



Commercial Litigation

Commercial litigation is the backbone of Stikeman Elliott's Litigation & Dispute Resolution practice. Across a diverse range of industries and subject matter expertise, our litigators draw upon unparalleled experience to devise creative and effective litigation strategies that yield success for our clients, whether in court or through settlement. In each case our knowledge of our clients' businesses and priorities enables us to effectively manage multiple issues and sensitivities.

Stikeman Elliott litigators are frequent counsel on complex securities, contract, competition, and product liability matters that attract significant public scrutiny. Our litigators are known for their top-tier work defending class actions. Working closely with members of our corporate group, we also advise on the most challenging and significant capital markets matters in Canada, including contested take-over bids, proxy contests and other litigation matters related to corporate control.

We are highly experienced in vigorously pursuing our clients' interests before all levels of court, including the Supreme Court of Canada, the Commercial List in Toronto as well as before industry tribunals, securities commissions and other regulatory bodies. In each case our knowledge of our clients' businesses and priorities enable us to effectively manage multiple issues and sensitivities. Our team is also skilled in negotiation and various forms of alternative dispute resolution, including both mediation and arbitration, which can be utilized as appropriate to obtain the best results.

Our Expertise

- Arbitrations
- Contract disputes
- Corporate fraud
- Cross-border litigation
- Director and officer matters
- Insurance disputes
- Landlord tenant disputes
- Plans of arrangement
- Procurement litigation
- Proxy contests
- Real property disputes
- Regulatory proceedings
- Shareholder disputes, oppression matters and derivative actions
- Take-over and merger cases

Recent Work

- Veolia Water Technologies, Inc. in its C\$500M litigation with K+S Potash Canada General Partnership and Aecon Mining Construction Services surrounding the alleged failure of several crystallizer vessels manufactured by Veolia and installed at the K+S mine facility.
- Bombardier and its subsidiary Learjet in a series of lawsuits instituted by numerous suppliers in relation to the termination of the Learjet 85 Program at the end of 2015.

- BP Canada in its C\$1B litigation against Aux Sable Canada relating to a twenty year product supply agreement for natural gas and NGLs transported on the Alliance Pipeline.
- WSP Global in litigation with Global Raymac relating to allegations of breach of fiduciary duty and breach of confidence arising from WSP's acquisition of Focus Surveys.
- GBC Oil Company in a US\$113M international arbitration against the government of Albania for wrongful expropriation of producing oilfields.
- *126217 Canada Inc. v. Cytrynbaum* - successfully defended the interests of Java-U Group Inc. and Brian Cytrynbaum, in the context of an oppression remedy instituted by a shareholder against the principal director while the company was completing insolvency proceedings.
- Sprott Asset Management LP in a dispute with Central Fund of Canada Ltd. and others relating to the rights associated with certain Class A shares in CFCL.
- Pacer Construction Holding Corp. in a claim against an affiliated entity of Pacer arising from guarantees on the Horizon Oil Sands Project.
- Bellatrix Exploration in litigation with Yangarra Resources regarding construction, ownership and operation of the Baptiste Lake 6-21 processing facility and related wells and pipelines.
- *Corporate Assets Inc. et al. v. 9214-6463, L.P. et al.* - successfully acted for Corporate Assets Inc., which was awarded close to 17 million dollars in capital in interest, in relation with important issues dealing with pre-contractual arrangements, abuse of rights and the notion of inducement to breach a contract in the context of a call for tender process.
- *SNC-Lavalin Inc. v. ArcelorMittal Exploitation Minière Canada et al. v. BBA Inc. et al.* - defending SNC-Lavalin Inc. in the matter of a C\$533M counterclaim for allegedly grossly negligent EPCM services rendered in the context of a brownfield mining project in Northern Quebec.
- BP Canada in its C\$100M litigation against Alliance Canada Marketing, Enbridge and Veresen in respect of a twenty year capacity utilization agreement for the Alliance Pipeline.
- Potash Corporation of Saskatchewan Inc. in a summary judgment application against Windsor Energy Inc. regarding a contractual dispute and the correct interpretation of a governmental approval condition.
- *Livent Inc. (Receiver of) v. Deloitte & Touche* - acting for Livent in substantial auditors' negligence claims at trial, court of appeal and Supreme Court of Canada.
- *ONOC Inc. v. United Hydrocarbon International Corp.* – claim for lost opportunity in relation to oil and gas concessions in the Republic of Chad.
- Altius Minerals Corporation in the defence of a C\$1.6B claim relating to a coal lease option agreement.
- Osisko Mining Corporation in its challenge before the court of Goldcorp Inc.'s hostile take-over bid and in the ensuing C\$3.9B sale to white knight Yamana Gold Inc. and Agnico-Eagle Mines Limited.
- *Ernst & Young et al v. Essar Global Fund Limited et al.*– acting for Algoma in oppression remedy proceedings against Algoma's affiliates.
- The TDL Group Corp. (Tim Hortons) in a successful summary judgment application against a franchisee for recovery of significant unpaid amounts owed to TDL.

- ARC Financial Corp. in litigation against Composite Technologies Inc. relating to allegations of misuse of confidential information relating to the manufacture of flexible composite pipe.
- Capstone Infrastructure before Ontario Superior Court, Court of Appeal and on leave to Supreme Court of Canada in complex litigation concerning government agency's wrongful change to cost index contained in long-term power purchase agreements.