



Bennett Jones

Securities Litigation

Public companies must actively manage and resolve issues to achieve business objectives. Litigation for public companies increases in complexity as issues cross international borders and legal disciplines. Counsel need to understand all dimensions of the regulatory, civil and criminal liability issues in order to develop a creative and coordinated approach to obtaining an optimal result.

Our securities litigation counsel have extensive experience in securities litigation, enforcement and regulatory proceedings, class actions and corporate disputes for public companies, and their boards of directors and special committees. We have national experience advocating for clients at all levels of courts and before securities regulatory tribunals in all significant Canadian capital markets.

As experienced trial lawyers in securities litigation matters who know the litigation and regulatory processes, we work with our clients to understand their business objectives and to develop a cost effective strategic plan to achieve the desired business results.

We advise on proactive measures to avoid regulatory issues and litigation, including the conduct of regulatory audits and the institution of best practices. We also assist our clients to respond efficiently and effectively to regulatory issues and contested disputes when they arise.

We assist our clients across a broad variety of issues such as stock option dating, insider trading, antitrust matters and allegations of corporate wrongdoing.

Select Experience

- The Ad Hoc Committee of Unsecured Debtholders in the US\$4-billion recapitalization of Concordia International Corp.
- **Former auditor of Buckingham Securities** in its successful defence of an auditor negligence class action, including before the Ontario Court of Appeal.
- **Volkswagen AG**, in a securities class action commenced on behalf of Ontario purchasers of Volkswagen securities, in which the plaintiffs are seeking damages as a result of alleged misrepresentations in Volkswagen's public disclosures pertaining to NO2 emissions.
- **Canso Investment Counsel Ltd.**, the largest first lien debtholder, in the \$600-million recapitalization of Postmedia Network Inc. ("PNI") pursuant to the *Canada Business Corporations Act*, including significant amendments to PNI's outstanding 8.25% senior secured notes (the "First Lien Notes") and the paydown of approximately \$78 million of the First Lien Notes.
- The Special Committee of **Central GoldTrust**, in Sprott Asset Management's \$1-billion hostile takeover bid for all the outstanding Units of Central GoldTrust.
- The Special Committee of **Silver Bullion Trust**, in Sprott Asset Management's \$62-million hostile takeover bid for all the outstanding Units of Silver Bullion Trust.
- **PricewaterhouseCoopers Inc.**, as Monitor of Poseidon Concepts Corp. in its cross-border *Companies Creditors' Arrangement Act* proceedings, including in its Court sanctioned role of taking proceedings against Poseidon's directors and auditors to recover additional funds for the estate.
- **Mubadala Development Company**, in its acquisition of all of Global Alumina Corporation's interest in Guinea Alumina Corporation.
- *Zahmol Properties v. City of Calgary*, 2012 AB C.A. 89 (AB C.A. – Expropriation)



- **Paramount Energy Trust**, in a decision made by a panel of the Alberta Securities Commission Re: *Arc Equity Management (Fund 4) Ltd.*
- Alberta Securities Commission Decision re: *ARC Equity Management (Fund 4) Ltd., Re, 2009 ABASC 390*. Mandate involved work on behalf of **Profound Energy Inc.** and **Paramount Energy Trust**.
- The Ontario Securities Commission (the "OSC") approved a settlement reached between **Research In Motion Limited** ("RIM" or the "Company"), together with certain Company directors and executives, and staff of the OSC in RIM's historical stock option granting practices.
- The Special Committee of the Board of Directors of **Augen Gold Corp.**, in a requisition for a shareholder meeting made by Augen Capital Corp.
- The Special Committee of **Coventree Inc.**, in an investigation by the Ontario Securities Commission into the Canadian asset-backed commercial paper market - *Re Coventree Inc.*, 2011LNONOSC 757 and *Re Coventree Inc.*, 2011 LNONOSC 988.
- **RBC Capital Markets**, working as part of a syndicate of underwriters, in a \$115-million bought deal offering of common shares by Verenex Energy Inc.

Recent Recognitions

- **Chambers Canada**
Ranked, Litigation: Securities - Ontario
- **The Canadian Legal Lexpert Directory**
Most Frequently Recommended, Litigation - Securities, Toronto
Consistently Recommended, Litigation - Securities, Calgary
- **The Legal 500 Canada**
Ranked, Tier 1, Dispute Resolution: Alberta
Ranked, Dispute Resolution: Ontario
- **Global Investigations Review: GIR 100**
Ranked, leading firm globally in Investigations

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