

## Litigation & Dispute Resolution

WeirFoulds has one of the premier litigation practices in Canada and is well-versed in handling high-stakes and highly publicized litigation. We appreciate how much is at stake in our clients' cases, and we rigorously defend our clients to maximize their odds of success.

Over the course of the 19th, 20th and now the 21st centuries, WeirFoulds has been privileged to have acted on groundbreaking cases in almost every area of civil litigation. For generations, our lawyers have been regarded as leaders of the bar and of the legal profession. For everything there is a reason: in our case, we have always brought and always will bring the highest level of advocacy skill to every engagement. This expertise includes the ability to provide sensitive and timely advice on complex litigation — such as class actions — the management of document intensive litigation, lengthy multi-party trials, and the development of innovative legal solutions short of litigation.

Our litigators have extensive experience arguing complex cases before trial and appellate-level courts. We represent government entities, public and private companies, civil organizations and individuals in an array of corporate, commercial, intellectual property, class action, employment, securities, tax, Aboriginal, defamation, estates and trusts, administrative, energy, environment, competition and constitutional law disputes. Our litigators have appeared before all levels of courts and a host of regulatory boards and tribunals.

We draw on our deep institutional knowledge of litigation procedure and strategy, as well as sophisticated in-house and external resources, to resolve disputes efficiently and effectively. Among other things, we use our e-Discovery team to handle voluminous documentation resourcefully, and we explore alternatives to litigation proceedings — including mediation and arbitration — wherever possible.

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## Areas of Expertise

- Alternative dispute resolution
- Appeals
- Arbitration
- Class actions (defense)
- E-Discovery
- Litigation
- Mediation
- Negotiation
- Settlements

## Representative Experience

- Represented The Toronto-Dominion Bank in an appeal of an \$80 million claim over "comfort" letters provided to it by a foreign corporation. This is the leading case in Canada on the differences between comfort letters and guarantees.
- WeirFoulds and co-counsel obtained a judgment of over \$46 million for Midland Resources Holding Limited, a company owned by Russians and Canadians, in a complex dispute relating to a Russian oil and gas venture involving allegations of

fraudulent misrepresentation, conspiracy, breach of fiduciary duty, and breach of contract.

- WeirFoulds acted as co-counsel (with Sotos LLP) for Trillium Motor World Ltd. ("Trillium"), the representative plaintiff in a class proceeding on behalf of former Canadian General Motors dealers that signed wind-down agreements presented by General Motors of Canada Limited ("GMCL") at the height of the global financial crisis in May 2009, and as an essential part of the worldwide General Motors restructuring.
- We act for one of the world's largest automakers in respect of Canadian class actions regarding price-fixing and bid-rigging in the auto parts industry.
- We act for some of the world's largest technology and automotive companies in respect of international investigations brought by competition/antitrust authorities, including Canada's Competition Bureau. Recent mandates include acting for one of the world's major automobile manufacturers with respect to the international auto parts investigation/litigation, acting for a party in respect of the international investigation into cargo shipping/freight forwarding, and acting for major technology companies (one, a Fortune 500 company) in respect of several international investigations into the conduct of Google and Apple.
- WeirFoulds acts for Canadian Solar Inc. and two of the company's senior officers in defending a securities class action in which the representative plaintiff, who is seeking \$120 million in damages on behalf of a global class of shareholders for alleged misrepresentations in certain of the company's secondary market disclosure in 2009.
- We represent the board of directors of a company that has filed for protection under the *Companies' Creditors Arrangement Act* (CCAA), and we advise the directors in the context of the CCAA proceeding.
- We represent some of Canada's largest retailers with respect to all manner of litigation, real estate transactions, leasing and business contracts.
- WeirFoulds represented Uniroyal Chemical over the contamination of ground water from industrial activities which included conducting the longest hearing ever held before the Ontario Environmental Appeal Board.
- Acted for the owner of an automotive tire storage facility before the Environmental Appeal Board and the Courts following the Hagersville tire fire, the largest such fire in Ontario history.
- WeirFoulds represented the Public Utilities Commission of Walkerton in the hearings over the largest water contamination case in Canadian history.

## Civil Litigation

- In 2012 we began acting for the City of Vaughan on a major litigation matter (and associated planning matters). The litigation was eventually resolved through a settlement, although we continue to work for the City in respect of the resulting development approval matters.
- Acted as litigation counsel for the Regional Municipality of Niagara in a dispute with a contractor over an unsuccessful bid for a contract (worth approximately \$3.4 million) involving the recoating and structural rehabilitation of a bridge. The unsuccessful bidder has challenged the Region's decision to award the contract to another bidder, and has commenced a lawsuit against the Region for damages for lost profits.
- WeirFoulds and co-counsel obtained a judgment of over \$46 million for Midland Resources Holding Limited, a company owned by Russian and Canadian businessmen, in a complex dispute relating to a Russian oil and gas venture involving allegations of fraudulent misrepresentation, conspiracy, breach of fiduciary duty, and breach of contract.
- Act for one of the world's largest automakers in respect of Canadian class actions regarding price-fixing and bid-rigging in the auto parts industry.
- Advising TDSB and acting as external counsel on municipal tax and assessment appeals brought by licensee of sports dome and related facilities at Monarch Park Collegiate, as well as a court application for exemption from municipal taxes in which TDSB is a statutory party.
- Assisting the TDSB on school capital facility tax exemptions for three properties.
- Acted for the Town of Iroquois Falls in assessment appeals relating to pulp and paper mill.
- Acted for Town of Ingersoll and City of Brampton in assessment appeals relating to car assembly plants.

# WeirFoulds<sup>LLP</sup>

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