

Cassels



W. Michael G. Osborne

Partner

Contact Information

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Office

Toronto

Expertise

- Competition & Foreign Investment
- Class Actions
- Litigation
- Information Technology & Data Privacy
- International Trade
- Regulatory
- Product Liability

Biography

Michael Osborne is a partner in the Litigation and Competition & Foreign Investment Groups at Cassels. Michael advises and defends clients in inquiries and proceedings commenced by the Competition Bureau, including criminal matters, abuse of dominance, and marketing and advertising matters. He defends clients in private proceedings under the Competition Act, including price fixing class actions. Michael acts for and advises parties in a wide range of commercial disputes, including contractual disputes, shareholders' disputes, commercial fraud, and employment matters. He also offers experience in a range of regulatory and white-collar crime matters. Michael has acted as trial and appellate counsel before all levels of court across the country, the Competition Tribunal and other administrative tribunals, and arbitral tribunals in international and domestic arbitrations, both institutional and ad hoc.

Michael's cases include:

- Generic drugs price fixing: defending two US-based generic drug manufacturers in this proposed class action filed in the Federal Court of Canada
- Optical disk drives price fixing class action: Defending an optical disk drive manufacturer
- Capacitors price fixing class actions: Defending a capacitors manufacturer
- Visa / MasterCard interchange class actions & related litigation: Acting for a Schedule III bank and its acquirer subsidiary
- Commercial arbitration: acted for vendor accused of fraudulent misrepresentation by seller
- *MD Financial Management v. RBC Dominion Securities* (obtained judgment at trial on liability for breaches of non-solicitation clauses) (2017 ONSC 2772)

Michael has held numerous positions in the CBA Competition Law Section, most recently as editor of the *Canadian Competition Law Review*. He was also a member of the working group that assisted in preparing the new Competition Tribunal Rules. He is a Vice-Chair of the Books and Treatises committee of the ABA's Antitrust Law

Section. Michael regularly speaks and writes on competition and commercial litigation topics.

Michael is a Fellow of the Chartered Institute of Arbitrators and a member of ICDR Canada's roster of arbitrators. He is also a Fellow of the Litigation Counsel of America.

Achievements

- *Best Lawyers in Canada* (Competition/Antitrust)
- *Canadian Legal Lexpert Directory* (Competition)
- *Chambers Canada* (Competition/Antitrust)
- *Chambers Global* (Competition – Litigation)
- *Lexpert Special Edition*, Litigation
- *Martindale Hubbell*, AV Peer Review Rated
- *Who's Who Legal: Canada* (Competition)

Client Commentary

- "Extremely intelligent and analytically gifted." – *Chambers Global (Competition/Antitrust)*
- "He is very good at mapping out complicated issues and dealing with everything in a clear and concise way." – *Chambers Canada (Competition/Antitrust)*
- "He gives us a practical lay of the land and an insider's perspective." – *Chambers Global (Competition/Antitrust)*
- "Detailed knowledge of Canadian competition law, both in terms of the substantive law as well as the process." – *Chambers Canada (Competition/Antitrust)*
- "Highly regarded for competition litigation." – *Chambers Global (Competition/Antitrust)*

Recent Representative Work

- Trackforce Acquires TrackTik
- Lithium Americas Acquires Millennial Lithium for \$491 Million
- Powerline Plus and PLP Redimix acquired by MYR Group Construction Canada
- Restaurant Brands Completes \$1 Billion Acquisition of Firehouse Subs
- SOCAN Secures Leave to Appeal to Supreme Court of Canada in *Entertainment Software Association v. SOCAN*

Insights

- Federal Court Confirms There's No Easy Escape From an Arbitration Clause
- Ticketmaster Causes Ticket Price Inflation, Class Action Claims
- Lack of Evidence Dooms Facebook Class Action

Pro Bono & Community Involvement

- Bruce Trail Conservancy, Member, Land Acquisition Committee
- Project Exit: involved in Cassels' pro bono initiative aimed at assisting vulnerable Afghans re-start their lives and find refuge, peace, and security in Canada

Education / Bar Admissions

- LL.B., Dalhousie University, 1996
- M.A. (Medieval Studies), University of Toronto, 1991
- B.A. (Hons.) (Philosophy), University of Saskatchewan, 1988

- Ontario, 1998

Associations

- American Bar Association, Member, Section of Antitrust Law and Vice Chair, Books & Treatises Committee
- Canadian Bar Association, Competition Law Section and Anti-Corruption Team
- Chartered Institute of Arbitrators, Fellow
- Litigation Counsel of America, Fellow
- Most Venerable Order of the Hospital of St. John of Jerusalem, Member
- Ontario Bar Association
- The Advocates' Society
- Toronto Commercial Arbitration Society (TCAS)