

**James Bunting***Founding Partner***Tel**

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jrbunting@tyrllp.com

Bar Admissions

Ontario, 2003

Expertise

Advertising
Arbitration & Mediation
Class Actions
Commercial Litigation
Dispute Resolution
Franchise Litigation
Privacy & Data Breach Litigation
Securities Litigation
Sports-Related Disputes

Jim Bunting is a founding partner of Tyr LLP. Known for his bold approach as a trial lawyer, Jim represents clients on their most challenging issues.

Jim has been lead trial counsel in a number of complex and landmark cases. He is a skilled advocate and regularly represents large international companies in complex litigation, including *Google*, *Freshii* and *Stingray*.

Jim is consistently named one of Canada's leading litigators by legal directories. His recognitions include being named in the Report on Business/Lexpert special edition Canada's Leading Litigation Lawyers, in Chambers Canada as an up-and-coming lawyer in Dispute Resolution, in Lexpert as a Rising Star: Leading Lawyer Under 40 and in Benchmark Canada as a Litigation Star in Class Actions, Commercial Litigation and Securities.

Jim believes deeply in giving back to the community. He was awarded the 2016 Lexpert Zenith Award for Diversity & Inclusion to recognize his pro bono work with global athletes. He is representing South African born 800 metre Olympic champion Caster Semenya (and before her Dutee Chand) in appeals seeking to strike down regulations that require certain women to lower their naturally occurring testosterone levels as a condition of participation in women's sport. He also served as Athlete Ombudsperson to the Canadian Olympic Committee during the Olympic Games in Rio, is a former volunteer counsellor and Chair of the Board of Camp Oochigeas and is currently a member of the board of the Jays Care Foundation.

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REPRESENTATIVE WORK

Commercial and Class Actions

Google

Represented Google in numerous civil proceedings including, in response to a landmark reference proceeding filed by the Office of the Privacy Commissioner seeking to confirm a "right to be forgotten" in Canada, defending a class action seeking \$80 million in damages and in the appeal of a precedent setting decision granting a worldwide injunction requiring Google to block certain search results from its search engine.

Robert Schad and Athena Automation Limited

Successfully acted for Robert Schad and his company Athena Automation Limited defending a series of claims for misuse of confidential information against them by Husky Injection Molding Systems Limited that were dismissed following a lengthy trial on the Commercial List.

Stingray Digital

Represent Stingray Group in numerous civil proceedings, including a \$50million claim against its franchisor in a fasttracked action.

Freshii Inc.

Represented Freshii in numerous disputes, including a number of private arbitrations.

Pattern Energy

Represented Pattern Energy in connection with a number of proceedings relating to wind power projects in Ontario, including obtaining an injunction preventing interference with the construction of a project and successfully defending a constitutional challenge to three of the largest wind energy projects undertaken in Ontario.

Rogers Communications Inc.

Acted for Rogers Communications Inc. in connection with a number of consumer class actions, including claims relating to alleged misrepresentations about long distance charges, a class action seeking damages of \$100 million alleging that certain cable services of Rogers were not available as advertised and a multibillion dollar class action proceedings across Canada to recover " system access fees" charged to consumers by wireless service providers in Canada in the period since 1987.

Represented Rogers in a number of other civil proceedings, including successfully defending Rogers in a precedent setting misleading advertising case brought by the Commissioner of Competition.

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REPRESENTATIVE WORK

Commercial and Class Actions (Cont)

InnVest Real Estate Investment Trust

Represented InnVest Real Estate Investment Trust in numerous disputes and also in connection with a reorganization to unwind their "stapled unit" trading structure through a plan of arrangement under the Canada Business Corporations Act and the Trustee Act (Ontario).

HudBay Minerals Inc.

Acted for Jaguar Financial Corporation, a shareholder of HudBay Minerals Inc., in its successful and precedent setting application to the Ontario Securities Commission to set aside a decision of the Listing Committee of the Toronto Stock Exchange and compel HudBay to obtain shareholder approval in respect of HudBay's proposed \$550million acquisition of Lundin Mining Corporation.

GrowthWorks Ltd.

Represented GrowthWorks Ltd. in connection with the merger of GrowthWorks Canadian Fund Ltd. with the VenGrowth group of funds. The transaction represented the first hostile merger proposal in the labour-sponsored investment fund sector. In connection with this transaction an application was brought by the Special Committee of VenGrowth before the OSC.

Patheon Inc.

Acted for the Special Committee of Patheon Inc. at trial successfully defending claims of unlawful proxy solicitation made by JLL Partners Inc. in connection with its hostile bid for Patheon. This is now one of the leading cases in Canada in the area of proxy solicitation.

Scion Capital

Scion Capital (Dr. Michael Bury) in connection with its opposition to the acquisition of Bolivar Gold Corporation by Gold Fields Limited.

Fido Solutions Inc.

Represented Fido Solutions Inc. in the Superior Court of Ontario and Ontario Court of Appeal successfully defending a \$160 million claim commenced against it by Unique Broadband Wireless Services, Inc. relating to an alleged breach of contract, breach of confidence and breach of fiduciary duty.

Brainhunter Inc.

Acted for Brainhunter Inc. and its subsidiaries in their filing for protection under to the *Companies' Creditors Arrangement Act* and the subsequent sale of the business through a court supervised process.

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REPRESENTATIVE WORK

Sports Litigation

World Anti-Doping Agency

Acting for the World Anti-Doping Agency in defence of a civil action filed in the Ontario Superior Court of Justice by three Russian cyclists who were denied entry to the 2016 Olympic Games in Rio de Janeiro.

Caster Semenya

Representing South African Olympic Champion Caster Semenya in international proceedings seeking to invalidate a regulation that requires certain women to lower their naturally occurring testosterone levels as a condition of participation in women's track and field.

Tyson Fury

Represented Tyson Fury, the former heavy-weight champion of the world, in defending doping allegations made against him by UK AntiDoping.

Dutee Chand

Successfully represented Dutee Chand, an Indian-born sprinter, in a landmark international sports ruling suspending the operation of the International Association Athletic Federation's Hyperandrogenism Regulation, which screens female athletes on the basis of their natural testosterone levels.

International Paralympic Committee (IPC)

Successfully represented the International Paralympic Committee (IPC) before the Court of Arbitration for Sport in upholding the decision of the IPC to exclude the Russian Paralympic Committee from the 2016 Paralympic Games in Rio.

Rogers Communications Inc.

Represented Rogers Sportsnet in an action for defamation brought by the former Commissioner of the Canadian Football League.

Represented Rogers Communications Inc. in opposing successfully an urgent injunction attempting to prevent Rogers from broadcasting any Major League Baseball game involving the Cleveland team. Subsequently represented Rogers in respect of the human rights complaint filed about the Cleveland team name and logo.

Canadian Women's National Soccer Team

Represent the members of the Canadian Women's National Soccer Team, including in their creation of the first Canadian Women's Player's Association as well as in a compensation dispute with the Canadian Soccer Association.

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REPRESENTATIVE WORK

Sports Litigation (Cont)

Johan Bruyneel

Represented Johan Bruyneel (the former team director of the US Postal and Discovery Teams) before the Court of Arbitration for Sport in an appeal from a decision of an American Arbitration Association award imposing a ten year ban on Mr. Bruyneel.

Professional Teams and Players

Represented professional league teams in contractual disputes and players in alleged anti-doping rule violations.

International and National Level Athletes

Represented numerous athletes before the Court of Arbitration for Sport, Sport Dispute Resolution Centre of Canada, and National and International Federations in successfully having doping related suspensions substantially reduced or eliminated.

Represented numerous athletes in contractual disputes with sponsors.

ABOUT

RECOGNITIONS

Chambers Canada: Canada's Leading Lawyers for Business—Dispute Resolution: Ontario—Up & Coming (2016)

Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms & Attorneys—Class Action (Litigation Star), General Commercial (Litigation Star), Securities (Litigation Star)

*Report on Business/Lexpert Special Edition Canada's Leading Litigation Lawyers
Lexpert Guide to the Leading US/Canada CrossBorder Litigation Lawyers in Canada—Corporate Commercial Litigation*

The Canadian Legal Lexpert Directory—Litigation: Corporate Commercial, Securities

Lexpert Zenith Award—Diversity and Inclusion (2016)

Lexpert Rising Stars: Leading Lawyers Under 40

The Best Lawyers in Canada—Corporate and Commercial Litigation

COMMUNITY INVOLVEMENT

Camp Oochigeas, Jays Care Foundation

BOARD MEMBERSHIPS

Jays Care Foundation

TEACHING ENGAGEMENTS

Jim has taught civil procedure as an adjunct professor at the University of Western Ontario. He is also a lecturer at ISDE Madrid in its Masters in Sports Law program.

EDUCATION

University of Western Ontario, LLB, 2002

University of Western Ontario, BA, 1999