



## Graham Splawski

Partner

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[Securities Disputes](#)  
[Class Actions](#)  
[Competition & Foreign Investment Review](#)  
[White Collar Criminal Defence and  
Corporate Investigations](#)  
[Banking Litigation](#)  
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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, "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
- Author, "What to Refuse? Ontario Court Clarifies Scope of Discovery of a Representative Plaintiff", BLG Article, November 2019
- Author, "Ontario to Review Securities Act", BLG Article, November 2019
- Author, "CSA Releases Client Focused Reforms", BLG Article, October 2019
- Author, "Decision: Case Management Judges Cannot Hold Mini-Trial?", BLG Article, September 2019
- Author, "Alberta Court Dismisses Pseudolegal Debt Elimination Scheme", BLG Article, September 2019
- Author, "Supreme Court is Not Interested in the Interest Act", BLG Article, April 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 2023 edition of *Benchmark Litigation Canada* as a "Future Star"
- Recognized in the 2023 edition 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



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