



# Graham Splawski

T 416.367.6206 F 416.367.6749 Toronto

GSplawski@blg.com LinkedIn <u>Securities Disputes</u>

**Class Actions** 

Competition/Antitrust and Foreign

<u>Investment</u>

White Collar Criminal Defence and

**Corporate Investigations** 

**Banking Litigation** 

**Commercial Litigation** 

Mergers & Acquisitions

**Contract Disputes** 

Graham specializes in resolving complex commercial disputes for public and private companies, as well as individuals.

#### Graham's areas of focus include:

- securities, employment and competition/antitrust class actions
- mergers and acquisitions litigation
- securities regulation, including internal investigations
- shareholder disputes, including oppression claims and proxy fights
- banking litigation, including bills of exchange and debtor/creditor litigation
- general commercial litigation, including contractual and enforcement matters, and fraud

Graham has acted as counsel and assisted with matters before arbitrators, administrative tribunals and self-regulatory organizations, all levels of courts in Ontario and other provinces, the Federal Court of Canada and at the Supreme Court of Canada.



# Experience

- Representing Scotiabank in an appeal to the Supreme Court concerning cheque fraud and bills of exchange
- Representing Amazon in a class action brought on behalf of over 70,000 delivery drivers claiming for alleged unpaid wages and benefits
- Representing Cormark Securities in an Ontario Securities Commission prosecution alleging breaches of securities law
- Representing Mackenzie Financial in a class action alleging prospectus misrepresentation and breach
  of trust
- Representing a syndicate of underwriters in a class action alleging prospectus misrepresentation and secondary market misrepresentation
- Acting for public companies and registrants in confidential internal and regulatory investigations
- Representing BMO in a class action concerning a fraud committed by a BMO customer
- Representing AIC Limited in a class action alleging breach of trust related to market timing
- Representing Deutsche Bank in class actions alleging price fixing in the foreign exchange, sovereign bonds and precious metals markets
- Representing Samsung in a class action alleging price fixing in the DRAM market
- Representing CanniMed Therapeutics in defence of a hostile takeover bid and proxy fight
- Representing Industrial Alliance Securities in an action concerning a former investment dealer
- Representing ClearFlow Energy Finance in a precedent-setting successful appeal concerning the enforceability of loan agreements and the Interest Act
- Representing Globalive Capital in a litigation concerning the purchase of Wind Mobile
- Representing **Dolly Varden Silver Corp.** in defence of a hostile takeover bid
- Representing a major insurer in fraud recovery proceedings, including obtaining Anton Piller Orders (civil search), Mareva injunctions (asset freezing) and Norwich Pharmacal Orders (pre-action discovery)

# **Insights & Events**

- Author, "Major proposed reforms to Ontario's Rules of Civil Procedure", BLG Article, April 2025
- Author, "Simply the best (evidence): Capital Markets Tribunal rules on read-ins", BLG Article, February 2025
- Author, "OCMT chokes on Bitfarms 15 per cent poison pill", BLG Article, November 2024
- Author, "OSC short-selling prosecution dismissed", BLG Article, November 2024
- Author, "Howdy (limited) partner: Six key features of Ontario limited partnerships", BLG Article, October 2024
- Author, "Discharged bankrupts may be exempt from administrative penalties: Poonian v. British Columbia (Securities Commission)", BLG Article, August 2024
- Author, "After the handshake: Good faith obligations in pre-contractual M&A agreements", BLG Article, April 2024
- Author, "Commercial litigation year in review: 5 notable dispute decisions from 2023", BLG Article, January 2024
- Author, "Ontario Court of Appeal upholds approval of plan of arrangement despite employee objections",
   BLG Article, July 2023
- Author, "Where there's smoke: No presumption of loss in breach of honest performance", BLG Article,
   July 2023



- Author, "Delivery driver class action against Amazon stayed and certification dismissed", BLG Article, July 2023
- Author, "Prospectus misrepresentation securities class action dismissed against underwriters", BLG Article, December 2022
- Author, "The iMessage and WhatsApp Trap: Compliance with record-keeping obligations in the BYOD era", BLG Article, October 2022
- Author, "Ontario court dismisses automotive class action alleging false advertising on labels", BLG Article, August 2022
- Author, "Top 10 commercial decisions of 2021", BLG Article, February 2022
- Author, "First class action dismissed for delay under new Ontario Class Proceedings Act", BLG Article, January 2022
- Author, "Cineplex awarded \$1.24 billion judgment in takeover fight", BLG Article, December 2021
- Presenter, "The Advocates' Society Eleventh Annual Securities Symposium," September 23, 2021
- Author, "Canada's key commercial cases of 2020 What you should know and why they matter", BLG Article, April 2021
- Author, "Trash Talk: Supreme Court considers contractual discretion in good faith", BLG Article, February 2021
- Author, "Court guidance on application of MAE and ordinary course provisions in M&A deals", BLG Article, January 2021
- Author, "Supreme Court of Canada revisits good faith in contracts", BLG Article, January 2021
- Author, "Supreme Court doesn't gamble on waiver of tort", BLG Article, July 2020
- Author, "ON court: Class actions appropriate procedure for negligent misrepresentation claim", BLG Article, July 2020
- Author, "Ontario Securities Commission Introduces Regulatory Burden Reduction Plan", BLG Article, November 2019

# Beyond our Walls

#### **Professional Involvement**

- Member, The Advocates' Society
- Member, Ontario Bar Association

### **Community Involvement**

Coach, McGill's Corporate/Securities Moot Team

## Awards & Recognitions

- Recognized in the 2025 edition of Chambers Canada Canada's Leading Lawyers for Business (Litigation: Securities (Ontario)).
- Recognized in the 2024 edition (and since 2023) of Benchmark Litigation Canada as a "Future Star"
- Recognized in the 2024 edition (and since 2023) of Benchmark Litigation Canada's "40 & Under Hot List"

## **Bar Admission & Education**

Ontario, 2015



- LLB, BCL, McGill University, 2014
- MA, McGill University, 2010
- BA (Hons.), McGill University, 2009

## **BLG** | Canada's Law Firm

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