



## David W. Kent

Co-Chair, Class Action Defence, Dispute Resolution, Intellectual Property  
Toronto

416.865.7143  
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### education and year of call

- Called to the Ontario bar - 1983
- University of Toronto, LLB (Hons, Dean's Key) - 1981
- Carleton University, BA (with distinction) - 1976

### practice areas

data breach and privacy litigation  
litigation  
competition and antitrust  
class actions  
cartels  
copyright  
securities litigation  
appellate advocacy  
administrative law

### industries

media  
pharmaceuticals  
automotive manufacturers and distributors  
information technology  
telecommunications

### profile

David is a partner in the firm's Litigation, Competition/Antitrust and Intellectual Property Groups. He is the National Co-Chair of the firm's Dispute Resolution and Class Action practices.

David's practice emphasizes complex litigation involving competition, intellectual property, commercial, regulatory and securities and governance disputes in a wide variety of industries. He has extensive experience in domestic, international and cross-border cartels, conspiracies and class actions. David has been defence counsel in two of the largest Canadian criminal cartel prosecutions and in many of the major Canadian civil cartel cases (including Vitamins, Linerboard, Copper Futures, Rubber Chemicals, Travel Agents, Computer Components (including DRAM, SRAM, Flash, and LCD and CRT Monitors), E-Books and Credit Cards. His class action experience includes precedent setting decisions on a wide range of issues including securities law, cartel jurisdiction, cross-border discovery and class action certification and settlement. David has also advised Canadian and US broadcasters and cable networks and online music services on copyright issues for over 30 years, including issues arising from the use of music on the Internet. David regularly appears before federal and provincial trial and appellate courts and administrative tribunals across the country. He is a Fellow of the American College of Trial Lawyers.

David served as Law Clerk to the Chief Justice of Ontario before rejoining the firm in 1984.

## directorships and professional associations

- Canadian Bar Association
- Intellectual Property Institute of Canada
- American Bar Association (Section on Antitrust)
- Fellow of the American College of Trial Lawyers

## representative matters

- *Competition Commissioner v. Visa et al* (RPM proceeding before Competition Tribunal – for MasterCard)
- Credit Card conspiracy class actions (for MasterCard)
- E-Books conspiracy class actions (for Penguin)
- Computer Memory conspiracy class actions (DRAM/SRAM/Flash) (for Micron)
- Gmail privacy class action (for Google)
- Children's medicines consumer deception class actions (for Novartis)
- Cross-border vehicle manufacturers conspiracy class action (for Honda)
- Cross-border import restriction conspiracy class action (for Mercedes Benz)
- Copper Futures conspiracy class actions (for JP Morgan/UBS)
- Rubber Chemicals conspiracy class actions (for Crompton)
- Vitamins conspiracy class actions (for BASF)
- *Re:Sound v. Motion Picture Theatre Associations of Canada*, 2012 SCC 38 (for MPTAC)
- Copyright Royalty Rate Proceedings (for Canadian Association of Broadcasters, CBC, MPA-Canada, Motion Picture Theatre Associations of Canada, YouTube, Microsoft, Netflix, Pandora)

## awards and rankings

- Listed in the *Legal500 Canada 2020* as a “Recommended Lawyer” – Dispute Resolution
- Recognized in the *2019 Lexpert/ROB Litigation* – Special Edition as one of Canada’s Leading Litigation Lawyers
- Recognized by *Chambers Canada (2020)* as a leading lawyer in the areas of Competition / Antitrust: Litigators; Dispute Resolution: Class Action (Defence); and Litigation: General Commercial (Ontario)
- Recognized by *Best Lawyers in Canada (2020)* as a leading lawyer in the areas of Class Action Litigation and

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## Competition / Antitrust Law

- *2019 Managing Intellectual Property's IP Stars* - Listed in the Guide to the World's Leading IP Firms and Practitioners
- *2019 Canadian Legal Lexpert Directory* - Recognized in the as a Most Frequently Recommended lawyer in the areas of Competition Law, Class Actions and Litigation – Corporate Commercial
- *2019 Benchmark Litigation Canada Guide* - Recognized as a Litigation Star
- *2018 Benchmark Litigation Canada Guide* - Recognized as a Top 50 Trial Lawyer in Canada and a Litigation Star
- *Chambers Global (2019)* - Recognized as a leading lawyer in the area of Competition / Antitrust: Litigators
- *Lexpert / American Lawyer Guide to the Leading 500 Lawyers in Canada 2019: Class Actions; Competition Law; Litigation – Corporate Commercial*
- *2018 Canadian Legal Lexpert Directory* - Recognized as a Most Frequently Recommended lawyer in the areas of Competition Law and Class Actions and a Consistently Recommended lawyer in the area of Litigation – Corporate Commercial
- *Lexpert Report on Business on Litigation 2018 – Special Edition* - Recognized as one of Canada's leading litigation lawyers
- *Who's Who Legal Canada: 2018* - Listed as a leader in Competition Law and Litigation
- *Chambers Canada 2019* - Recognized as a leader in Competition/Antitrust: Litigators and Dispute Resolution: Class Action (Defense) and Litigation: General Commercial (Ontario)
- *The Best Lawyers in Canada 2019* - Recognized as a leading lawyer in the areas of Class Action Litigation and Competition / Antitrust Law
- *Chambers Global 2018* - Represented as a leading Lawyer in Competition/Antitrust: Litigators, Dispute Resolution: Class Action (Defence)
- *Chambers Canada 2018* - Competition/Antitrust: Litigators, Dispute Resolution: Class Action (Defence) and Dispute Resolution: Ontario
- *Lexpert Guide(2017)* - Represented as a leading US/Canada Cross-Border Litigation Lawyer in Canada
- *Benchmark Canada - Top 50 Trial Lawyers in Canada, Competition Litigator of the Year 2017, Litigation Star (Class Action, Competition, General Commercial, Intellectual*

## *Property)*

- *Chambers Global 2017* - Competition/Antitrust: Litigators, Dispute Resolution: Class Action (Defence)
- *Chambers Canada 2017* - Competition/Antitrust: Litigators, Dispute Resolution: Class Action (Defence) and Dispute Resolution: Ontario
- LEXPERT and American Lawyer - *Guide to the Leading 500 Lawyers in Canada* - Class Actions, Competition Law and Litigation - Corporate Commercial
- LEXPERT - "Most Frequently Recommended" for Class Actions, Competition Law, and Litigation - Corporate Commercial
- LEXPERT Guide to the Leading US/Canada Cross-Border Corporate Lawyers in Canada - Competition Law
- LEXPERT's *Special Edition Report on Canada's Leading Litigation Lawyers 2016*
- *The Legal 500 Canada* - Competition and Antitrust & Dispute Resolution
- *The Best Lawyers in Canada* - Class Action Litigation and Competition/Antitrust Law
- *Who's Who Legal* - Competition Law
- *PLC* - "Recommended" for each of Competition/Antitrust and Media and Communications
- *Euromoney - Guide to the World's Leading Competition and Antitrust Lawyers*
- *International Law Office Client Choice Award* - Intellectual Property: Copyright, Ontario
- *Managing Intellectual Property* - IP Stars 2015
- *Martindale and Hubbell* - AV

## teaching engagements

- Osgoode Hall Law School – Alternate Dispute Resolution (2005-07)
- Queen's University Law School – Alternate Dispute Resolution (1999-2004)
- Assistant Program Director – Copyright Master Class – McGill (August 2013)
- Program Director - Copyright Master Class - McGill (August 2014)

## community involvement

- Casey House – "The 100"

## media mentions

David W. Kent  
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- "[Judges are unmoved on pre-certification challenges](#)" by Drew Hasselback, *National Post*, June 2013
- "B.C. Court of Appeal approves DRAM memory class action", *National Post*, November 2011
- "Managing Global Class Actions", *Canadian Lawyer InHouse Magazine*, September 2011
- "Copyright bill may spark battle over who owns what", *CBC Online*, May 2011
- "Copyright reform", *CBC Radio One Business Report*, May 2011
- "[Made in the U.S.A](#)" by Robert Todd, *Canadian Lawyer InHouse Magazine*, December 2010
- "[Unsettled law](#)" by Kelly Harris, *Canadian Lawyer InHouse Magazine*, April 2010
- "The price is right", *National Post*, December 2009

## publications

### 2016

Getting the Deal Through - Private Antitrust Litigation 2016,  
Canada Chapter  
Law Business Research

### December 2015

The Supreme Court of Canada Releases its Decision in the  
*CIBC v. Green* Trilogy  
Litigation Bulletin

### January 2015

The Competition Tribunal Can Be Reviewed On Correctness  
Competition Bulletin

### January 2015

No More Misleading Advertising Class Actions?  
Marketing and Advertising Bulletin

### July 2014

Will "Deferential Correctness" Impact Your Business?  
TerraLex Connections - Newsletter

### April 2014

Competition Class Actions: The Pendulum Swings Back  
Competition Bulletin

### February 2014

BC's Court of Appeal Decertifies "Children's Cough and Cold"  
Class Action and Confirms that the *Business Practices and  
Consumer Protection Act* is an "Exhaustive Code" for the  
Regulation of Consumer Transactions in British Columbia

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Litigation Bulletin

## presentations

### **June 5, 2018**

Competition Law Implications for Use of Big Data in Canada  
Toronto Intellectual Property Group, Rosewater Supper Club,  
Toronto, Ontario

### **May 25, 2017**

March of the Plaintiffs - How Counsel Should Prepare for an  
Open Season of Litigation  
CBA Competition Law, Spring Conference, Toronto, Ontario

### **May 2016**

What you need to know about Corporate Governance in 2016  
LexisNexis Webinar