

David Wingfield makes the complex simple.



DAVID R WINGFIELD *

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* Practising through a professional corporation

PRACTICE AREAS

Class Actions
Competition Law
Commercial Litigation

BAR ADMISSIONS

Ontario (1988)
New York (1992)
Middle Temple, London (2013)

MEMBERSHIPS

Law Society of Ontario
The Honourable Society of the Middle Temple
Litigation Counsel of America (Senior Fellow)
Commercial Bar Association of England and Wales
International Competition Network (the world's competition enforcement agencies)
London Court of International Arbitration

EDUCATION

Queen's University (LL.B)
University of Toronto (M.A.)
University College at the University of Toronto (B.A. Hons)

A deep understanding of economics, combined with a comprehensive grasp of competition law, is what enables David Wingfield to develop the most complex class actions. But it is his ability to navigate this complexity by using simple ideas prosecuted relentlessly that makes him distinctive. David's ability to make the complex simple has led to him being the counsel of choice for sophisticated clients, including acting and former Prime Ministers, governments, and major corporations.

Right now, he is acting for claimants on some of the world's largest competition proceedings in the UK, plus multi-billion-dollar competition class actions in Canada. A former head of the antitrust division of the Canadian Department of Justice, he practises competition law in both London, where he is called to the Bar at Middle Temple, and in Canada, where he is a barrister and solicitor. As a New York State attorney, David is also extremely knowledgeable about US Antitrust laws and class action procedures. He is a Senior Fellow of the Litigation Counsel of America and has published widely in peer-reviewed journals.

David developed the case theory and certified the largest price-fixing case by settlement value (\$500 million) in Canadian history, which is continuing against the non-settling defendants.

ACHIEVEMENTS

In addition to his practice in Canada, David is a Barrister of Middle Temple, a member of the Bar of England and Wales, and an Attorney of New York State.

David is a Fellow of the Litigation Counsel of America and has been recognized as a leading litigation lawyer in various legal directories.

At the invitation of the Commissioner of Competition, David serves as a Non-Governmental Advisor to the International Competition Network, an organization of more than 100 competition agencies from around the world that addresses antitrust and competition enforcement and policy issues.

PRACTICE HIGHLIGHTS

Competition Law Disputes

- Acting for a class of consumers representing virtually all Canadians on the **Bread price-fixing case** against Canada's major bread manufacturers and grocery store chains.
- Acting for a class of consumers against **Amazon** for fixing the prices of products sold on e-commerce sites. This is the largest price-fixing case ever brought in Canada.
- Acting for a class of consumers representing virtually all Canadians against **price-fixing by beef processors**
- Advising on litigation before the Competition Appeal Tribunal, UK on a claim **against a major technology platform.**
- Member of the committee advising Lord Currie (former head of the UK's Competition Authority) on the world's first competition law claims involving **cryptocurrency exchanges.**
- Acted on litigation before the Competition Appeal Tribunal, UK over the fees imposed by **Visa and Mastercard** on UK and European merchants when they accept credit and debit cards for payment.
- Acted to prevent the effective merger of **Air Canada and United/Continental Airlines.** This is one of the few antitrust enforcement actions that have been brought anywhere to prohibit joint venture and alliance agreements between competing international carriers.
- Acted to prevent **Rogers, Bell and Telus** -- Canada's largest wireless carriers -- from using deceptive marketing practices to promote premium mobile messaging services and digital content. This is the first case in any jurisdiction to prevent "cramming".
- Acted to remedy deceptive marketing practices used by **Leon's Furniture Limited and The Brick Ltd** to promote their deferred payment plans. This was the first case in Canada to advance the theory of "drip pricing" which is now expressly forbidden under the Competition Act

Commercial Disputes

- Representing a class of retail investors to recover substantial losses from fraudulent disclosures made by **CannTrust Holdings** in its initial public filings, which at the time was one of Canada's largest publicly traded cannabis companies.
- Represented the Province of Newfoundland and Labrador in **AbitibiBowater Inc.'s restructuring**, including arguing an appeal in the Supreme Court of Canada on the issue of whether Canada's bankruptcy laws permit an insolvent debtor to avoid provincial environmental laws. This is the leading case in Canada on the interplay of federal bankruptcy and insolvency law and provincial regulatory law.

PRACTICE HIGHLIGHTS

- Represented the **Province of Newfoundland and Labrador** in respect of its provincial interests in an investment treaty dispute brought by US investors against Canada under Chapter Eleven of the North American Free Trade Agreement arising from the Province's expropriation of natural resources and power plants.
- Represented the **Attorney General of Canada** on litigation over whether wireless spectrum licences may be transferred without the Minister of Industry's consent.
- Represented the parent company of the **Hollinger newspaper group** (formerly controlled by Lord Black) in its Canadian and US litigation over control of the Sun-Times Media Group. This litigation led to many leading cases on corporate responsibility, including the leading case on director indemnity rights.
- Acted on the liquidation of the **Christian Brothers of Ireland in Canada** to pay claims for institutional child abuse. This was the first religious order anywhere to be placed in bankruptcy to pay tort claims for child abuse and led to several leading cases in Canada and internationally on how bankruptcy and insolvency law treats the assets of an insolvent charity.
- Represented an arm of the **Canadian Deposit Insurance Corporation** in litigation over a complex series of securities transactions between an insolvent Canadian financial institution and Canada's largest independent investment bank.
- Represented the lead investor of a project to redevelop and privatize **Pearson International Airport** — Canada's largest airport — in litigation over the confidential compensation paid by the Canadian Government after it cancelled the privatization.

Public Interest Disputes

- Represented **a sitting member of Parliament** on litigation against the Liberal Party of Canada arising out of allegations that Chuck Cadman had received unlawful inducements in exchange for his vote.
- Represented former **Prime Minister Mulroney PC** on his litigation with Peter Newman arising from the latter's breaches of confidence in writing a book entitled "The Secret Mulroney Tapes" based on interviews given to Newman by the Prime Minister during his time in office.
- Represented **the Harris Government of Ontario** in an inquiry into the circumstances of a riot between members of a public sector union and the police outside of the Legislative Assembly.
- Acted for the **Dispute Resolution Appeals Committee of the Federal Conservative Party** of Canada on the challenge brought by the Patrick Brown Campaign arising from his disqualification in the leadership race at which Pierre Poilievre was elected leader of the federal party.

PUBLICATIONS AND RECENT SPEAKING ENGAGEMENTS

- *Recent developments in price-fixing and the enforcement of arbitration agreements in competition law disputes*, Ontario Bar Association, 15th Annual Class Actions Colloquium, Toronto (December 2023)
- *Addressing the Intersection of Consumer Protection & Competition Law*, ThoughtLeaders4, London (September 2023)
- *Examining Claimant and Defendant Perspectives on Certification and Strike Out*, The Competition Collective Actions Forum 2023, London (June 2023)
- *Globalisation of Competition Law Claims*, 5th Annual International Disputes Forum, London (May 2023)
- *“Class actions and Competition Law Litigation”* (with Michael Hausfeld and Anthony Maton), in *Competition Case Law Digest: A synthesis of EU, US and national leading cases*, Concurrences (2022)
- *“Canadian law of Bribery and Corruption”* in Lissack and Horlick on Bribery and Corruption 3rd ed, Butterworths (London: 2020)
- *“What makes claims eligible for inclusion in collective proceedings?”* Concurrences Competition Law Review 1-2016
- *Arbitration in Competition Law and Antitrust Cases*, CDR Summer Arbitration Symposium, London (June 2016)
- *The New UK Class Action Regime for Competition Law Cases*, CDR Spring Competition Litigation Symposium, London (March 2016)
- *Efficient Evidence Gathering and Analysis in Unilateral Conduct Cases*, International Competition Network 14th Annual Meeting, Sydney (April 2015)
- *The Rise of Global Antitrust Enforcement*, ABA International Law Section, North American Regional Forum, Vancouver (November 2014)
- *Abuse of Dominance in a Post-TREB World*, CBA Annual Competition Law Fall Conference, Ottawa (September 2014)
- *Perish Vicarious Liability?* Emerging issues in Tort Law, ed Jason Neyers et al (Hart Publishing, Oxford 2008) chap 15.
- *The Attachment of Charitable Property in Law and in Equity*, 83 Can Bar Rev 806 (2004).
- *The Short Life and Long Afterlife of Charitable Immunity in the Common Law*, 82 Can Bar Rev 315 (2003).