



Graham Splawski

Partner

T 416.367.6206
F 416.367.6749
Toronto
GSplawski@blg.com
[LinkedIn](#)

[Securities Disputes](#)
[Class Actions](#)
[Competition & Foreign Investment Review](#)
[White Collar Criminal Defence and
Corporate Investigations](#)
[Banking Litigation](#)
[Commercial Litigation](#)
[Mergers & Acquisitions](#)
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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 2024 edition (and since 2023) 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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As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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