



Casey W. Halladay

Toronto

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education and year of call

- Called to the Ontario bar - February 2002
- Called to the New York State bar - 2006
- Solicitor (non-practising), England and Wales - 2009
- Harvard Law School, LLM - 2005
- University of Ottawa, LLB (*summa cum laude*) - 2000
- University of Western Ontario, MA - 1997
- University of Western Ontario, BA (Hons.) - 1996

practice areas

competition and antitrust

cartels

mergers

class actions

foreign investment review

competition policy advocacy

unilateral conduct and distribution practices

anti-corruption and fraud

Japan

government procurement

industries

automotive

energy

transportation

applied technology

aviation

pharmaceuticals

profile

Casey is one of Canada's leading competition lawyers, with a practice covering all aspects of merger control, cartel defence, unilateral conduct and competition litigation. He brings a unique analytical approach to competition law issues, having practiced with leading firms in Toronto, Washington and London.

In his merger control practice, Casey has advised on the *Competition Act* treatment of more than 150 transactions. His experience while practicing abroad includes advising on several significant Phase II matters in Europe and the United States, and co-ordinating international clearances in numerous jurisdictions around the world. In his cartel practice, Casey has represented clients in more than 15 different Competition Bureau investigations, including precedent-setting cases such as *R. v. Rowe et al.* (2004) and *R. v. Maxzone Auto Parts (Canada) Corp.* (2012). He has also defended competition class actions before the Canadian courts, and litigated civil reviewable practices before the Competition Tribunal.

Casey earned his LLB, *summa cum laude*, from the University of Ottawa and his LLM from the Harvard Law School, where his LLM paper on competitor collaborations under the US *Sherman Act* was chosen as a finalist in the international Swope Antitrust Writing Competition. He is an active member of the Leadership of both the American Bar Association and Canadian Bar Association competition law sections, and is recognized as a leading practitioner by the primary domestic and international legal directories. A native speaker of English, Casey also speaks Italian and French, and has a conversational grasp of Russian and Bulgarian. He is admitted to practice in Ontario, New York, and England and Wales.

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directorships and professional associations

- Canadian Bar Association, National Competition Law Section – Former Chair, Reviewable Matters Committee, former Chair, International Committee; former Vice-Chair, *Canadian Competition Law Review*
- American Bar Association, Section of Antitrust Law – Former Vice-Chair, Mergers & Acquisitions Committee; former Vice-Chair, International Committee; former Vice-Chair, Cartel and Criminal Practice Committee
- Vice-Chair, 2020 ABA/IBA International Cartel Workshop; Member of the Steering Committee, 2016 ABA/IBA International Cartel Workshop
- Non-Governmental Advisor, International Competition Network, Mergers Working Group
- International Bar Association
- New York State Bar Association
- Inter-Pacific Bar Association, Competition Law Committee
- Harvard European Law Association

representative matters

Merger Clearance: Casey has advised on the *Competition Act* treatment of more than 150 M&A transactions. Notable transactions in which he has been involved include:

- United Technologies/Raytheon, Thoma Bravo/Aucerna, The Coca-Cola Company's sale of its Canadian bottling operations, Luxottica/Essilor, GE/Baker Hughes, Hitachi/Bradken, Schlumberger/Cameron, Air Canada/Air China (cross border joint venture), Halliburton/Baker Hughes (proposed), Novartis/GlaxoSmithKline (oncology, vaccines and consumer health transactions), Transcontinental/Quebecor, American Airlines/US Airways, CF/Viterra, BHP Billiton/Potash, ABB/Baldor, The Coca-Cola Company/Coca-Cola Enterprises, Schlumberger/Smith, Oracle/PeopleSoft, Carnival/Princess, Bertelsmann/Zomba, and Chevron/Texaco (Canadian clearances)

While practicing abroad, Casey advised on numerous significant merger control matters, including:

- Alcoa/Alcan (proposed), SFR/Télé2, Deutsche Börse/Euronext (proposed), Alcoa/Orkla (ECMR reviews); Alcatel/Lucent (USA); 3M/Biotrace (UK)

Casey also assists offshore clients in securing approval of their Canadian transactions under the *Investment Canada Act*, Canada's foreign investment review regime.

Cartels and Multilateral Conduct: Casey advises and defends

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companies and individual executives on all aspects of cartel and other multilateral conduct including responding to searches and "dawn raids", negotiating and securing amnesty or leniency, co-operating with ongoing cartel investigations, and contesting allegations of misconduct before the courts. Particular experience includes:

- Representing alleged cartel participants in the Competition Bureau investigations into the auto lighting, auto parts (multiple matters), automobile shipping, fine arts auction, fine paper, LIBOR, packaged chlorine, polychloroprene, polyester staple fibre, rubber chemicals, and semiconductor packaging sectors
- Successfully defending a corporation and individual executive in a two-year criminal bid-rigging prosecution in Canada, winning dismissal of all charges on appeal to the Ontario Superior Court (R. v. Rowe et al.)
- Advising an industry participant on UK and EC investigations into the payment cards industry
- Representing an amnesty applicant in a US Department of Justice investigation into the container shipping sector

Casey also routinely defends clients in class action litigation in respect of alleged cartel conduct.

Abuse and Unilateral Conduct: Casey advises potentially dominant companies on unilateral conduct issues relating to pricing, discounting, loyalty schemes, rebates, tying, bundling, and exclusive distribution arrangements. In addition to counselling clients on the day-to-day application of the abuse laws to their business practices, contested matters have included:

- Representing Paramount Pictures in the Competition Bureau's investigation into the motion picture exhibition and distribution industry
- Defending British Airways in the UK Office of Fair Trading's investigation of its corporate rebating policies

Casey also served as lead counsel in one of the only private Refusal-to-Deal cases ever granted leave to proceed by the Competition Tribunal (UCDA v. IBC). That matter ultimately settled after Casey successfully obtained an interim supply order in contested proceedings before the Tribunal.

awards and rankings

Casey is recognized as a leading practitioner by numerous publications, including:

- *Chambers Global* - described as "truly a rising star" with an "extremely pragmatic approach" (2020), "lauded by clients

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for his pragmatic approach and excellent knowledge" (2019), "great to work with and very responsive; he provides excellent client service" (2018), "knowledgeable and energetic" (2017), "a tremendous amount of energy, is extremely responsive and works very well with US counsel" (2016), "highly recommended by both clients and peers" (2015), "extremely talented" (2014), and "his understanding of competition law is encyclopedic, but at the same time he is pragmatic and very business-oriented" (2013)

- *The International Who's Who of Competition Lawyers & Economists* (2019, 2018, 2017, 2016, 2015, 2014, 2013)
- *Lexpert Guide to US/Canada Cross-Border Lawyers*
- *Canadian Legal Lexpert Directory*
- *Best Lawyers in Canada* (2020, 2019, 2018, 2017, 2016, 2015, 2014)
- *Who's Who Legal: Canada* (2019, 2018, 2017, 2016, 2015, 2014, 2013)
- *Who's Who Legal - Future Leaders (Partners)* (2017) ("an all-round anti-trust expert"; "very knowledgeable and really well-liked by his colleagues")
- *Global Competition Review* - two-time Finalist for worldwide "Lawyer of the Year - Under 40" Award (2014, 2013)
- *The LEXPERT Guide to the Leading US/Canada Cross-Border Corporate Lawyers in Canada* - named a "Corporate Lawyer to Watch" (2013)
- *Global Competition Review*, Top 40 Competition Lawyers in the World Under 40 - selected from among more than 1,000 nominees worldwide (2012)
- *The Canadian Legal LEXPERT Directory*, Rising Stars: Top 40 Lawyers in Canada Under 40 (2012)

media mentions

Casey is frequently quoted on competition law topics in the business and legal media. Recent examples include:

- "[Canada hires chief digital enforcement officer](#)", *Global Competition Review*, July 3, 2019
- "[Canadian court knocks back beer appeal](#)", *Global Competition Review*, April 26, 2019
- "Canada hikes merger filing fee", *Global Competition Review*, April 25, 2018
- "Civil liability adds uncertainty for potential leniency applicants", *Global Competition Review*, April 16, 2018
- "Appeal court upholds Toronto Real Estate Board judgment", *Global Competition Review*, December 4, 2017

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- "Mitsubishi hit by Canadian court's second-largest cartel fine", *Global Competition Review*, April 26, 2017
- "Canada enforcer resists disclosure orders", *Global Competition Review*, March 29, 2017
- "Canadian cartelist sentences to advocacy", *Global Competition Review*, August 25, 2016
- "Google mostly cleared of abuse of dominance in Canada", *Global Competition Review*, April 20, 2016
- "Plaintiff's firm files auto parts cartel suit in Manitoba", *Global Competition Review*, March 17, 2016
- "Canada withdraws bid-rigging case", *Global Competition Review*, August 11, 2015
- "Canada's bureau starts first prosecution of government employees", *Global Competition Review*, May 6, 2014
- "Repeat fines and inconsistency threaten cartel enforcement, observers say", *Global Competition Review*, March 28, 2014
- "Canada fines second ball bearings company", *Global Competition Review*, January 31, 2014
- "Canada asks court to compel Google docs", *Global Competition Review*, December 16, 2013
- "Canadian convenience store brings competition complaint", *Global Competition Review*, October 16, 2013
- "Canada updates immunity and leniency FAQ with more guidance in the pipeline", *Global Competition Review*, September 30, 2013
- "Canada fines JTEKT for car parts bid rigging", *Global Competition Review*, July 15, 2013
- "Yazaki receives record Canadian fine", *Global Competition Review*, April 24, 2013
- "Pecman expects appeal in Quebec bid-rigging case", *Global Competition Review*, February 13, 2013
- "Canada wins appeal against merger challenge", *Global Competition Review*, February 12, 2013
- "Price-fixing ruling could mean more prison sentences", *The Globe and Mail*, October 24, 2012
- "Canadian partners make the top 40 on GCR's under 40 list", *LEXPRT*, March 29, 2012
- "Canada punishes foam cartel", *Global Competition Review*, January 11, 2012
- "US, Canada and Mexico officials meet in New York", *Global Competition Review*, December 21, 2011
- "Canada secures first guilty plea in ventilation case", *Global*

Competition Review, July 20, 2011

publications

March 2019

Getting the Deal Through (Canada Chapter) – Cartel Regulation 2019

January 2018

Proposed Changes to the Competition Bureau's Immunity Program Will Undermine Effective Cartel Enforcement in Canada - Comments of McMillan LLP on the Consultation Draft dated October 26, 2017

February 2017

Getting the Deal Through – Cartel Regulation 2017
Global Coordinating Editor; Canada Chapter

June 2016

Towards International Fine Calculation Standards in Global Cartel Enforcement
Paper submitted to ABA Antitrust Section Sentencing Symposium

May 2016

The Life and Times of Section 46 of the Competition Act
Paper submitted to the CBA Spring Competition Law Conference

April 2016

Caveat Emptor: The Legality of Buying Groups Under Canadian Competition Law
Paper submitted to the ABA Antitrust Section Spring Meeting

March 2016

M&A Transactions To Face Greater Regulatory Scrutiny In Latin And South America In 2016
IBA Latin American Regional Forum Newsletter

February 2016

Six Years On: Analyzing the Auto Parts Cartel Inquiry in Canada
Paper submitted to the 2016 ABA/IBA International Cartel Workshop

November 2015

Assessing the Relevant Volume of Commerce in Global Cartel Cases: Where Do We Go From Here?
1:4 Competition Law & Policy Debate (2015)

July 2015

Top 10 Tips for Introducing and Maintaining Effective Competition Law Compliance Programs
Competition Bulletin

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June 2015

Commissioner of Competition Introduces Revised Compliance Programs Bulletin at McMillan Event
Competition Bulletin

November 2014

Labour Arbitrators and Canada's *Competition Act*: Jurisdictional Clarification
Employment and Competition Bulletin

September 2014

A Database Too Far? Interpreting the Competition Bureau's Computer Search Powers
27:2 Canadian Competition Law Review (2014)

February 2014

Assessing the Auto Parts Inquiry in Canada
Paper submitted to the 2014 ABA / IBA International Cartel Workshop

January 2014

Canada Says "Goodbye Columbus" to the U.S. Approach to Antitrust Class Actions
ABA Antitrust Section - Civil Redress Committee
International Civil Redress Bulletin

December 2013

International Mergers in the Airlines Industry
American Bar Association teleseminar

presentations

December 2019

Internal Investigations and Class Actions
Ontario Bar Association Class Actions Colloquium

October 2019

Reinvigorating Canada's Cartel Enforcement Regime
Canadian Bar Association Annual Fall Conference on Competition Law

May 2019

Effective Engagement with the Competition Bureau
Seminar with Commissioner Pecman

April 2018

How a Domestic or International Secondment Can Change Your Career
Canadian Bar Association - Panel Presentation

April 2018

The Interplay Between Public and Private Cartel Enforcement
Global Competition Review - Cartels Conference

February 2018

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International Cartel Enforcement: Fundamentals
American Bar Association/International Bar Association Cartel
Workshop

November 2017

Managing the Civil and Criminal Aspects of A Cartel File — Part
II
Canadian Bar Association Teleseminar

October 2017

Mergers & Acquisitions Committee Town Hall Symposium
American Bar Association Antitrust Section Teleseminar

October 2017

Global Competition Law Issues
Union Internationale des Avocats Conference

April 2017

Managing the Civil and Criminal Aspects of a Cartel File
Canadian Bar Association, Teleseminar

March 2017

Who Wants to be an Ethics Millionaire
American Bar Association Antitrust Section Spring Meeting

March 2017

Navigating Muddy Waters: Steering Global Businesses Through
Fluid and Disparate Standards
Global Competition Review Cartels Conference

January 2017

Competition Law in Canada
Guest Lecture, Hitotsubashi University, Tokyo

January 11, 2017

Corporate Counseling Committee Monthly Antitrust Update
Program December 2016 Developments
ABA Section of Antitrust Law, Toronto, Ontario

October 2016

Enforcement of Antitrust Laws: Global Challenges
New York State Bar Association International Section
Conference

June 2016

Is There a Better Way to Accomplish Deterrence Against
Corporations in International Cartel Matters?
American Bar Association Antitrust Sentencing Symposium

May 2016

Antitrust Risks of "Robo-Selling" and Pricing Algorithms in E-
Commerce
Canadian Bar Association Competition Law Spring Conference

April 2016

Caveat Emptor: When Are Buying Groups Illegal?

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American Bar Association Antitrust Section Spring Meeting

April 2016

Doing a Deal in Canada: What You Need to Know
McMillan LLP Webinar

February 2016

Demonstration Five, Scene Three; Demonstration Seven
American Bar Association/International Bar Association Cartel
Workshop

September 2015

Break-out Session Study of Merger Remedies
International Competition Network Mergers Workshop

June 2015

Top 10 Tips for Introducing and Maintaining Effective
Compliance Programs
McMillan/Competition Bureau Client Seminar

April 2015

The Ethics of Cartel Investigations
American Bar Association Antitrust Section Spring Meeting

March 2015

Global Competition Law Issues
New York State Bar Association International Section
Conference

February 2015

A Five Year Retrospective on the *Competition Act* Amendments
Canadian Bar Association / Competition Bureau Roundtable

November 2014

The Evolution of Merger Control? Analyzing US-Canada Cross-
border Reviews
American Bar Association Antitrust Section Teleseminar

June 2014

Corporate Counsel's Role in Merger Control: Negotiating and
Structuring the Deal
American Bar Association International Section Conference

June 2014

Competition Litigation Around the World: Canada
American Bar Association Antitrust Section Teleseminar

March 2014

Death By 1,000 Fines: Are Companies Overpaying?
American Bar Association Antitrust Section Spring Meeting

February 2014

Demonstration Six, Scene Three; Demonstration Seven, Scene
One
American Bar Association / International Bar Association Cartel
Workshop



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December 2013
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