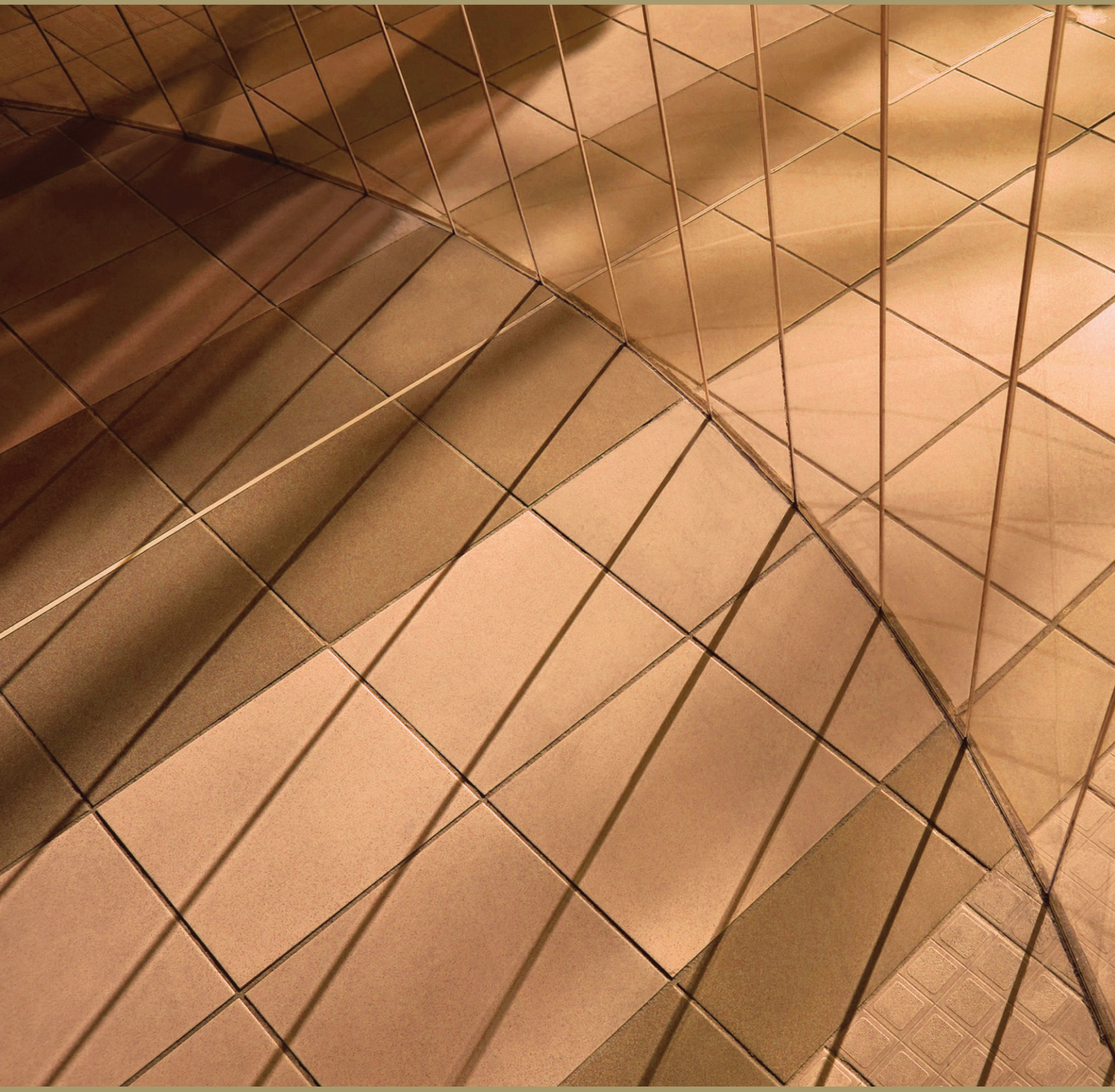


COMPETITION AND FOREIGN INVESTMENT GROUP



RECOGNITION & ACHIEVEMENTS

GCR 100 (2011, 11th edition)

by Law Business Research's Global Competition Review, included among the top leading global competition law practices.

GCR 100's Canada Survey (2010)

Ranked as an Elite competition practice in Canada and noted by Group's competitors that the Group's practice and ability are "among the strongest in the country" and the team is "on top of its game".

Chambers Global 2011:

The World's Leading Lawyers for Business

Ranked as among the best of Canadian law firms, with six group members listed individually.

Best Lawyers in Canada 2011

Three group members listed in the area of competition law.

2011 Expert Guide to the World's Leading Competition and Antitrust Lawyers (9th edition)

Four group members listed.

2011 Expert Guide to the World's Leading International Trade Lawyers (9th edition)

One group member listed.

2011 Expert Guide to the World's Leading Women in Business Law

Two group members listed.

2011 Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada

Two group members listed in the area of competition.

PLC 2011 Cross-border Competition Handbook

Five group members listed by Practical Law Company.

2011 The International Who's Who of Competition Lawyers and 2011 The International Who's Who of Business Lawyers

Five group members listed

Experience & Expertise

Stikeman Elliott's Competition and Foreign Investment Group is a highly regarded market leader in Canada, widely and consistently recognized nationally and internationally for its in-depth knowledge and expertise in the practice of competition law.

The Group has extensive experience acting on major national and international transactions, criminal investigations, class and other civil actions, Competition Tribunal proceedings regarding mergers, abuse of dominance and other reviewable matters, and day-to-day compliance in a wide range of industries, including the transportation, media and entertainment, financial services and insurance, stock exchange, energy, natural resources, waste management, communications, construction aggregates and food and beverage sectors.

Canadian and international corporations and foreign law firms frequently seek the Group's counsel on high-profile domestic and international mergers in which coordinated resolution of regulatory issues is critical. When corporations find themselves subject to proceedings under the *Competition Act*, either before the courts or the Competition Tribunal, we have extensive experience and expertise to effectively represent them. In criminal and class and other private actions, the Group frequently represents Canadian, American, European and Asian corporations. Where appropriate, advantageous settlements are negotiated and implemented on a nationwide basis.

The Group's extensive experience as counsel on major multinational transactions allows members to work closely and effectively with M&A attorneys in the Canadian, European, U.S. and Pacific Rim offices of Stikeman Elliott, and with colleagues in leading U.S., European and Asian law firms.

Stikeman Elliott launches
first competition law blog
by any major Canadian law firm
www.TheCompetitor.ca



Stikeman Elliott's online resource in the competition area of law provides information and commentary on important legal and policy developments.

Visit today to register for regular updates by email, RSS or Twitter.

COMPETITION BUREAU AND INVESTMENT CANADA RELATIONS – Mergers and much more

As the only major Canadian competition law practice with a strong presence in Ottawa, Stikeman Elliott maintains a healthy relationship with key players in the Government of Canada. On an ongoing basis, the group deals with officials of the Competition Bureau, Investment Canada, the Department of Finance, the Department of Justice, Transport Canada and other important government departments and agencies, such that regulatory strategies are seamlessly integrated. Consistent with their active participation in legal and policy development, members of our Group are regularly consulted on amendments to the *Competition Act* as well as policy initiatives of the Competition Bureau (e.g., draft enforcement guidelines).

Lawson A.W. Hunter, Q.C., one of Canada's foremost experts on competition and regulatory matters and recently noted by GCR as "one of the pre-eminent names on the Canadian antitrust scene," is head of the Competition and Foreign Investment Group. Mr. Hunter recently returned to Stikeman Elliott as Counsel after five years as Executive Vice President and Chief Corporate Officer at BCE Inc. His service at BCE followed ten years as head of Stikeman Elliott's Competition and Foreign Investment Group. Mr. Hunter also spent a number of years in the federal public service, during which he led Canada's competition regulator and was primarily responsible for the drafting of the *Competition Act*. Mr. Hunter advises a wide variety of Canadian and multinational corporations on all aspects of federal regulatory law and policy, including competition and foreign investment legislation issues. He is particularly noted for his experience as an advisor on the regulatory aspects of mergers and acquisitions. Most recently, Mr. Hunter played an integral role with Potash Corporation of Saskatchewan Inc. in its defence of BHP Billiton's unsolicited take-over bid. Mr. Hunter's experience in Investment Canada and government relations played an integral role with PotashCorp in its defence.

Group members **Shawn Neylan**, **Susan Hutton** and **Jeffrey Brown** have combined experience that spans many years and includes advising national and international clients on a full range of competition and foreign investment law issues, with a focus on complex multi-jurisdictional transactions, including leading regulatory teams that secure approvals under the *Competition Act* and the *Investment Canada Act*. They also provide competition compliance advice to businesses in relation to both unilateral and collaborative conduct. They have been recognized repeatedly as leading lawyers in various national and international publications and have written and spoken extensively on competition and foreign investment law issues.

Keeping on top of developments in Ottawa helps us ensure that M&A matters pursued by our clients are efficiently completed on the terms negotiated. We work diligently to minimize the risk of regulatory interference by the Commissioner of Competition and other Government agencies in transactions involving Canadian businesses, and advise leading Canadian businesses with respect to ongoing Competition Bureau and government relations. In particular, we:

- Advise generally on the competition law governing mergers and acquisitions;
- Provide an objective assessment of the likelihood that a proposed acquisition would lead to intervention by the Commissioner;

RECENT COMPETITION AND FOREIGN INVESTMENT EXPERIENCE

- **Ontario Teachers' Pension Plan** in the \$1.32 billion sale of a majority stake in Maple Leaf Sports and Entertainment to Rogers Communications and BCE Inc.
- **Motorola Mobility Holdings, Inc.** as Canadian counsel in respect of its proposed acquisition by Google Inc. for approximately US\$12.5B.
- **Vector Aerospace Corporation** in its C\$625M sale of its issued and outstanding common shares to Eurocopter Holding, a subsidiary of EADS, by way of a take-over bid.
- **Canadian Tire Corporation Limited**, as competition counsel, in its C\$771M acquisition of all of the outstanding shares of Forzani Group Ltd.
- **Potash Corporation of Saskatchewan Inc.** in its defence of BHP Billiton Ltd.'s US\$38.6B unsolicited take-over bid, with the bid being subsequently withdrawn after the historic decision of Investment Canada to reject the proposal. **Winner of IFLR 2011 award for Canadian Law Firm of the Year for its work on this and other transactions.**

RECENT COMPETITION LITIGATION EXPERIENCE

- *2038724 Ontario Limited et al. v. Gordon Food Services et al.* (2011) Ontario (a franchise class action brought by franchisees alleging anti-competitive conduct with respect to distribution arrangements in place between Quiznos as franchisor and GFS as distributor).
- *Commissioner of Competition v. Air Canada et al.* (2011) Ontario (acting for Air Canada in its response to the Commissioner of Competition's application to the Competition Tribunal opposing the proposed Canada-U.S. cross-border joint venture with United Continental Holdings. The case is the first challenge under the civil competitor collaboration provisions added to the Act in the 2009 amendments).
- *Commissioner of Competition v. Canadian Real Estate Association Ontario* (acting for CREA in a case alleging abuse of dominance in the market for residential real estate brokerage services).

- Prepare pre-merger notification materials and/or apply to the Commissioner for an advance ruling certificate or advisory opinion in respect of a proposed transaction, where appropriate;
- Structure transactions so as to eliminate or minimize the risks of challenge by the Commissioner;
- Liaise with the Competition Bureau and Investment Canada to enable our clients to complete their transactions in a timely manner;
- Advise clients in connection with investigations initiated by the Commissioner, whether civil or criminal in nature;
- Advise clients in connection with search warrants or other formal inquiry procedures initiated by the Commissioner;
- Assist clients in lodging complaints with the Competition Bureau; and
- Advise generally with respect to the Commissioner's or Investment Canada's position on or interpretation of various issues of importance to clients.

MARKETING, ADVERTISING AND COMPLIANCE

Competition law is complex and constantly evolving, and business practices that appear innocuous to clients may in fact contravene the *Competition Act*. The Group provides ongoing *Competition Act* compliance advice to various Fortune 500 companies on many marketing practices, such as advertising, distribution strategies and pricing strategies. Stikeman Elliott's experienced competition counsel can help companies avoid unwelcome surprises, including Bureau investigations and civil or criminal actions, by:

- Conducting a competition law audit to identify and report on any aspects of a client's procedures or policies that raise compliance issues;
- Designing, in collaboration with the client's operations personnel, a comprehensive compliance program;
- Conducting seminars to educate staff on compliance pitfalls common in their industry; and
- Advising with respect to document management (*i.e.*, creation and retention).

COMPETITION LITIGATION Before the Courts and the Competition Tribunal

Competition litigation is an increasingly active and complex business reality in Canada. The recent amendments to the Canadian *Competition Act* further expand the range of conduct and the seriousness of the consequences to parties in civil proceedings, including cases before the Competition Tribunal and in court. Stikeman Elliott's competition litigators have the experience, knowledge, judgment and skills to represent our clients effectively in this very dynamic and strategically important area.

Stikeman Elliott's competition litigation practice is led by **Katherine Kay**, one of Canada's premier competition litigators. *Chambers Global 2011* recently described Katherine

as "virtually insurmountable in the area of competition litigation" and quoted client feedback that "she is always on top of her game - outstanding expertise, energetic, insightful and very practical." She is described in *Global Competition Review's Country Survey: Canada 2010* as "arguably the best competition litigator Canada has to offer." Katherine is lead counsel on multiple antitrust class actions commenced in Canada, high profile Competition Tribunal proceedings and several cartel cases. Recently, Ms. Kay represented Canadian Real Estate Association in its high-profile abuse of dominance case before the Competition Tribunal concerning residential real estate brokerage services.

The Group's competition litigators, who include **Eliot Kolers** and **Danielle Royal**, have extensive experience and the strategic judgment and outstanding advocacy skills to secure the best possible results for our clients. They understand the ins and outs of Canadian antitrust law and the practice and approach of the regulatory authorities and who are well-known to the Competition Tribunal and courts at all levels and in all jurisdictions. Our litigators work very closely with our colleagues on the solicitors' side of Canadian competition practice, and members of our Group draw on the experience and judgment of the litigation team on a daily basis.

The competition litigators represent national and international clients in a variety of matters, including:

- Criminal investigations and proceedings, involving corporations as well as directors, officers and employees, including immunity and leniency applications
- Defending class actions, which are typically commenced on a national basis mirroring similar U.S. actions and often following Canadian criminal investigations
- Representing clients who are a merging party, or who oppose a particular merger, both in dealing with the Competition Bureau and then before the Competition Tribunal, on a contested or consent basis
- Defending clients in contested proceedings before the Competition Tribunal in which allegations of anticompetitive conduct or violations of consumer protection measures in the *Competition Act* are made by the Commissioner of Competition or, under recent and proposed amendments to the *Competition Act*, by private individuals in certain areas
- Making or responding to complaints to the Competition Bureau regarding anti-competitive behaviour in a particular marketplace
- Commencing or defending private actions or applications brought under the *Competition Act* and under the common law in which anti-competitive conduct is alleged

"Stikeman Elliott has one of the best competition groups in the country, serving both firm-wide and antitrust-only clients."

Global Competition Review's GCR 100
(10th Edition)

Other recent competition and foreign investment experience

Communication, Entertainment and Media

- **Yellow Media Inc.** in its \$708M sale of Trader Corporation to funds advised by Apax Partners. (2011)
- **Transcontinental Inc.** in its indirect acquisition of all shares of Quad Graphics Canada Inc. Separately, Transcontinental will sell its Mexican operations, as well as transfer its black and white book printing business destined for U.S. export, to Quad Graphics (undisclosed value). (2011)
- **Hearst Corporation**, as Canadian counsel, in its US\$920M acquisition of the U.S. portion and the majority of the overall transaction with Lagardère SCA to acquire Lagardère's nearly 100 magazines in 14 countries outside of France, as well as its digital operations and numerous mobile and tablet applications. (2011)
- **Birch Hill Equity Partners** in its approximately \$425M sale of Atria Networks LP to Rogers Communications Inc. (2010)
- **Bell Microproducts Inc.**, as Canadian Counsel, in its US\$252M sale to Avnet Inc. (2010)
- **FremantleMedia**, a subsidiary of the RTL Group, in its acquisition of a further 51% stake in Ludia Inc. (2010)
- **Ticketmaster Entertainment Inc.**, as Canadian counsel, in its US \$2.5B merger with Live Nation Inc. (2009)

Consumer Products, Services and Retail

- **HBC** in the C\$1.825B sale by Zellers of up to 220 leasehold interests to Target Corporation. (2011)
- **Van Houtte Inc.** on its sale to Green Mountain Coffee Roasters by share purchase agreement from an affiliate of Littlejohn & Co., LLC, for a cash purchase price of \$915M. (2010)
- **Coca-Cola Enterprises Inc.**, as Canadian counsel, in its transaction with The Coca-Cola Company. (2010)
- **ABB Ltd.** as Canadian counsel in its US\$4.2B acquisition of Baldor Electric Co. (2010)
- **Zylog Systems Ltd.** in its \$35M acquisition of Brainhunter Inc., an IT consulting and engineering staffing services company. (2010)
- **Sofina Foods Inc.** in its acquisition of Lilydale Inc. by way of a plan of arrangement for \$130M. (2010)
- **The Stanley Works** in its US\$4.5B business combination with The Black & Decker Corporation to create Stanley Black & Decker. (2009)
- **Bell Canada** in its winning bid for the assets of InterTAN Canada Ltd.'s retail business operating under the trade name, The Source by Circuit City. (2009)
- **Panasonic Corporation**, as Canadian counsel, in its US\$9B acquisition of Sanyo Electric Co., Ltd. (2009)
- **NRDC Equity Partners** in its acquisition of Hudson's Bay Co. (2008)

Distribution and Wholesale

- **Clairvest Group Inc.** and **Clairvest Equity Partners** Limited Partnership in its C\$35M sale of their combined interests in Van-Rob Inc. to Kirchhoff Automotive GmbH. (2011)
- **TPG Capital** and **Nexeo Solutions Canada Corp.** in its US\$979M acquisition of Ashland Distribution from Ashland Inc. (2011)
- **Capital Management LLP**, as Canadian counsel, in connection with its proposed US\$6.6B acquisition of United Rentals Inc. (2007)

Energy, Natural Resources and Agriculture

- **Meridian Limited Partnership** in its acquisition of the Meridian Cogeneration Plant located in Saskatchewan (undisclosed value). (2011)
- **Ontario Teachers' Pension Plan Board** in the sale of all of its interest in Coal Valley Partnership to Sherritt International Corporation. (2010)
- **Baffinland Iron Mines Corporation** in connection with its C\$590M sale to ArcelorMittal and Iron Ore Holdings, LP. (2010)
- **Compton Petroleum Corporation** in its C\$115M sale of certain oil and gas assets in the Edson area in Alberta to Angle Energy, Inc. (2010)
- **Clean Energy Fuels Corp.** in its US\$165M acquisition of IMW Industries, Ltd. (2010)
- **GDF Suez**, one of the largest European utility companies, as Canadian counsel, in the acquisition of control over International Power plc by way of reverse takeover. (2010)
- **JSC Atomredmetzoloto (ARMZ)** in its \$1.6B acquisition of a 51% interest in Uranium One. (2010)
- **Yara International ASA** in its US\$1.4B bid for all the outstanding common shares of Terra Industries Inc. (2010)
- **Sinopec International Petroleum Exploration and Production Corporation** in its \$10.3B acquisition of Addax Petroleum Corporation, the largest outbound acquisition by a PRC entity. **Awarded Asian-Counsel's Deals of the Year 2009 and the M&A Atlas Awards Global M&A Deal of the Year (\$5+B).** (2009)
- **PetroChina International Investment Company Limited** in its \$1.9B acquisition of a 60% working interest in Athabasca Oil Sands Corp.'s MacKay River and Dover oil sands projects. (2009)
- **Ultramar Ltd.**, a Quebec based refiner, with respect to Suncor Energy Inc. in its \$22.2B acquisition of Petro-Canada. (2009)
- **Eni S.p.A.** in its \$923M acquisition of First Calgary Petroleums Ltd. (2009)

- **Yara International ASA** in its C\$1.6B acquisition of Canadian Nitrogen Producer Saskferco (2009)
- **Cameron International Corporation and NATCO Group Inc.** in connection with Cameron's acquisition of NATCO for approximately US\$780M. Providing Canadian regulatory advice to both. (2009)
- **TransCanada Corporation** in connection with the ownership with ConocoPhillips and commercial legal structure of the US\$12.2B Keystone Oil Pipeline project. (2008)
- **Sinopec International Petroleum Exploration and Production Corporation** in its \$2.0B acquisition of Tanganyika Oil Company Ltd. (2008)
- **Teck Cominco Ltd.** in its \$14.1B acquisition of Fording Canadian Coal Trust. (2008)

Financial Services and Insurance

- **XSC Canada Holdings Inc.** in its \$36.9M acquisition of XS Cargo Limited Partnership and XS Cargo GP Inc., the operating subsidiaries of XS Cargo Income Fund. (2011)
- **BG Capital Management Corp.** in its sale of 70% of the outstanding shares of The Neptune Society, Inc., the largest direct cremation organization in the U.S., to Service Corporation International (undisclosed value). (2011)
- **OMERS Private Equity**, the private equity arm of the OMERS Worldwide Group of Companies, in its acquisition of CBI Health Group from private equity firm Callisto Capital LP. (2011)
- **Clairvest Group Inc. and Clairvest Equity Partners Limited Partnership** in its C\$35M sale of their combined interests in Van-Rob Inc. to Kirchhoff Automotive GmbH. (2011)
- **TPG Capital**, a global private equity firm, in its US\$850M acquisition of the Property Information business of MacDonald, Dettwiler and Associates Ltd. (2011)
- **OMERS Private Equity**, the private equity arm of the OMERS Worldwide group of companies, completed its acquisition of CBI Health Group. OMERS, together with management, acquired CBI from private equity firm Callisto Capital LP. (2011)
- **Genstar Capital**, as Canadian counsel in its sale of Fort Dearborn Holdings to KRG Capital Partners. (2010)

Manufacturing and Industrial

- **Ecolab Inc.** in its US\$5.4 billion acquisition of Nalco Holding Company. (2011)
- **Smurfit-Stone Container Corp.** as Canadian regulatory counsel in relation to its US\$3.5B acquisition by Rock-Tenn Co. making it North America's second-biggest containerboard producer. (announced 2011)
- **Algoma Central Corporation** with respect to its C\$85M acquisition of Upper Lakes Group Inc.'s partnership interest in Seaway Marine Transport and related entities. (2011)

- **Solideal International S.A.** in connection with its sale to Camoplast, Inc. (2010)
- **Grupo Bimbo, S.A.B. de C.V.**, in its US\$2.5B acquisition of the U.S. fresh baking assets from George Weston Limited. (2010)
- **Grupo ACS**, a Spanish construction firm, as Canadian counsel, in connection with its bid in Germany for at least 50% of German group HOCHTIEF AG. The bid, which would form the largest infrastructure company in the Western world, is reported to be worth US\$3.55B. (2010)
- **Timminco Limited** in its joint venture transaction with Dow Corning Corporation regarding the silicon metal production facilities of Timminco's wholly-owned subsidiary, Bécancour Silicon Inc. Dow Corning acquired a 49% equity interest in Québec Silicon Limited Partnership, the new joint venture entity that owns the silicon metal operations in Bécancour, Québec, in consideration for net cash proceeds of approximately US\$40.3M.

Pharmaceutical, Agri-chemical and Medical Products

- **Laboratory Corporation of America Holdings**, as Canadian counsel, in its acquisition of Clearstone Central Laboratories, provider of central laboratory services for late-stage clinical trials. Laboratory Corporation is a provider of medial laboratory testing and is an S&P 500 company listed on the NYSE (undisclosed value). (2011)
- **Ricerca Biosciences, LLC** in the \$45M acquisition of the Discovery and Preclinical business of MDS Pharma Services. (2011)
- **ratiopharm Group**, as Canadian Counsel, in its €3.625B sale to Teva Pharmaceutical Industries Ltd. (2010)
- **Bain Capital Ventures and SV Life Sciences Advisers**, as Canadian counsel, in the \$45M acquisition of MDS Pharma Early Stage business from MDS Inc. (2010)

Real Estate

- **Morguard Corporation and Morguard Real Estate Investment Trust** in its \$165M acquisition of Place Innovation located within Technoparc Montreal, the largest technology park in Canada. (2010)
- **Electra Real Estate Ltd.** in its acquisition of 60% interest of Winnipeg Square for C\$102.5M. (2007)
- **North American Property Group and Gibralt Capital Corporation** when Canadian Real Estate Investment Trust acquired from them an effective 50% undivided interest in Dartmouth Crossing Shopping Centre, located in Dartmouth, Nova Scotia for approximately C\$135M. (2007)

Technology

- **Audax Group**, as Canadian counsel, in its sale of Northern Digital, Inc. to Roper Industries Inc. NDI develops and manufactures optical and electromagnetic technology for image-guided surgical, industrial test and measurement, and research applications (undisclosed value). (2011)
- **Marsulex Inc.** in its C\$419.5M aggregate sale to Chemtrade Logistics Fund of all Marsulex businesses other than Marsulex Environmental Technologies Corporation. (2011)
- **Marsulex Inc.** in its C\$419.5M aggregate sale to Chemtrade Logistics Fund of all Marsulex businesses other than Marsulex Environmental Technologies Corporation. (2011)
- **GENBAND, Inc.**, as Canadian counsel, in its “Stalking Horse” agreement with Nortel to acquire substantially all of the assets of its CVAS business globally, for a purchase price of US\$282M and a total cost of ownership in excess of US\$400M. (2010)

Transportation and Travel

- **United Airlines**, as Canadian counsel, in an all-stock merger of equals agreement with Continental Airlines for a combined equity value of over US\$8B.
Winner of GCR 2011 award for “M&A Transaction of the Year: Americas”
- **Volkswagen AG** in its \$20B bid for German truck manufacturer MAN SE (2011)
- **Dynamex Inc.**, as Canadian counsel, in connection with its US\$248M sale to TransForce Inc. (2011)
- **Tata Motors**, as Canadian Counsel, in its US\$2.3B winning bid to acquire Jaguar and Land Rover. (2008)
- **Algoma Central Corporation** with respect to its C\$85M acquisition of Upper Lakes Group Inc.’s partnership interest in Seaway Marine Transport and related entities. (2011)

Other recent competition litigation experience

- *Hi! Neighbour Flooring Covering Co. v. Future Foam* (2011) Ontario and British Columbia (acting for defendant in class actions alleging price-fixing of polyurethane foam.)
- *Fanshawe College v. LG Display Co. et al.* (2011) Ontario, British Columbia and Quebec (acting for defendants in three provinces in proposed class actions alleging price-fixing conspiracy in LCD panels and products. Contested certification motion has been argued and is under reserve).
- *Fairhurst v. DeBeers S.A et al.* (2010) British Columbia (jurisdictional challenge in competition class action).
- *Foster v. Briggs & Stratton et al.* (2010) Ontario and Quebec (acting for defendant in proposed misrepresentation and conspiracy class action).
- *SunRype v. Tate & Lyle (formerly AE Stayley) et al* (2010) British Columbia (acted for defendant in class action alleging price-fixing conspiracy in respect of high fructose corn syrup).
- *Park Avenue Hair Salon v. Solvay America Inc. et al* (2010) Ontario, Quebec and British Columbia (acted for defendants in class actions in three provinces alleging price-fixing conspiracy in hydrogen peroxide. Also represented Solvay in the criminal matter.)
- *Lori Riediger v. Air Canada et al.* (2009) Ontario (acting for defendant in proposed class actions alleging conspiracy in the supply of passenger air travel services).
- *Pro Sys Consultants Ltd. v. Infineon Technologies AG. et al.* (2009) Ontario, Quebec and British Columbia (acting for defendant in class actions commenced in Ontario, Quebec and British Columbia alleging price-fixing in computer memory chips called DRAM. Successfully defeated certification in B.C. and Quebec at first instance. The British Columbia Court of Appeal overturned the dismissal of the certification motion; leave to appeal to the Supreme Court of Canada was dismissed. An appeal was recently heard in Quebec and is under reserve. This is the first indirect purchaser price-fixing class action certified in Canada. The case raises many cutting edge issues regarding the test for certification and aggregate damages).
- *Chinook Global v. Canadian National Railway Company* (2008) Ontario (acting for defendant in proposed class proceeding alleging misrepresentation regarding fuel surcharges).
- *Bratton v. Sony Corporation et al.* (2007) Ontario, British Columbia and Quebec (acting for defendants in three provinces in proposed class actions alleging price-fixing conspiracy in computer memory).
- *Commissioner of Competition v. Lakeport Brewing et al.* (2007) Competition Tribunal (acted for Lakeport Brewing in an application brought under section 100 of the *Competition Act* to prevent closing for a 30 day period. Competition Tribunal issued an order dismissing the Commissioner’s application and the transaction closed on schedule).
- *Commissioner of Competition v. Air Canada:* Represented Air Canada on numerous competition cases brought since Air Canada’s acquisition of Canadian Airlines, including (1) a constitutional challenge to the Commissioner’s power to issue cease and desist orders against Air Canada; (2) a challenge under the

Competition Act to the issuance of such orders; (3) lengthy proceedings before the Competition Tribunal in which the Commissioner alleged that Air Canada abused its dominant position on certain routes in eastern Canada; (4) an arbitration proceeding to determine the fair market value of an asset to be offered for divestiture as part of the agreement with the Commissioner following the acquisition of Canadian Airlines; and (5) in connection with the Canadian Competition Bureau investigation in cargo services. Virtually all of these cases have involved appeals, including to the Supreme Court of Canada.

- *McLay & Company v. Coast Paper Limited et al* (2006) Ontario and Quebec (acting for defendant in class actions alleging price-fixing conspiracy in carbonless paper products).
- *Nutech Brands v. Air Canada Cargo et al* (2006) Ontario, Quebec and British Columbia (acting for defendant in class actions alleging price-fixing conspiracy in air freight shipping).
- *Crosslink Technology v. Huntsman International et al* (2006) Ontario and Quebec (acting for defendants in two provinces in proposed class actions alleging price-fixing conspiracy in chemical product).
- *Culhane v. ATP Aero Training Products* (2005) Federal Court of Appeal (predatory pricing case).
- *Drover v. Sears Canada Inc.* (2005) Ontario, Quebec and Saskatchewan (acting for defendant in class actions in three provinces alleging misrepresentation relating to the sale of tires).
- *Always Travel Inc. v. Air Canada et al* (2005) Federal Court of Canada (acted for Air Canada in defence of first federal class action brought under the *Competition Act*. The action against Air Canada was found to be without merit by a claims officer and the Federal Court class action was subsequently dismissed).

Stikeman Elliott 's Competition and Foreign Investment Group win the GCR 2011 award for **M&A Transaction of the Year** for their work in the United Air Lines and Continental Airlines merger.

For further information, please contact any member of the Competition and Foreign Investment Group:

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