



## Alan P. Gardner

Partner

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Toronto

### EDUCATION

Carleton University, BComm, 1993

University of Ottawa, LLB, 1997

### BAR ADMISSIONS

Ontario, 1999

New York, 2003

Southern and Eastern Districts of New York, 2003

Practising in the areas of securities and commercial litigation, with a focus on securities and other regulatory investigations, Alan Gardner represents clients that include investment banks, broker-dealers, technology companies, resource companies and manufacturers, as well as Board members, senior management and Special Committees of public companies involved in regulatory investigations or shareholder litigation. Alan is also frequently engaged to assist in the conduct of internal investigations in connection with inquiries related to the *Corruption of Foreign Public Officials Act* (CFPOA), and in the management of related agency investigations.

He is "comfortable in high-pressure environments" and is "at his best in dealing with complex circumstances, skeptical regulators and stressed directors."

#### What Clients Say

While Alan was with Cadwalader Wickersham & Taft LLP in New York (2001-2005), he conducted numerous internal investigations, including representing CIBC World Markets in connection with market timing and late-trading investigations conducted by the United States Securities & Exchange Commission and New York Attorney General Elliot Spitzer, including assisting in the settlement of those matters. While at Cadwalader, he also acted for Bear Stearns in connection with the McKesson litigation in the Northern District of California, where he was admitted *pro hac vice*. In addition, Alan continues to represent Lipper Holdings, LLC, the general partner of a group of convertible arbitrage investment funds founded by Kenneth Lipper, a Former Deputy Mayor to Mayor Ed Koch. He has substantial experience both before the New York courts, and before arbitration panels of the Financial Industry Regulatory Authority.

Since returning to Canada, Alan has continued to represent financial institutions and market participants in connection with regulatory investigations and before the courts. In that

regard, he has represented BlackBerry in connection with several regulatory investigations, including a settlement with the OSC in connection with historical stock options dating practices. Often in connection with regulatory inquiries, Alan is frequently engaged to provide corporate governance advice and recommendations to conform with best practices. He has been retained numerous times to represent boards, board committees and board members of public companies in connection with regulatory investigations and related litigation. Alan also represents multiple financial institutions in connection with Mutual Fund Dealers Association (MFDA) and Investment Industry Regulatory Organization of Canada (IIROC) investigations and proceedings.