

KENT E. THOMSON

Davies Ward Phillips & Vineberg LLP
155 Wellington Street West
Toronto, ON M5X 1C7

Telephone: (416) 863-5566

Fax: (416) 863-0871

E-mail: kentthomson@dwpv.com

EXPERIENCE

Kent Thomson is a Fellow of The American College of Trial Lawyers and is the Head of the firm's Litigation Department in Toronto. He practises complex and "high stakes" litigation involving a wide range of areas including commercial disputes, securities cases, environmental matters, competition law, constitutional challenges, product liability and class actions. He has appeared on many occasions at all levels of court in Ontario, including the Superior Court of Justice, the Ontario Court of Appeal and the Supreme Court of Canada. He has also appeared on many occasions before Tribunals such as the Ontario Securities Commission, as well as in the Federal Court of Canada and before the courts of other Provinces, such as British Columbia, Manitoba, Nova Scotia, Quebec and Saskatchewan. Kent has acted as counsel in a number of leading cases, including cases decided by provincial Courts of Appeal, the Federal Court of Appeal and the Supreme Court of Canada in the fields of libel law, tax law, environmental law, constitutional law, arbitrations, oppression, athletic injuries, competition law, class actions and commercial disputes.

Kent has also represented numerous parties in complex domestic and international arbitrations conducted pursuant to the applicable Rules of the American Arbitration Association, the I.C.C., C.P.R., the London Court of International Arbitration and UNCITRAL in a number of provinces in Canada, as well as throughout the United States and in Europe.

Kent is recognized as one of Canada's leading counsel in the areas of corporate and commercial, tax, defamation, securities, class action and competition litigation by a number of different directories, including *The Canadian Who's Who Legal: Commercial Litigation*, *The International Who's Who of Commercial Litigators*, Chambers Global's *The World's Leading Lawyers* in both the competition/antitrust and dispute resolution categories, in the competition/anti-trust area of *PLC Which Lawyer?* 2007, Expert

Guide's *List of the World's Leading Competition & Antitrust Lawyers*, *The Best Lawyers In Canada* (in the specialties of Bet-the-Company Litigation, Class Action Litigation, Competition/Antitrust Law, Corporate and Commercial Litigation and Securities Law), *Empire Who's Who*, *The International Who's Who of Competition Lawyers*, *Who's Who of Competition Lawyers and Economists* and *Global Counsel 3000*. He has been named as a fellow of the International Academy of Trial Lawyers and of the Litigation Counsel of America. Chambers Global's *The World's Leading Lawyers for Business 2007* cited one client as commenting that Kent is "a brilliant pleader – he is extremely smart, creative and aggressive, works really hard, thinks strategically, is very thorough and understands that in litigation it is critical to keep control of the facts and the process." He has been named by LEXPERT as one of Canada's top 50 counsel in the areas of international corporate commercial, class action and securities litigation and one of Canada's top 10 counsel in the area of international competition litigation. Kent has been featured repeatedly in the LEXPERT/*American Lawyer Guide to the Leading 500 Lawyers in Canada*. He has received Martindale-Hubbell's highest rating, which recognizes pre-eminent legal ability, expertise, experience, integrity and overall professional excellence. He has been named Canada's Competition Litigator of the Year by Benchmark in 2013. He has been recognized in Chambers Global: *The World's Leading Lawyers for Business* as a Band 1 litigator in Dispute Resolution and as a leading litigator in Dispute Resolution: Class Actions and Competition.

Kent is a frequent participant as a teacher in trial advocacy programs in Canada and in the United States. He has lectured on competition and litigation issues at Queen's and York Universities as well as at the University of Toronto and the University of Western Ontario and has delivered a wide variety of papers on litigation related issues. He is a member of the Board of Directors of The Advocate's Society. He is a former member of the Dean's Council, an Advisory Board to the Faculty of Law at Queen's University, a Co-Editor of the *Corporate Litigation Journal* and Chair of the Judiciary Committee of the American College of Trial Lawyers. He is also a member of the International Academy of Trial Lawyers.

Kent obtained a B.A. from Queen's University in 1979 (with Distinction) and an LL.B. from Queen's University in 1982.

PAST AND CURRENT CASES

- ***Abitibi-Consolidated Inc. v. Commissioner of Competition et al.*, [2002] C.C.T.D. No. 39**

Mr. Thomson acted for Abitibi in this case concerning, among other things, the arbitrability of disputes arising with the Commissioner of Competition in respect of contested merger proceedings. This is one of only a very few cases that concerns efforts to enforce arbitration provisions against public officials, in this case against the Commissioner of Competition.

- ***Abbott Laboratories et al v. The Minister of Health and Ratiopharm Inc.* (2006), 46 C.P.R. (4th) 324**

Mr. Thomson has acted as counsel to Goodmans LLP in defending motions to disqualify two law firms as well as one of the world's leading scientific experts (in the field of polymorphism) from participating in a complex patent infringement proceeding. This appears to be the first case argued in the Federal Court of Canada concerning the applicability of the Supreme Court of Canada's decision concerning conflicts in the *Martin Estate* case to independent expert witnesses.

- ***Addison Chevrolet Buick GMC Limited v. General Motors of Canada Limited et al***

Mr. Thomson acts for General Motors of Canada in defending claim asserted against it in the Ontario Superior Court for approximately \$400 million by approximately twenty Dealers in the Toronto area arising from changing market conditions in the period following the restructuring of GMCL in 2009.

- ***Agricore United v. Commissioner of Competition -- cited as Canada (Commissioner of Competition) v. United Grain Growers*, [2002] C.C.T.D. No. 7; [2002] C.C.T.D. No. 30**

Mr. Thomson acted as counsel for Agricore United in this precedent setting merger case before the Federal Competition Tribunal in which Agricore United sought to set aside certain divestiture obligations arising from the merger of Agricore Cooperative with United Grain Growers several years ago. This is one of a small number of cases that have been brought to vacate Consent Agreements filed with the Competition Tribunal pursuant to the merger provisions of the *Competition Act*.

- ***Alcon Canada Inc. et al v. Apotex Inc.***

Mr. Thomson 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.

- ***Allarco Entertainment 2008 Inc. et al v. Rogers Communications Inc. et al, 2011 ONSC 5623 (CanLII) (S.J.C.)***

Mr. Thomson acted for Rogers Communications in successfully achieving summary judgment against Allarco Entertainment's multi-million dollar claim for breach of contract, negligence, breach of fiduciary duty and intentional interference with economic relations.

- ***Alliance Atlantis Communications Inc. v. Commissioner of Competition***

Mr. Thomson acted for Alliance Atlantis and a number of other related companies in respect of a broad-based inquiry by the Competition Bureau concerning distribution practices in the Canada motion picture industry. This matter was resolved in favour of members of the industry.

- ***Always Travel Inc. et al. v. Air Canada et al.,(2003) F.C. 1444; [2003] F.C.J. No. 288***

Mr. Thomson acted as lead counsel in this case for the defendant Delta Airlines. This was the first class action commenced under the new class action rules of the Federal Court of Canada and involved claims in excess of \$1 billion arising out of an alleged conspiracy to reduce or eliminate commissions paid to travel agents in Canada. This case was abandoned by the plaintiffs after several years of litigation.

- ***Astral Communications Inc. v. Records on Wheels, [2000] O.J. No. 1313***

Mr. Thomson acted as lead counsel for Astral Communications in obtaining an order dismissing this complex, multi-million dollar claim for delay.

- ***Barrick Gold Corporation v. Blanchard and Co., [2003] O.J. No. 5817; [2004] O.J. No. 2241***

Mr. Thomson acted as lead counsel for Barrick in this precedent-setting libel action that involved, among other things, a series of novel and important legal issues, including jurisdictional and other issues concerning defamation over the internet. This case was resolved after several years of

litigation (including a series of lengthy examinations and cross-examinations in New Orleans and Toronto) on the basis of a retraction and apology as well as the payment to Barrick of a substantial sum in damages. The precise terms of the settlement are confidential.

- ***Barrick Gold Corporation c. Les Éditions Écosociété Inc.*, 2011 QCCS 6758; 2011 QCCS 4232; 2011 QCCS 1538; 2009 QCCS 1452)**

Mr. Thomson acted for Barrick Gold Corporation in libel proceedings against Les Éditions Écosociété Inc. claiming compensatory, moral and punitive damages.

- ***Barrick Gold Corporation v. Lopehandia* (2004), 71 O.R. (3d) 416**

Mr. Thomson acted for Barrick Gold Corporation in this case which was decided in favour of Barrick by the Ontario Court of Appeal. This is now one of the leading cases in Canada (if not the world) concerning the dissemination of libellous statements over the Internet.

- ***Barrick Gold Corporation v. NovaGold Resources Inc.***

Mr. Thomson has assisted Barrick in respect of contested takeover bid litigation in Alaska and British Columbia arising from Barrick's hostile bid for NovaGold. This includes successfully resisting NovaGold's efforts to obtain a Temporary Restraining Order and Preliminary Injunction in proceedings before the Federal District Court in Anchorage, Alaska, as well as rights plan litigation before the British Columbia Securities Commission.

- ***Barton v Potash Corporation of Saskatchewan Inc.*, 2013 SKCA 141 (CanLII),**

Mr. Thomson 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 as to damages given when PCS obtained an interlocutory injunction against its former General Counsel to restrain him from breaching his fiduciary duties and duty of confidence.

- ***Bayer et al. v. Chadha et al.* (2001) 54 O.R. (3d) 520; (2003) 63 O.R. (3d) 22**

Mr. Thomson acted as co-counsel for Bayer in this case, ultimately decided in its favour by the Divisional Court of Ontario and the Ontario Court of Appeal. This is one of the leading cases in Canada concerning the certification of class actions involving anti-trust claims and concerning the power of the Courts to make significant costs awards against

representative plaintiffs in class actions.

- ***The Beaverbrook Foundation v. The Beaverbrook Art Gallery et al***

Mr. Thomson acted as lead counsel for The Beaverbrook Foundation in this complex, quasi-public arbitration concerning a dispute over the ownership of approximately \$100 million worth of art at The Beaverbrook Art Gallery in Fredericton, New Brunswick. The arbitration was heard in public, in New Brunswick, by the Honourable Peter Cory (formerly of the Supreme Court of Canada).

- ***BCE Inc. et al v. Addenda Capital Inc. et al., [2008] 3 S.C.R. 560; 43 B.L.R. (4th) 215 (Q.C.A.)***

Mr. Thomson acted as one of the lead counsel for BCE Inc. and Bell Canada in defending extensive "real time" litigation before the Courts of Quebec and in the Supreme Court of Canada arising from the takeover of BCE by a consortium of private equity buyers. The litigation concerned plan of arrangement proceedings and oppression claims brought by bondholders of Bell Canada, the operating subsidiary of BCE. This \$52 billion transaction is the largest takeover in Canadian corporate history. BCE and Bell Canada were completely successful before the Honourable Mr. Justice Silcoff of the Quebec Superior Court following a lengthy trial in Montreal. The Quebec Court of Appeal, however, reversed the trial judge's approval of BCE's plan of arrangement. In the period of approximately three weeks in late May and early June, 2008, the Supreme Court of Canada granted BCE's applications to expedite proceedings before that Court, granted BCE leave to appeal, heard BCE's appeal as well as a cross-appeal of the bondholders and decided the appeal and cross-appeal in favour of BCE. This is widely considered to be one of the most important commercial cases ever heard by the Supreme Court of Canada, and was heard and decided more rapidly than any previous commercial case in the lengthy history of that Court.

- ***Bell Canada v. Manitoba Telecom Services Inc., et al. (2004), 49 B.L.R. (3d) 17***

Mr. Thomson acted as lead counsel for Bell Canada in this complicated commercial case which involved, among other things, an attempt to enjoin a multi-billion dollar merger as well as alleged breaches by MTS of its obligations to Bell under a complex series of inter-related commercial agreements.

- ***Belsat Video Marketing Inc. v. Astral Communications Inc. (1998), 81 C.P.R. (3d) 1; (1999) 86 C.P.R. (3d) 413 (Ont. C.A.)***

Mr. Thomson acted for Astral Communications in this case, ultimately decided in Astral's favour by the Ontario Court of Appeal. Astral succeeded in obtaining summary judgment to dismiss a complicated multi-million dollar conspiracy claim that had been asserted against Astral and Disney by Belsat.

- ***The Bitove Corporation v. The Queen (1995), 47 R.P.R. (2d) 157; (1998) 19 R.P.R. (3d) 1 (Ont. C.A.)***

Mr. Thomson acted as counsel for the Bitove Corporation in this case, ultimately decided in its favour by the Ontario Court of Appeal following a lengthy trial that lasted approximately seven weeks. This is one of the leading cases in Canada concerning the application of the doctrine of "commercial absurdity" in respect of complex commercial transactions and business disputes.

- ***Bob Brown Pontiac Buick GMC Limited et al v. General Motors of Canada Limited***

Mr. Thomson acts for General Motors of Canada in defending claims asserted against it in the Ontario Superior Court of Justice for approximately \$250 million by approximately twenty Buick GMC Dealers who were retained in GMCL following the restructuring of the Company in 2009.

- ***Canadian Premier Life Insurance Company v. Sears Canada Inc. 2010 ONSC 3834 (CanLII)***

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.

- ***CIBC World Markets and Magna***

Mr. Thomson acted for CIBC World Markets, the financial advisors to the Special Committee of Magna International Inc. in connection with the elimination of its dual class share structure and the creation of a single class of equity securities by way of plan of arrangement.

- ***The Commissioner of Competition v. Canada Pipe Corporation (2004)*, 29 C.P.R. (4th) 530; 30 C.P.R. (4th) 429; 40 C.P.R. (4th) 453**

Mr. Thomson acted as lead counsel for Canada Pipe in this matter. This was a precedent setting case concerning, among other things, the constitutional validity of new Rules of the Federal Competition Tribunal governing the conduct of contested non-merger proceedings, as well as the legality in Canada of so-called "fidelity rebate schemes". This case resulted in a lengthy trial before the Competition Tribunal concerning the business practices of Canada Pipe that lasted more than seven weeks and was decided in favour of Canada Pipe.

- ***Commissioner of Competition) v Chatr Wireless Inc., 2014 ONSC 1146***

Acting for Rogers Communications in respect of the first contested misleading advertising case brought by the Commissioner of Competition under the recently amended misleading advertising provisions of the Competition Act. This case resulted in a lengthy trial in the Supreme Court of Ontario that involved, among other things, a constitutional challenge to the provisions in question, and was recently decided in favour of Rogers.

- ***Commissioner of Competition v. Visa Canada Corporation et al (2013)* 32 Nat. B.L. Rev.**

Mr. Thomson 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 applied by Visa and MasterCard are anti-competitive. This was the most significant proceeding before the Competition Tribunal in recent years, and resulted in a lengthy trial before the Tribunal.

- ***Confederation Life v. Shepherd McKenzie (1992)*, 29 R.P.R. (2d) 271; (1996) 88 O.A.C. 398 (Ont. C.A.)**

Mr. Thomson acted as co-counsel for the plaintiff in this case, decided in its favour following a lengthy trial that lasted approximately eight weeks, as well as by the Ontario Court of Appeal. This case resulted in one of the largest awards in Canadian history for professional negligence.

- ***Continental Bank of Canada v. Canada (1996)*, 96 D.T.C. 6355 (Tax Ct.); [1996] 3 F.C. 713 (Fed. CA.); [1998] 2 S.C.R. 298**

Mr. Thomson acted as co-counsel for Continental Bank of Canada in this complicated tax case that ultimately was decided in its favour by the Supreme Court of Canada following a lengthy trial in the Tax Court of

Canada and an appeal to the Federal Court of Appeal. This is now one of the leading cases in Canada concerning the proper tax treatment of complex partnership transactions.

- ***Coors Corporation v. Molson Breweries*, 889 F. Supp. 1394 (D. Colo 1995)**

Mr. Thomson acted as co-counsel for Coors in this complex commercial arbitration involving claims in the hundreds of millions of dollars. This case resulted in a three month long hearing in Toronto before a panel of arbitrators from Canada, the United States and New Zealand. The liability phase of the arbitration was decided in favour of Coors. The matter was then settled shortly before a second hearing concerning the issue of remedies was scheduled to commence. Coors received, among other things, compensation well in excess of \$100 million.

- ***In the Matter of Coventree Inc. et al Re Coventree Inc.*, 2011LNONOSC 757**

Mr. Thomson acted as lead counsel for Coventree Inc. in defending enforcement proceedings brought against Coventree by Staff of the Ontario Securities Commission following the collapse in August 2007 of the \$35 billion asset backed securities market. 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.

- ***Dine v. Biomet Inc.***

Mr. Thomson is acting for Biomet Inc. in defending class action proceedings against Biomet in the Superior Court of Ontario concerning alleged defects in its metal-on-metal hip replacements and resurfacing medical devices.

- ***Fricke v. Nevsun Resources Ltd. et al.***

Mr. Thomson 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.

- ***Greenlight Capital, Inc. v. Stronach et al* (2006), 22 B.L.R. (4th) 11; confirmed by O.R. (3d) 241**

Mr. Thomson acted as lead counsel for a subsidiary of Magna International Inc. in defending successfully a precedent-setting oppression application

brought against it before the Superior Court of Justice by Greenlight Capital Corporation and its founder, David Einhorn. Magna prevailed at trial, as well as on appeal in the Divisional Court of Ontario.

- ***Hawkeye Capital Management, LLC et al. v. Sears Holdings Corporation et al. (indexed as Sears Holdings Corp. v. Ontario Securities Commission (2006), 84 O.R. (3d) 61***

Mr. Thomson acted as lead counsel for Hawkeye Capital Management and other minority shareholders of Sears Canada Inc. in contested takeover bid litigation arising out of an insider bid launched by Sears Holdings in its efforts to take Sears Canada private. Hawkeye prevailed in a fully contested trial before the Ontario Securities Commission conducted in July, 2006. Hawkeye also prevailed in an appeal to the Divisional Court of Ontario from the Order of the Commission that effectively derailed the Insider Bid of Sears Holdings. The Ontario Court of Appeal recently dismissed an application for leave to appeal from the decision of the Divisional Court, and in November, 2006, the minority shareholders of Sears Canada voted overwhelmingly to reject efforts by Sears Holdings to take Sears Canada private.

- ***Hill v. The Church of Scientology of Toronto (1992) 7 O.R. (3d) 489; 18 O.R. (3d) 385 (Ont. C.A.); [1995] 2 S.C.R. 1130***

Mr. Thomson acted as co-counsel for the plaintiff in this case, which resulted in the largest libel award in Canadian history. The case was decided in Hill's favour following a lengthy jury trial that lasted approximately seven weeks. The jury's award was upheld by the Ontario Court of Appeal and the Supreme Court of Canada. This is now one of the leading cases in Canada concerning libel law and the right to freedom of expression guaranteed by the *Canadian Charter of Rights and Freedoms*.

- ***HudBay Minerals Inc. (Re), 2009 LNONOSC 269, 92009), 32 OSCB 3733***

Acted for Jaguar Financial Corporation, a shareholder of HudBay Minerals Inc., in its successful precedent-setting application to the OSC to force HudBay to obtain shareholder approval as a condition to HudBay's proposed \$550 million acquisition of Lundin Mining Corporation, which led to the termination of the proposed transaction and removal from office of the existing Board of Directors of HudBay.

- ***Hughes et al v. Liquor Control Board of Ontario et al***

LCBO in defending claims asserted against it by approximately \$1.5 billion in auto-trust class action proceedings pending against the LCBO, Brewers Retail Inc. and a number of major brewers in the Ontario Supreme Court.

- ***Incredible Electronics Inc. et al. v. Attorney General of Canada et al., (2006) 80 O.R. (3d) 723***

Mr. Thomson acted as counsel for a number of prominent members of the Canadian broadcasting industry in defending successfully this constitutional challenge to the federal *Radiocommunication Act*, the statute that prohibits satellite piracy in Canada. This case resulted in several months of cross-examinations as well as a number of contested hearings, and was dismissed by the Honourable Mr. Justice Blair on the eve of a six week trial. Among other things, this case has given rise to a precedent setting decision in favour of the members of the broadcasting industry concerning the circumstances in which parties who prevail in commercially driven constitutional litigation can claim costs.

- ***Inmet Mining Corporation v. Homestake Canada Inc. (2003), 24 B.C.L.R. (4th) 1***

Mr. Thomson acted as co-counsel for Homestake in this complex commercial case. He assumed carriage of an appeal to the British Columbia Court of Appeal following a lengthy trial in Vancouver that lasted more than five months. This is now one of the leading cases in Canada concerning the disclosure obligations of parties in the context of complicated commercial transactions.

- ***Irving Paper Limited et al v. Atofina Chemicals Inc. et al, 2008 CanLII 15903 (ON SC)***

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

- ***JLL Patheon Holdings v. Patheon Inc., [2009] O.J. No. 2202***

Acted for the Special Committee of Patheon Inc. in its response to a hostile bid made by JLL Partners Inc., valued at US\$600 million, including an action by Patheon for, among other things, breach of fiduciary duty, breach of confidence, breach of contract, conspiracy and oppression. This is now of the leading cases in Canada in the area of proxy solicitation.

- ***Kanitz et al. v. Rogers Cable Inc. (2002), 58 O.R. (3d) 299***

Mr. Thomson acted as lead counsel for Rogers in this precedent setting case, in which Rogers relied upon an arbitration clause in its End User Agreement with hundreds of thousands of subscribers to its high speed internet service to obtain an Order of the Ontario Superior Court perpetually staying a \$100 million class action commenced against it by disgruntled users of the service. This is one of the leading decisions in Canada concerning the unilateral amendment of standard form contracts, as well as concerning the use of arbitration clauses to stay class actions. The Government of Ontario reacted to this decision by enacting far reaching amendments to Ontario's *Consumer Protection Act* that, among other things, now preclude the enforcement in Ontario of arbitration clauses in cases of this nature.

- ***Labrador Nickle Royalty Limited Partnership v. Vale Canada Limited et al***

Mr. Thomson is acting for Vale Canada Limited in defending substantial claims asserted against it in the Superior Court of Newfoundland and Labrador in respect of a royalty agreement entered into years ago in respect of the Voisey's Bay Nickel Project.

- ***London Life v. Pilon (1996), 31 O.R. (3d) 210***

Mr. Thomson acted for London Life in this case, ultimately decided in its favour by the Ontario Court of Appeal. This is one of the leading cases in Canada concerning the jurisdiction of the courts to entertain civil claims for benefits provided for in a collective agreement.

- ***In the Matter of a Proposed Insider Bid for Mag Silver Corporation by Fresnillo plc***

Acted for MAG Silver Corp. in its successful defence of a proposed \$350 million hostile insider takeover bid by Fresnillo plc. Fresnillo plc ultimately abandoned its takeover following an adverse ruling by the OSC in MAG's application to compel Fresnillo to disclose financial information relevant to the bid.

- ***Major v. Dunlop, [1996] O.J. No. 117; [1996] O.J. No. 1139; [1998] O.J. No. 2553***

Mr. Thomson acted for Charlie Major (a prominent country & western musician) in setting aside a burdensome contract he had entered into with one of his investors. This case was decided in Major's favour both at trial and by the Ontario Court of Appeal. The trial of this matter lasted approximately four weeks. This is now one of the leading cases in Canada

concerning the enforceability of unconscionable agreements, including agreements induced by coercion.

- ***Mangw-Eina Kihengu Mangw-Eina et al v. Barrick Gold Corporation***

Mr. Thomson is acting for Barrick Gold Corporation in international tort litigation in courts in Canada, the United Kingdom and Tanzania.

- ***Mansoor Electronics Ltd. v. BCE Mobile Communications Inc. et al, [1995] F.C.J. No. 1208***

Mr. Thomson acted as lead counsel for Rogers in defending successfully this lengthy and complex predatory pricing action in the Federal Court of Canada. This case involved one of the largest predatory pricing claims in Canadian history.

- ***Merck et al v. Apotex et al – cited as Apotex Inc. v. Canada (Attorney General) (1993), 49 C.P.R. (3d) 161; [1994] 1 F.C. 742***

Mr. Thomson acted as co-counsel for the Government of Canada in this case, ultimately decided by the Supreme Court of Canada. This case concerned the issuance by the Department of Health and Welfare of Notices of Compliance in the pharmaceutical industry in the period after the legislation that provided for the issuance of these Notices to generic pharmaceutical companies was amended and repealed.

- ***Merck & Co. et al v. Nu-Pharm Inc. et al. (2007), 59 C.P.R. (4th) 414***

Mr. Thomson acted as counsel for one of the principal defendants in this complicated patent infringement proceeding in the Federal Court of Canada. This case concerned a number of novel issues, including the application of the doctrine of *res judicata* to different cases involving different parties.

- ***National Hockey League***

Mr. Thomson has acted for a number of teams in the National Hockey League in dozens of equalization and salary arbitrations conducted pursuant to the League's by-laws and under the Collective Bargaining Agreement between the League and the National Hockey League Players' Association.

- ***Nunavut Iron Ore Acquisitions 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 an unsolicited takeover bid for Baffinland Iron Mines Corporation ,and its subsequent successful joint bid with ArcelorMittal in a transaction valued at \$590 million.

- ***Ontario Securities Commission, v. Melnyk (2007), 30 OSCB 5253***

Mr. Thomson acted as lead counsel for Eugene Melnyk, the founder of Biovail Corporation and the owner of The Ottawa Senators, in relation to a number of matters and proceedings before the Ontario Securities Commission as well as parallel proceedings in New York involving the Securities and Exchange Commission. This case resulted in a lengthy trial before the OSC, following which many of the allegations made against Mr. Melnyk were dismissed.

- ***Opitz v. Wrzesnewskyj, 2012 SCC 55***

Acted for Conservative Member of Parliament Ted Opitz in a successful appeal to the Supreme Court of Canada from a decision of the Ontario Superior Court of Appeal overturning the results of the most recent 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.

- ***The Oshawa Group et al. v. The Queen (1991), 2 O.R. (3d) 65 (C.A.)***

Mr. Thomson acted as co-counsel for The Oshawa Group in this case which concerned a broad-based constitutional challenge to the *Retail Business Holidays Act*, the provincial statute that required retail stores and other businesses to close on Sundays in Ontario. The statute was declared to be constitutionally invalid following a lengthy trial that lasted several weeks. Although the trial decision ultimately was reversed by the Ontario Court of Appeal, the Ontario Legislature eventually repealed the Act, at least in part because of the impact of the trial decision in permitting Sunday shopping in Ontario for the first time.

- ***Pangea Inc. et al v. Ashanti Goldfields et al***

Mr. Thomson acted as lead counsel to Pangea in this complex commercial arbitration conducted pursuant to the applicable Rules of the International Chamber of Commerce. The arbitration involved lay and expert witnesses from around the world including Africa, Australia, Europe and Canada and was tried in Paris and Geneva. Pangea prevailed, and the decision of the Arbitral Tribunal was not challenged.

- ***Pioneer Metals Corporation v. NovaGold Resources Inc.***

Mr. Thomson acted for Pioneer in contested proceedings before the Supreme Court of British Columbia concerning the development by NovaGold of a large gold and copper mine on the so-called "Galore Creek" site in northern British Columbia.

- ***Potash Corporation of Saskatchewan Inc. v. Mosaic Potash Esterhazy Limited Partnership, [2010] 12 W.W.R. 491***

Mr. Thomson acted as lead counsel for Potash Corporation in proceedings 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 numerous interlocutory motions and appeals, including in the Saskatchewan Court of Appeal. The case was settled shortly before the commencement of a lengthy trial in Saskatoon, on terms satisfactory to Potash Corporation.

- ***Quebecor Inc. v. Osprey Media Income Fund, [2007] O.J. No. 3070; 2007 CarswellOnt 6538***

Mr. Thomson acted as lead counsel for Osprey in this contested takeover bid litigation. Quebecor sought to use the terms of a Support Agreement to preclude Osprey from considering or accepting a higher takeover bid than one Quebecor had previously made to acquire all of the outstanding Units of this publicly traded Income Fund. Osprey prevailed in contested proceedings before Mr. Justice Colin Campbell of the Ontario Superior Court of Justice in July, 2007.

- ***The Queen v. MICC (1993), 3 O.T.C. 23; (1995) 3 O.T.C. 30***

Mr. Thomson acted for MICC in this case in defending successfully a series of environmental claims asserted against it and others arising from the appointment by the Superior Court of a Receiver to administer and operate a landfill site in Ontario. The case gave rise to numerous contested hearings in the Commercial List of the Superior Court of Ontario.

- ***The Queen v. Moore Corporation et al***

Mr. Thomson acted as co-counsel for Moore Corporation in defending complex bid-rigging and conspiracy prosecutions commenced against it (and others) in Saskatchewan and Nova Scotia. The case was resolved following a lengthy preliminary inquiry in Saskatchewan that lasted more than six weeks.

- ***The Queen v. Unisource Canada Inc.* , [2004] Fed. Ct. Trial LEXIS 126; 2004 F.C. 95**

Mr. Thomson acted as lead counsel for Unisource in this complicated conspiracy case. This case resulted in important decisions of the Federal Court of Canada concerning the right of parties named in search warrants issued under the *Competition Act* to gain access to the affidavits relied upon to obtain those warrants, concerning the right to cross-examine on those affidavits and concerning the circumstances in which search warrants should be quashed after they have been executed.

- ***R. v. Must de Cartier Canada Inc.* (1989), 29 C.P.R. (3d) 37**

Mr. Thomson acted as co-counsel for Cartier in defending successfully price fixing charges brought against it by the Crown. The case was dismissed following a lengthy preliminary inquiry and trial. That trial lasted several weeks.

- ***R. v. Shell Canada Products Ltd.* (1989), 25 C.P.R. (3d) 101; (1990) 75 C.R. (3d) 365 (Man. C.A.)**

Mr. Thomson acted as co-counsel for Shell Canada in this matter which concerned allegations of collusion and price maintenance. This case was decided by the Manitoba Court of Appeal following a lengthy preliminary inquiry and trial. The trial lasted several weeks.

- ***Re Broadcasting Regulatory Policy CRTC 2010-167 and Broadcasting Order CRTC 2010-168*, 2012 SCC 68**

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 permitted the CRTC to implement a so-called "value for signal" regime in Canada. If that regime had been implemented, it would have had a transformative impact on television broadcasting in Canada. The case involved the intersection of Canadian copyright and broadcasting laws.

- ***In The Matter Of Research In Motion Limited, James Balsillie, Mike Lazaridis, Dennis Kavelman, Angelo Loberto, Kendall Cork, Douglas Wright, James Estill and Douglas Fregin***

Acted as counsel to the Chairman and the Enforcement Branch of the Ontario Securities Commission in connection with enforcement proceedings arising from stock option backdating by Research in Motion. This case resulted in the imposition of some of the most severe sanctions ever levied in enforcement proceedings of this nature in Canada.

- ***Rogers Communications Inc. v. Maclean Hunter et al. (1994), 2 C.C.L.S. 233***

Mr. Thomson acted as co-counsel for Rogers in this contested "takeover bid" case. Rogers ultimately succeeded in its efforts to acquire Maclean Hunter.

- ***Rogers Wireless Inc. et al ats Frey et al, [2008] S.J. No. 105***

Mr. Thomson is acting as lead counsel in this matter for a number of Rogers and Microcell related parties. They have been named as defendants in numerous class actions stretching from one end of Canada to the next. These class actions involve multi-billion dollar claims pertaining to so-called "system access fees" charged by these and other telecommunication companies. This case has resulted in a number of contested hearings in, among other places, Regina, Saskatchewan before Chief Justice Gerein, who recently granted an Order staying these proceedings against Rogers and Microcell based upon arbitration clauses in their End User Agreements.

- ***Rogers Communications Inc.***

Mr. Thomson acts for Rogers Communications Inc. in connection with numerous multi-billion dollar class action proceedings against Canada to recover "system access fees" and "911 fees" charged to consumers by Canadian wireless service providers in the period since 1987. These include some of the largest class actions in Canada history, and have given rise to numerous trial level and appellate proceedings in various provinces in Canada including, Saskatchewan, Manitoba, Quebec, Nova Scotia, Alberta and British Columbia.

- ***In the Matter of Sears Canada Inc. et al and In the Matter of Hawkeye Capital Management LLC et al***

Mr. Thomson acted for Pershing Square Capital Management, L.P. and other financial investors in Sears Canada Inc. in connection with their successful efforts to oppose Sears Holdings Corporations, efforts to squeeze out the minority shareholders of Sears Canada, including proceedings before the Ontario Securities Commission and the Ontario courts.

- ***Sony BGM Music (Canada) Inc.***

Acted for Sony in its successful defence of a proposed national class action in based on alleged damages caused by music copy protection software contained in CDs.

- ***Sony BGM Music (Canada) Inc.***

Acted for SONY BGM in connection with investigations by a number of prosecuting authorities in the United States, and parallel class actions in the U.S. and Canada relating to allegations that Sony had included illegal "spyware" in electronic products it had manufactured and sold.

- ***St. Andrew Goldfields v. Newmont Canada et al [2011] O.J. No. 2147***

Acted for Barrick Gold Corporation in successfully defending at trial claims asserted by Newmont Mining Corporation and St. Andrews Goldfields Ltd. against Barrick in respect to royalty and other agreements entered into in conjunction with the sale of a sizeable operating mine in Northern Ontario.

- ***Taylor et al v. London Guarantee Insurance Company et al, [2000] O.J. No. 1430***

Mr. Thomson acted as counsel for Great West Life in defending successfully this complex oppression claim in which the complainants sought an order compelling the winding-up and sale by auction of one of Great West's principal subsidiaries.

- ***Thomas v. The Board of Education for the City of Hamilton (1994), 20 O.R. (3d) 598***

Mr. Thomson acted as co-counsel for the plaintiff in the appeal in this case to the Ontario Court of Appeal following a lengthy trial that lasted approximately eight weeks. This is one of the leading cases in Canada concerning liability for serious athletic injuries.

- ***The Trustees of the Drywall Acoustic Lathing and Insulation Local 675 Pension Fund v. Barrick Gold Corporation et al***

Mr. Thomson is acting for Barrick Gold Corporation and certain of its former and existing officers and directors in defence of eight multi-billion dollar class actions across four Canadian jurisdictions alleging breaches of the public disclosure requirements under the Securities Act (Ontario). There is also an ongoing parallel claim in the United States.

- ***Thomson Newspapers Inc. v. The Director of Investigation and Research et al.* (1986), 54 O.R. (2d) 143; (1986), 57 O.R. (2d) 257 (C.A.); [1990] 1 S.C.R. 425**

Mr. Thomson assisted The Thomson Corporation in this lengthy and complicated case concerning the constitutional validity of the compulsory production and oral examination provisions of the *Combines Investigation Act*. This case was decided by the Supreme Court of Canada following a lengthy constitutional hearing at the trial level and an appeal to the Ontario Court of Appeal.

- ***Trillium Motor World Ltd. v. General Motors of Canada Limited et al*, 2015 ONSC 3824, [2015] O.J. No. 3602**

Mr. Thomson 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 discontinued during the restructuring of GMCL in 2009. This case resulted in a lengthy trial in the Supreme Court of Ontario. All claims asserted against GMCL were dismissed by the trial judge. Appeals are pending before the Ontario Court of Appeal. This has been described as “one of the highest profile cases in Canadian franchise history”.

- ***Unique Broadband Wireless Inc. v. Microcell Telecommunications Inc. et al***

Mr. Thomson acted as lead counsel for Microcell in this complex commercial case that involved claims for damages in excess of \$150 million. The claims pertained to an alleged conspiracy involving a number of telecommunications companies.

- ***In The Matter Of The Application By The Special Committee Of The Vengrowth Funds***

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

- ***VitaPharm Canada Ltd. et al v. F. Hoffmann-La Roche Ltd.* (2000), 48 O.R. (3d) 21**

Mr. Thomson acted as counsel for Chinook Group in the so-called “Vitamins” conspiracy cases in Canada and the United States. This case involved complex civil and criminal litigation, including class action litigation, in both Canada and the United States. This case has now been resolved, and resulted in a number of precedent-setting decisions, including decisions

concerning consolidation and venue related issues in respect of multiple class actions arising out of the same or related matters.

- ***The Staff of the Ontario Securities Commission v. Walter and Waheed***

Mr. Thomson acted successfully for Bruce Walter, a senior Canadian mining executive, in proceedings brought by the Staff of the Ontario Securities Commission alleging insider trading and conduct contrary to the public interest in connection with the takeover bid for a public company. The matter was completely dismissed by the Ontario Securities Commission after a lengthy trial.

- ***Xstrata PLC v. Falconbridge Limited et al. (indexed as Falconbridge Ltd. (Re), 2006 LNONOSC 1005; (2006) 29 OSCB 9976***

Mr. Thomson acted as lead counsel for Xstrata in takeover bid litigation arising from Xstrata's hostile \$20 billion bid for Falconbridge. This included a contested rights plan or "poison pill" hearing before the Ontario Securities Commission in July, 2006.

- ***Zungui Haixi Corporation***

Mr. Thomson acted for a syndicate of underwriters in connection with a securities class action arising from the IPO of Zungui Haixi Corporation, a China-based issuer.

PAPERS AND PUBLICATIONS

Mr. Thomson has delivered or published a number of papers on a variety of litigation related topics including, among others, those listed below.

- "Taking it to Trial: Top Practical Advocacy Tips", speaker at the Advocates' Society symposium on Class Actions Advocacy, Toronto, March 3, 2016
- "Preparing and Leading Expert Evidence", speaker at the Advocates' Society program on Civil Litigation Skills Certificate Program, Trial from A to Z, in Toronto, February 25, 2016
- "High Stakes Litigation and the Importance of Civility: The Chatr Trial", speaker at the Faculty of Law at the University of Western Ontario, London, November 12, 2015
- "Developing Issues in Class Action Litigation": Speaker at the 2015 Northwind Class Actions Invitational Forum in Cambridge, Ontario on June 11, 2015.

- "Competition Class Actions and Criminal Cartel Enforcement – The Road Ahead": Speaker at the 2015 Competition Law Spring Forum in Toronto on June 9, 2015.
- "Corporate Governance Matters and Regulatory Update": Speaker at the Osgoode Professional Development's M&A Skills Boot Camp in Toronto on April 1, 2015.
- "Litigation Update": Speaker at Securities Law Practitioner's Conference presented by the Law Society of Upper Canada at Langdon Hall, February 20, 2015.
- "Public Interest in Securities Adjudication: Past, Present and Future". Speaker at the Osgoode Professional Development Conference in Toronto on February 4, 2015.
- "Communications with Testifying Witnesses": Speaker at The Advocates' Society Fall Convention in Mayan Riviera, Mexico on November 8, 2014.
- "Shareholder Activism" Speaker at the Law Society of Upper Canada's Securities Law Update in Toronto on November 6, 2014.
- "Practice Management Essentials: Managing Your Way to Trial Success – Practice Management at Trial – What You Need to Know". Speaker at the conference presented by The Advocates' Society in Toronto on May 23, 2014.
- "Shareholder Activism". Speaker at the Joint Symposium of The American College of Trial Lawyers and The Advocates' Society in Toronto on May 2, 2014.
- "Canada's Anti-Spam Law and its Implications for Businesses and The Law that Governs Them: Some Constitutional Concerns, Unanswered Questions and Practical Issues". Paper prepared by Kent Thomson, Sarah Weingarten and Grant Bishop and was delivered at the 17th Biennial National conference: New Developments in Communications Law and Policy on May 1, 2014 in Ottawa.
- "Proxy Contests in an Era of Enhanced Shareholder Activism". Paper prepared for Osgoode Professional Development Program on Mergers and Acquisitions on April 2, 2014
- Panel Member at Canadian Bar Association Brown Bag Program for Young Lawyers in Competition Law Appeals, Ottawa, February 19, 2014
- "The Changing World of Directors' Liability" presentation at the Rotman School of Business of the University of Toronto, September 20, 2013
- "Unpacking Pandora's Box: Consumer Arbitration Law after *Seidel*", presentation at The Advocates' Society Spring Symposium 2013: Advocacy in the Real World
- "The Use of Arbitration Clauses as a Shield Against Consumer Class Actions in the Wake of *Seidel*": published in *Corporate Litigation*, Vol. XIII, No. 2 by Federated Press
- Faculty Member at The Advocate's Society 2012 National Expert Witness Academy in Toronto, April 26-27, 2012
- "Corporate Governance and Regulatory Update": presentation at the Osgoode M&A Skills Boot Camp, April 10, 2012

- "Successful Use of Cross-Examination: When, Why and How": presentation at The Advocates' Society Conference on Civil Litigation Skills Certification Program: Trial from A to Z, April 3, 2012
- "Ethical Challenges in Arbitration Advocacy": presentation at The Advocates' Society Conference on Arbitration Advocacy, March 27, 2012
- "One Hand Taketh Away: Recent Developments in Indirect Purchaser Competition Class Actions in Canada", article published in the Advocates' Quarterly, Vol. 38, Numbers 3 and 4, August 2011
- "Ethics and Immigration: Tips and Traps": Presentation at Ontario Bar Association Conference on Ethics and Immigration, June 8, 2011
- "The Magna Proceedings: Devising a Litigation Strategy Having Regard to the BCE Test", article published in Lexpert's 2011 Guide to the Leading 500 Lawyers in Canada
- "The Perils of International Disputes – Lessons Learned from the Lawsuit Against Chevron in Ecuador": Presentation at the Art Gallery of Ontario, May 2, 2011, Toronto
- "Recognizing Opposing Counsel's Cross-Examination Strategies and Maintaining Your Composure", Presentation at The Advocates' Society's National Expert Witness Academy, April 28, 2011
- "Corporate Governance and Regulatory Issues": Presentation to Osgoode Hall Professional, Development Program, April 12, 2011
- "Private Competition Litigation in Canada: Private Rights of Action in Canada", paper prepared July 28, 2010
- "Proving (or Disproving) Damages: Implied Undertaking and Inadvertent Disclosure": Presentation at Osgoode Hall Continuing Education Program on Litigating Commercial Disputes, June 16, 2010
- "Corporate Governance and Regulatory Issues" Presentation to the Osgoode Hall Professional Development Program on M&A Skills Boot Camp, April 28, 2010
- "The Role of the Business Judgment Rule in Securities Litigation": Presentation to the Osgoode Hall Professional Development program on Advising the Public Company Board of Directors, February 19, 2010
- "The Role of the Business Judgment Rule in Securities Litigation": Presentation at the 30th Annual Securities Law Practitioners' Conference in Cambridge, Ontario, February 18, 2010
- Panelist at the Queen's Conference on International Business held on January 23, 2010 in Toronto
- "Shareholders' Rights and Directors' Duties in a Restructuring Environment": Presentation to the Osgoode Hall Professional Development program on Corporate Insolvency & Restructuring, November 19, 2009

- "Securities Fraud: How to Beat the Rap": Presentation at The Advocates' Society 2009 Fall Convention in Grand Cayman, November 13, 2009
- "BCE Bondholder Litigation": Presentation to the Faculty of Law, University of Saskatchewan, November 3, 2009
- "Class Action First in Canada: Contested Price-Fixing Class Action Including Indirect Purchasers Certified for First Time by a Canadian Court", paper prepared October 7, 2009
- "BCE Bondholder Litigation: Corporate Governance Implications", presentation at Insight conference of Advanced Mergers & Acquisitions: Leading Players – Innovative Strategies, May 5 and 6, 2009
- "Practical Advice of a Litigator Concerning Effective Written Advocacy", paper delivered at the Ontario Bar Association's program on Strategic Legal Writing, May 1, 2009
- "Managing the Multi-Jurisdictional Investigation: Special Challenges", paper delivered at Osgoode Professional Development's Third Annual Managing Internal and Regulatory Investigations" on April 20, 2009
- "Directors Liability: Recent Developments in an Ever-Changing Area of the Law": presentation given at the Rotman School of Business of the University of Toronto, March 7, 2009
- "The BCE Litigation: Principles of Corporate Law Reaffirmed", paper delivered at Osgoode Professional Development's Advanced Program in Corporate Insolvency and Restructuring on December 11, 2008
- "The BCE Litigation: Principles of Corporate Law Reaffirmed", paper delivered at Insight's Conference on Advanced Mergers & Acquisitions: Leading Players, Leading Deals on December 2, 2008 in Calgary
- "The BCE Litigation: Principles of Corporate Law Reaffirmed", paper delivered at the American Bar Association Business Law Fall Meeting on November 22, 2008 in Washington
- Speaking at meeting of the Institute of Corporate Directors and the Rotman School of Management of the University of Toronto on Risk and the Unforeseen Events on the BCE Litigation on June 25, 2008
- "Proving Damages: Lost Profits & Value", paper delivered at the Osgoode Professional Development conference on Litigating Commercial Damages on June 10, 2008
- "The Bermuda Triangle of Litigation: Missing Documents and the Tort of Spoliation", paper delivered at the joint meeting of the American College of Trial Lawyers and The Advocates' Society on May 2, 2008
- "Reviewable Matters and Private Enforcement – a Two Year Review", paper delivered at the Canadian Bar Association Conference 2007 Annual Fall Conference on Competition Law, October 11-12, 2007 in Ottawa

- "Establishing a Reasonable Alternative to a Class Action", paper delivered at the Conference Board of Canada conference on Class Actions, October 3, 2007
- "Securities Commission as an Antidote to Poison Pills: Xstrata's Bid for Falconbridge", paper delivered at the Osgoode Professional Development Centre's Canadian Securities Law Update, January 30, 2007
- "Lessons from Sears: The Fundamental Importance of Fairness"; presentation to the Conference Board of Canada conference on Mergers and Acquisitions: New Threats and Opportunities, January 18, 2007
- "The Impact of *Currie v. McDonald's* on Defence Counsel in Class Proceedings"; paper delivered at The Canadian Institute's 7th Annual National Forum on Litigating Class Actions, September 26-27, 2006, Toronto
- "Competition Tribunal to Re-consider Loyalty Rebate Case", paper prepared June 28, 2006
- "The Oppression Remedy and the Duty to Maximize Shareholder Value"; paper delivered at the Law Society of Upper Canada conference on Commercial Litigation, April 28, 2006 and the Ontario Bar Association Conference: Threats and Opportunities: Litigating under the OBCA/CBCA, May 1, 2006
- "Truncated Disclosure in Competition Tribunal Proceedings in the Aftermath of *Canada Pipe*: An Experiment Gone Wrong, published in the Advocate's Quarterly, Vol. 31, No. 1, Feb. 2006
- "Putting the New Tribunal Rules to the Test – Lessons from the Canada Pipe Proceedings" – article published in the Canada Competition Record, Fall 2005
- "Judging from Afar? Interim Measures in International Commercial Arbitration & the Need for Reform", paper delivered at the CBA Conference on International Commercial Arbitration, Vancouver, June, 2005
- "Enhanced Information Gathering in the Post-Enron Era: Issues for In-House and Outside Corporate Counsel"; paper delivered at the Osgoode Hall Law School Professional Development Program on Regulatory Investigations held June 13, 2005
- "Dual Tracking: Do the Railroad Tracks Lead to the Brink of a Cliff?", paper delivered at the Northwinds Professional Institute 2005 Competition Law and Policy Forum in May, 2005
- "Putting the New Tribunal Rules to the Test – Lessons from the Canada Pipe Proceedings", paper published in the Competition Record, May, 2005
- "Judicial Intervention in Commercial Arbitrations", paper delivered at the Osgoode Hall Law School Professional Development Program on Recent Developments in Corporate Litigation in June, 2004
- "When the Going Gets Tough: Emerging Trends in Securities Litigation", paper delivered at The Law Society of Upper Canada's Special Lectures 2004: Corporate & Commercial Law in Toronto in April, 2004

- "Cyberlibel: The Litigation Challenges Associated with Defamation on the Internet", paper delivered at the Advocates' Society Annual conference in Cancun, Mexico in November, 2003
- "Who Pays the Piper? Costs Awards in Class Proceedings", paper delivered at the Canadian Institute conference on Litigating Class Proceedings in September, 2003
- "Arbitration in a Canadian Antitrust Setting", paper delivered at the International Bar Association conference in San Francisco in September, 2003
- "The Judge Said I was Personally Liable – BUTT I am Director! Keeping One Step Ahead: The Latest in Shareholder Disputes and Remedies", paper delivered at the Ontario Bar Association conference on Shareholder Disputes in Toronto in May, 2003
- "Litigating Abuse of Dominance Cases After Bill C-23", paper delivered at Atlas Information (Canada) conference on Competition Law Issues in Difficult Times in Toronto in November, 2002
- "The Certification of Proceedings Involving Antitrust Claims by Indirect Purchasers", paper delivered at The Canadian Bar Association's Annual Fall conference on Competition Law in Ottawa in October, 2002
- "The Use of Arbitration Clauses as a Shield to Class Actions", paper delivered at The Canadian Institute's Third Annual National Forum on Class Actions in Toronto in September, 2002
- "Effective and Expeditious Dispute Resolution: The Use of Arbitration Clauses in Commercial Agreements", paper delivered at Osgoode Hall Law School Professional Development Program on Current Issues in Corporate Litigation in Toronto in April, 2002
- "Drumming Up Business: Class Counsel and the Ethics of Giving Notice", paper delivered at Insight Seminar conference in Toronto in January, 2002
- "Winning the Battle of Experts: Putting Your Best Case Forward – Using Evidence Effectively", paper delivered at Osgoode Professional Development Centre in Toronto in 2001
- "Conduct of Commercial Arbitrations", paper delivered at The Law Society of Upper Canada conference in October, 2001
- "The Certification of Proceedings Involving Antitrust Claims by Indirect Purchasers", paper delivered at Law Society of Upper Canada conference in October, 2001
- "Advertising Regulated Products under the *Food and Drugs Act*", paper delivered at Insight Information Inc. conference in February, 2001
- "The Certification of Class Proceedings Involving Antitrust Claims by Indirect Purchasers", paper delivered at the Canadian Bar Association's Annual Fall Competition Law conference in September, 2000

- "For Your Eyes Only?", paper delivered at Insight Information Inc. conference in May, 2000
- "Selected Issues in the American and Canadian Law of Expert Witnesses", Panelist at New York State Bar Association conference in May, 2000
- "Advertising: You and Your Competitor - Comparative Advertising and Recent Amendments to the Competition Act", paper delivered at Insight Information Inc. conference in October, 1999
- "Internal Investigations and Solicitor-Client Privilege: Yours, Mine or Ours?", paper delivered at the Canadian Bar Association Competition Section conference in September, 1998
- "Defending Allegations of Misleading or Deceptive Advertising", paper delivered at Insight Information Inc. conference in April, 1998
- "The Commercial Arbitration: It's What You Make of It", paper delivered at The Law Society of Upper Canada symposium in March, 1998
- "Defending Investigations Of Alleged Misleading Or Deceptive Advertising", paper delivered at Canadian Institute conference in June, 1997
- "Hercules Management Ltd. v. Ernst & Young: Narrowing the Scope of Auditors' Liability", published in Credit and Banking Litigation Quarterly Vol. IV, No. 3, 1997
- "The Paramountcy of Federal Bankruptcy Priorities Over Provincial Lien Interests", published in Credit and Banking Litigation Quarterly, Vol. III, 1996
- "The Private Enforcement of Rights Under the *Competition Act*", paper delivered at Insight conference in Toronto in June, 1996
- "The Aftermath of Thomson Newspapers: Compelled Testimony Under the Competition Act", paper delivered at Canadian Institute conference in Toronto in May, 1996
- "A Measure of Avoidance: The Design and Implementation of Competition Law Compliance Programs", paper delivered at the Canadian Bar Association's National Competition Law Section conference in September, 1995
- "Recent Developments in Enforcement Initiatives Pertaining to the Competition Act", paper delivered at Canadian Institute conference in June, 1994
- "Wholesale Travel: The Availability of the Due Diligence Defence in a Misleading Advertising Prosecution", paper delivered at Canadian Institute conference in May, 1994
- "A Moveable Feast: Recent Developments in the Law Pertaining to Solicitor-Client Privilege", paper delivered at Canadian Corporate Counsel Association's Spring seminar in Montreal in April, 1994
- "The Constitutional Validity of the Investigative Provisions of the Competition Act: The Implications of Thomson Newspapers", paper delivered at Canadian Bar

Association's seminar on Living with the *Competition Act* in the 1990's in Vancouver in September, 1993

- "Classification of Creditors under the CCAA - Excessive Fragmentation of Classes", published in the inaugural issue of Credit and Banking Litigation Quarterly, July, 1993
- "Testing the Authority of the Competition Tribunal", article written for the McGill Law Journal, January, 1993
- "Competition Laws and Restrictions on Exploitation", paper delivered at Insight Seminar on Intellectual Property in Commercial Transactions in November 1992
- "Fraudulent Insurance Claims: A Survey of Legal Issues", paper delivered at Canadian Institute's symposium on Fraudulent Insurance Claims in September, 1991
- "Commercial Equality: The Law of Price Discrimination in Canada", paper delivered at the Canadian Institute's Second Annual conference on Competition Law & Competitive Business Practices in May, 1991
- "A Time of Change: Recent Developments in Canadian Competition Law" (1991) 23 Ottawa Law Review 373, paper delivered at Canadian Institute Third Annual Corporate Counsel symposium in January, 1991
- "Misleading Advertising - Legislative and Judicial Attempts to Strike the Appropriate Balance", paper delivered at Insight Educational Services Seminar in September, 1989
- "The Investigative Provisions of the *Competition Act*: An Analysis", paper delivered at Canadian Competition Policy Record Symposium in September, 1986
- "Structural Rationalization: An Analysis of The Specialization Agreement, Merger and Pre-Merger Notification Provisions of Bill C-91", co-authored with James C. Baillie and R. Jay Holsten for Insight Educational Services Limited (1986)
- "Restricting Absolute Liability: What You Don't Know May Not Hurt You", Volume 3, No. 4 Business and the Law (1986)
- "Corporate Liability for the Toxic Tort", Corporate Structure, Finance and Operations, Volume 4 (1986)
- "Limiting the Search and Seizure Powers of Combines Investigators: The Southam Decision and its Aftermath" Canadian Business Law Journal 55 (1985)
- "Developments in Canadian Combines Legislation and Enforcement" co-authored with J. Timothy Kennish and published by the Section of International Law and Practice of the American Bar Association, February, 1985
- "An Overview of the Courts of Justice Act, 1984 and The Rules of Civil Procedure" co-authored with Lyndon A.J. Barnes and Marilyn Field Marsham, published by Osler, Hoskin & Harcourt as a Firm Commentary, January, 1985

- Oral Examinations for Discovery Under The Rules of Civil Procedure" published by Insight Educational Services Limited in June, 1984

PERSONAL INTERESTS

Mr. Thomson was raised in North Bay, Ontario. He has lived in Toronto since he graduated from the Faculty of Arts at Queen's University in Kingston, Ontario in 1979 (with distinction) and from the Faculty of Law at Queen's University in 1982.

Mr. Thomson has a wife and three children. He participates in a broad variety of sports, including hockey, football and tennis. He has also competed in a number of marathons and triathlons. Mr. Thomson is involved in a broad range of community, school related and charitable activities and has coached dozens of childrens' hockey, soccer and baseball teams.