



# David R Wingfield

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David Wingfield combines his deep knowledge of antitrust economics with a comprehensive understanding of UK/EU, American, and Canadian competition laws to provide sophisticated advice and peerless representation.

He is equally at home developing stand-alone competition cases, follow-on damage claims, or acting for defendants challenging the economic or legal foundations of competition claims.

As the former head of the antitrust division of the Canadian Department of Justice, he was responsible for developing cutting-edge enforcement strategies for competition infringements, particularly in the digital economy and associated platforms. These proceedings frequently involved extensive collaboration with competition authorities in various jurisdictions, including the United States.

As one of the few former heads of a G7 antitrust division who has an active litigation practice in competition law – both in the UK and internationally – David occupies a unique position at the Bar. He has acted for governments and advised prime ministers and currently serves as a Non-Governmental Adviser to the International Competition Network, an organisation of over 100 competition agencies from around the world that addresses competition law enforcement and policy issues.

David Wingfield is called to Bar at the Middle Temple, is an attorney of New York State, and is a barrister and solicitor of Ontario, Canada. He is a Senior Fellow of the Litigation Counsel of America.

## Recent Highlights

### Dune Group Limited & Others v Visa & Mastercard

Acting for Dune and others in the substantial competition claims relating to interchange fees.

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### Quenneville v Audi & Ors

Acting in a Canadian class action regarding a cartel over the design and quality of German cars.

## David v Canada Bread Co & Ors

Acting in a Canadian class action regarding a horizontal and vertical bread price-fixing cartel.

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## Uber Inc

Acting in a Canadian class action regarding unlawful business practices.

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## Amazon

Acting in a Canadian class action regarding Amazon's anticompetitive pricing policies.

# Expertise

## Competition

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### Notable Competition cases

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Acting as a member of the board of experts advising Lord Currie (a former head of the CMA) in his capacity as director of the company bringing a £9.9 billion collective proceedings involving alleged competition law infringements over crypto-currency markets. This is the first competition law case involving crypto-currencies brought in the UK.

### Dune v Mastercard & Dune v Visa (UK)

Interchange fees.

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### Quenneville v Audi & Ors

Cartel over the design and quality of German cars. (Canadian class action).

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### David v Canada Bread Co & Ors

Horizontal and vertical bread price-fixing cartel. (Canadian class action).

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## Uber Inc

Unlawful business practices. (Canadian class action).

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**Apple Inc**

Abuse of Dominance over contractual terms. (DoJ).

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**Google Inc**

Abuse of Dominance over internet search. (DoJ).

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**Aviscar Inc & Ors**

Pricing misrepresentation. (DoJ).

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**HarperCollins & Ors**

Price-fixing over e-books. (DoJ).

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**Air Canada & United Airlines**

Unlawful co-ordination. (DoJ).

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**Bell Canada & Ors**

Deceptive marketing practices over mobile messaging services. (DoJ).

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**Newfoundland & Labrador v AbitibiBowater Inc, 2012 SCC 67**

Chiang (Trustee of) v Chiang (2010), 70 C.B.R. (5th) 123 (Ont. S.C.J.)

Newfoundland & Labrador v AbitibiBowater Inc (2010), 68 C.B.R. (5th) 57 (Que. C.A.)

AbitibiBowater Inc (Re) (2010), 68 C.B.R. (5th) 1 (Que. S.C.)

AbitibiBowater Inc (Re) (2010), 64 C.B.R. (5th) 189 (Que. S.C.)

Le Maitre Ltd v Segeren (2009), 55 B.L.R. (4th) 123 (Ont. S.C.J.)

Enernorth Industries Inc (Re) (2008), 92 O.R. (3d) 392 (Ont. S.C.J.)

Enernorth Industries Inc (Re) (2008), 40 C.B.R. (5th) 274 (Ont. S.C. Bkrtpcy)

Ravelston Corp Ltd (Re) (2007), 85 O.R. (3d) 175 (C.A.)

Appeal of Receiver's Approval of Plea Agreement.

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Ravelston Corp (Re) (2007), 29 C.B.R. (5th) 1 (Ont. S.C.J.)

Approval of Plea Agreement.

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Oakwell Engineering Ltd v Enernorth Industries Inc (2006), 81 O.R. (3d) 288 (C.A.)

Catalyst Fund General Partner I Inc v Hollinger Inc et al.; White v Hollinger Inc (2006), 266 D.L.R. (4th) 228 (O.C.A.)

Terastar Realty Corp (Re) (2005), 16 C.B.R. (5th) 111 (Ont. S.C.J.)

Oakwell Engineering Ltd v Enernorth Industries Inc (2005), 76 O.R. (3d) 528 (S.C.J.)

Catalyst Fund General Partner I Inc v Hollinger Inc (2005), 8 B.L.R. (4th) 117 (Ont. S.C.J.)

Catalyst Fund General Partner I Inc v Hollinger Inc (2005), 255 D.L.R. (4th) 233 (Ont. S.C.J.)

Catalyst Fund General Partner I Inc v Hollinger Inc (2004), 1 B.L.R. (4th) 186 (Ont. S.C.J.)

Hollinger International Inc v Hollinger Inc (2004), 11 C.P.C. (6th) 245

Air Canada (Re) [Subordinated Debt] (2004), 2 C.B.R. (5th) 4 (Ont. S.C.)

Christian Brothers of Ireland in Canada (Re) [Distribution Application] (2004), 69 O.R. (3d) 507 (S.C.J.)

Corporacion Americana de Equipamientos Urbanos S.L. v Olifas Marketing Group Inc, et al. (2003), 66 O.R. (3d) 352 (S.C.J.)

British Columbia (A-G) v Rowland et al., [2002] 9 W.W.R. 115 (B.C.S.C.)

Elmford Construction Co. v South Winston Properties Inc (2001), 59 O.R. (3d) 111 (O.C.A.)

Rowland v Vancouver College Ltd (2001), 205 D.L.R. (4th) 193 (B.C.C.A.), leave to appeal to S.C.C refused (2002), 211 D.L.R. (4th) vi

Oulahen, Re (2001), 24 C.B.R. (4th) 119 (O.C.A.)

Ontario Realty Corp v P. Gabriele & Sons Ltd (2000), 50 C.P.C. (4th) 300

Ontario Realty Corporation v P. Gabriele & Sons Limited et al. (2000), 50 C.P.C. (4th) 278 (S.C.J.)

Rowland v Vancouver College Ltd (2000), 78 B.C.L.R (3d) 87 (B.C.S.C.)

Christian Brothers of Ireland in Canada (Re) [Use of Assets Application] (2000), 184 D.L.R. (4th) 445 (Ont. C.A.), leave to appeal to S.C.C. refused; [2000] S.C.C.A. No. 277

Elmford Construction Co. v South Winston Properties Inc (1999), 45 O.R. (3d) 588 (S.C.J.), aff'd (2002) 59 O.R. (3d) 111n (C.A.)

Switzer Estate v Scuba Shack Ltd (1998), 28 C.P.C. (4th) 283 (Ont. Gen. Div.)

McColl v Gravenhurst (Town) (1998), 110 O.A.C. 386 (O.C.A.)

Christian Brothers of Ireland in Canada (Re) [Advice and Directions] (1998), 37 O.R. (3d) 367 (Gen. Div.)

(Y.) v Children's Aid Society of Metropolitan Toronto (1998), 37 R.F.L. (4th) 381 (Ont. Gen. Div.)

Bank of America National Trust & Savings Assn. v Shefsky (1997), 4 C.B.R. (4th) 32 (Ont. Gen. Div.)

Ballard v Stavro (1997), 38 O.T.C. 321 (Ont. Gen. Div.)

Rosedale Realty Corp (Re) (1997), 33 O.R. (3d) 666 (Gen. Div.)

1036029 Ontario Ltd v Crown Life Insurance Co. (1995), 64 C.P.R. (3d) 342 (Fed. Ct.)

Ballard Estate (Re) (1994), 20 O.R. (3d) 189 (Gen. Div.)

Public Safety Equipment Inc v W.S. Consultants Ltd (1993), 4 W.D.C.P. (2d) 388 (Ont. Gen. Div.)

484030 Ontario Ltd (Re) (1992), 8 O.R. (3d) 243 (Bkrtcy)

Israel Discount Bank of Canada v Genova et al. (1992), 13 C.P.C. (3d) 104 (Gen. Div.)

Region Plaza Inc v Hamilton-Wentworth et al. (1990), 12 O.R. (3d) 750 (H.C.J.)

Theodore Holdings Ltd v Anjay Ltd (1990), 72 O.R. (2d) 645 (H.C.J.)

Fobasco Ltd v Cogan et al. (1990), 72 O.R. (2d) 254 (H.C.J.)

Ernted Investments Ltd v Toronto (City) (1989), 44 M.P.L.R. 173 (Ont. Dist. Ct.)

## Education

- LL.B., Queen's University (1986)
- M.A., University of Toronto (1983)
- B.A. (Hons), University College at the University of Toronto (1982)

## International Bar / Court Appointments

- Attorney at Law (New York)
- Barrister and Solicitor (Ontario)

# Appointments, Memberships and Prizes

- Middle Temple