Apr 20, 2009

Speaking Engagement
Canadian Bar Association, Brown Bag Program for Young Lawyers in Competition Law Appeals; Ottawa, ON
Feb 19, 2014

Speaking Engagement
The Canadian Institute, conference, "Recent Developments in Enforcement Initiatives Pertaining to the *Competition Act***"**
Jun 1, 1994

Speaking Engagement
Canadian Bar Association, Competition Section Conference, "Internal Investigations and Solicitor-Client Privilege: Yours, Mine or Ours?"
Sep 1, 1998

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Speaking Engagement
Osgoode Professional Development, Litigating Commercial Conference, "Proving Damages: Lost Profits & Value"; Toronto, ON
Jun 10, 2008

Speaking Engagement
Western Law, "High Stakes Litigation and the Importance of Civility: The Chatr Trial"; London, ON
Nov 12, 2015

Speaking Engagement
Ontario Bar Association, Threats and Opportunities: Litigating Under the OBCA/CBCA Conference, "The Oppression Remedy and the Duty to Maximize Shareholder Value"
May 1, 2006

Speaking Engagement
Co-Chair, The Advocates' Society, Dealing With Difficult People Series, "The Difficult Witness"; Webcast
Oct 19, 2021

Speaking Engagement
Osgoode Professional Development, conference, "Public Interest in Securities Adjudication: Past, Present and Future"; Toronto, ON
Feb 4, 2015

Speaking Engagement
Osgoode Professional Development, Regulatory Investigations Program, "Enhanced Information Gathering in the Post-Enron Era: Issues for In-House and Outside Corporate Counsel"
Jun 13, 2005

Speaking Engagement
Osgoode Professional Development, M&A Skills Boot Camp, "Corporate Governance Matters and Regulatory Update"; Toronto, ON
Apr 1, 2015

Speaking Engagement
Art Gallery of Ontario, "The Perils of International Disputes – Lessons Learned from the Lawsuit Against Chevron in Ecuador"; Toronto, ON
May 2, 2011

Speaking Engagement
The Canadian Institute, 7th Annual National Forum on Litigating Class Actions, "The Impact of *Currie v. McDonald's* **on Defence Counsel in Class Proceedings"; Toronto, ON**
Sep 26, 2006

Speaking Engagement
Insight, seminar conference, "Drumming Up Business: Class Counsel and the Ethics of Giving Notice"; Toronto, ON
Jan 31, 2002

Speaking Engagement
Ontario Bar Association, Ethics and Immigration Conference, "Ethics and

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Immigration: Tips and Traps"; Toronto, ON
Jun 8, 2011

Speaking Engagement
The Advocates' Society, Arbitration Conference, "Ethical Challenges in Arbitration Advocacy"; Toronto, ON
Mar 27, 2012

Speaking Engagement
Osgoode Professional Development, Recent Developments in Corporate Litigation Program, "Judicial Intervention in Commercial Arbitrations"
Jun 1, 2004

Speaking Engagement
The American College of Trial Lawyers and The Advocates' Society, Joint Symposium, "Shareholder Activism"; Toronto, ON
May 2, 2014

Speaking Engagement
Panelist, Osgoode Hall Law School, 17th Annual National Symposium on Class Actions, "The Great Debate: Unsung Heroes – What is the Most Underrated Class Action Case?"; Webcast
Apr 22, 2021

Speaking Engagement
Insight, Educational Services Seminar, "Misleading Advertising: Legislative and Judicial Attempts to Strike the Appropriate Balance"
Sep 1, 1989

Speaking Engagement
The Advocates' Society, conference, "Practice Management Essentials: Managing Your Way to Trial Success – Practice Management at Trial – What You Need to Know"; Toronto, ON
May 23, 2014

Speaking Engagement
Co-Chair, The Advocates' Society, "Dealing With Difficult Counsel"; Webcast
Jun 7, 2022

Speaking Engagement
Osgoode Professional Development, Litigating Commercial Disputes Program, "Proving (or Disproving) Damages: Implied Undertaking and Inadvertent Disclosure"; Toronto, ON
Jun 16, 2010

Speaking Engagement
The Advocates' Society, annual conference, "Cyberlibel: The Litigation Challenges Associated with Defamation on the Internet"; Cancun, Mexico
Nov 1, 2003

Insights

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

Lexpert Recognizes Davies' Health Sciences Expertise

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Jul 8, 2026

Lexpert Recognizes Davies' Technology Expertise
Jun 5, 2026

Benchmark Litigation Recognizes Davies
Apr 30, 2026

Lexpert Affirms Davies' Position as a Leading Firm
Mar 17, 2026

Matthew Milne-Smith Named Fellow of the American College of Trial Lawyers
Mar 3, 2026

Lexpert 500 Guide Recognizes Davies
Jan 14, 2026

Lexpert Recognizes Davies' Excellence in Litigation
Nov 20, 2025

Lexpert Special Edition Recognizes Davies' Expertise in Technology
Jun 4, 2025

Benchmark Litigation Recognizes Davies
May 1, 2025

Capital Markets Tribunal Establishes New Framework for Evaluating Poison Pills
Nov 21, 2024

Kent Thomson Inducted as Fellow of the American Bar Foundation
Oct 11, 2022

Davies Recognized in *Lexpert Special Edition: Litigation*
Nov 29, 2021

Davies Litigators Achieve Top Ranking in*Benchmark Canada* 2021
Apr 28, 2021

Davies Achieves Highest Percentage of Band 1 Lawyer Rankings in *Chambers Global 2021*
Feb 18, 2021

The (Not So) Long Arm of the OSC: Commission Declines Jurisdiction in Public Interest Dispute
Jun 7, 2019

Ontario Court Applies Regulated Conduct Defence on Summary Motion to Dismiss Class Action Alleging Market Allocation Conspiracy
Mar 23, 2018

Education

Queen's University, LLB, 1982
Queen's University, BA (with Distinction), 1979

Bar Admissions

Ontario, 1984
Alberta

DAVIES

Kent E. Thomson
Partner

Office
Toronto

Tel
416.863.5566

Email
kentthomson@dwpv.com

Community Involvement

American College of Trial Lawyers, former Vice-Chair of the General Committee on Judicial Independence; former Vice-Chair and Chair of the Judiciary Committee; Vice Chair and Chair of the Special Problems in the Administration of Justice Committee for Canada; Member of the Ontario Province Committee; Member of the American College Task Force on Judicial Independence; Principal author of the Report of the American College entitled “Working Smarter But Not Harder in Canada: The Development of a Unified Approach to Case Management in Civil Litigation” (2016)
Member of Chief Justice Strathy’s Task Force concerning improvements to case management in civil cases in Ontario
Queen’s University Faculty of Law, Advisory Council, former member
The Canadian Institute, *Commercial & Business Litigation Review*, Associate Editor
Various community, school-related and charitable activities
Coach of numerous children’s hockey, soccer and baseball teams

Teaching Engagements

Kent has been asked to deliver presentations on a wide variety of litigation-related topics, including in Canada, the United States, Mexico and the Cayman Islands. He has taught trial and appellate advocacy programs in Canada and the United States, and appeared as a guest lecturer at Queen’s University, York University, the University of Toronto and the University of Western Ontario.

Board Memberships

The Advocates’ Society, former Director

Professional Affiliations

American Bar Foundation, Fellow
American College of Trial Lawyers, Fellow
International Society of Barristers, Fellow
International Academy of Trial Lawyers, Fellow
The Commercial Bar Association (COMBAR), Honorary Overseas Member