



Akiva Stern

Sociétaire

Toronto

astern@mccarthy.ca

t. +1 416-601-8910

Faculté de droit

University of Windsor

Secteurs d'activité

Droit bancaire et services financiers

Produits dérivés

Assurance et réassurance

Domaines de pratique

Litige en droit commercial et en droit des sociétés

Actions collectives

Litige et résolution des différends

Litige en concurrence

Droit de la faillite et de la restructuration

Litige en matière d'assurance

Responsabilité professionnelle

Droit de la concurrence/antitrust et de l'investissement étranger

Disponible en anglais seulement

With his diverse business background, Akiva always approaches clients' problems from a multi-disciplinary lens and is never afraid to dig deep into the numbers.

Akiva (JD/MBA, MIRHR, BHRM) maintains a broad litigation practice with an emphasis on complex corporate and commercial litigation, finance and accounting litigation, competition litigation, class actions, insurance litigation and professional negligence. Akiva has a keen eye for 'numbers' litigation, working closely with clients to understand their broader business needs in the context of litigation. Akiva has appeared at all levels of the courts in Ontario, including the Court of Appeal, as well as the Federal Court and Federal Court of Appeal.

Akiva is a member of the firm's National Accounting Initiative, Competition/Antitrust group, National Class Actions group and Insurance industry group. Akiva sits as Second Vice Chair of the Competition Litigation Section Committee, Competition Law and Foreign Investment Review Section, Canadian Bar Association.

Representative Cases – COMMERCIAL

Competition/Antitrust

- *Mohr v. National Hockey League* - Counsel for **Hockey Canada** regarding underlying class action alleging \$825 million in damages for conspiracy and price fixing. Successfully brought motion to strike at the Federal Court, striking the plaintiff's claim and denying their motion to amend. Successfully defended decision at the Federal Court of Appeal, as well as the plaintiff's leave to appeal application to the Supreme Court of Canada.
- Representation of a corporation in the context of a judicial review under the national security review regime of the *Investment Canada Act*.

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- Representation of corporations in the context of the Immunity and Leniency Programs under the *Competition Act*.
- *Representation of defendants in ongoing proposed class actions alleging anti-competitive conduct in the following businesses:*
- Foreign exchange
- SSA Bonds
- Atlantic Salmon
- Generic Drugs
- Land Conveyancing Software
- Capacitors
- Forged Aluminium

Finance/Accounting/Insurance

- *North American publicly traded commodity company* – Counsel in respect of a multi-million dollar post-closing adjustment accounting valuation dispute. Successfully defended accounting valuation on all issues.
- *Vale Canada v. Royal & Sun Alliance et al.* – Counsel for **Vale Canada** in respect of a multi-million dollar international coverage, including with respect to a significant jurisdiction battle before the Ontario Court of Appeal involving principles of jurisdiction simpliciter and forum non conveniens in the context of contract claims and a competing proceeding in New York. The Appeal Panel unanimously found in favour of Vale, dismissing seven appeals brought by Vale's insurers and allowing Vale's appeal. Successfully defended leave to appeal application to the Supreme Court of Canada.
- *In the Matter of the Bankruptcy of Guo Li Chun* – Counsel for **Barclays Bank, Credit Suisse, Morgan Stanley** and **Goldman Sachs** in successful application to enforce USD\$324 million debt. Leading Court of Appeal decision regarding partial lift of automatic stay pending appeal.
- *Insurance Claims for COVID-19 Business Interruption Loss* – Counsel for numerous companies and professionals pursuing insurance claims for

COVID-19 related business interruption and other losses.

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Representative Cases – PROFESSIONAL NEGLIGENCE

- *Lafontaine v. Niagara Health System* – Counsel for defendant physician in medical malpractice claim for damages allegedly arising from failing to identify a polyp during colonoscopies performed on the plaintiff. Successful trial leading to a judgment completely dismissing all allegations of professional negligence.
- *C.L. v. K.N.M.B.* – Counsel for respondent physician in *Health Professions Appeal and Review Board* hearing appealing the decision of the *Inquiries, Complaints and Reports Committee* of the College of Physicians and Surgeons of Ontario regarding a complaint related to the care and treatment of the Applicant during the Applicant's labour and delivery. Successful hearing leading to no action taken by the Appeal panel against the respondent physician.

Academic and Professional Involvement

Akiva is a leading author and frequent lecturer on mooting, legal rhetoric & advocacy. Akiva teaches introductory and advanced mooting and advocacy skills courses at the Lincoln Alexander School of Law, Toronto Metropolitan University, and frequently guest lectures at the Faculty of Law, University of Windsor.

Selected Publications

- Iatrou N., Halladay C., Stern A., [Federal Court of Appeal clarifies evidentiary burden and denies certification for DRAM class action](#) (Global Competition Review, August 16, 2023)
- Stern A., Anastassiadis D., Rezaei S., Class Actions Hub - [Québec Court of Appeal denies authorisation application for DRAM class action](#) (Global Competition Review, May 18, 2023)
- Petrou & Stern, [Virtual Advocacy: Litigating from a Distance](#), 1st ed (Toronto: LexisNexis, 2023)
- Iatrou N., Halladay C., Stern A., Anastassiadis D., Rooney A., Canada: Class Actions – [Litigation, Policy and Latest Developments](#) (Global Competition

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[Review, December 2, 2022](#)

- Lewis A., Stern A. and Murphy S., Rules of Civil Procedure Chapters, Discovery, Rule 29.1 - Discovery Plan in *Civil Procedure and Practice in Ontario*, Noel Semple (ed.), Canadian Legal Information Institute, 2nd ed, [2022 CanLII Docs 1013](#)
- A Stern, [Moot: How to Win in Fake Court and Other Valuable Lessons in Legal Rhetoric](#), 1st ed (Toronto: LexisNexis, 2020)
- Stern, Akiva, "Exploring the Relationship Between Executive Compensation and Corporate Mergers and Acquisitions" (2018). Major Papers, Scholarship at UWindsor

Akiva obtained his Bachelor of Human Resource Management (Honours) from York University as well as a Master of Industrial Relations and Human Resources from the University of Toronto. He received his Juris Doctor and Master of Business Administration from the University of Windsor in 2018. Akiva also recently completed the *Financial Analysis and Valuation for Lawyers* certificate at Harvard University.

Akiva assisted in the creation and management of the first student-run investment fund, holding the inaugural position of Managing Director for two years. Akiva was the recipient of the Dean's Award for *Excellence in Leadership 2017*, as well as the *Dr. John Whiteside Prize in Professional Ethics and Conduct* in 2018.

Akiva was called to the Ontario bar in 2019. He is a member of the Law Society of Ontario, the Ontario Bar Association and the Canadian Bar Association.

Mandats récents

- **Échec de l'action collective contre Hockey Canada auprès de la Cour d'appel fédérale**
17 août 2022
- **Wyloo Metals complète l'acquisition de Noront Resources, une société cotée à la Bourse de croissance TSX**
7 avril 2022

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Publications récentes

- **Perspectives pour 2024 en droit de la concurrence/antitrust et de l'investissement étranger**
9 février 2024
- **Virtual Advocacy: Litigating from a Distance (Disponible en anglais seulement)**
28 février 2023
- **Perspectives pour 2023 en droit de la concurrence/antitrust et de l'investissement étranger**
5 janvier 2023
- **Certification not just a speed bump: Federal Court scrutinizes speculative claims and wishful conspiracies**
14 janvier 2022