



# David Salter

## DAVID SALTER

is an associate at Lenczner Slaght.

David's civil litigation practice focuses on complex commercial litigation, investigations, employment disputes, and public law matters. He has represented leading global financial institutions and corporations, public entities and political figures, as well as individuals, particularly departing senior executives in employment matters. He is also an adjunct professor at the University of Toronto Faculty of Law.

David joined the firm after practicing in the New York office of a leading international law firm for five years, where he was litigation counsel to numerous Fortune 500 entities. He also served as Acting Assistant District Attorney in Kings County, New York, was appointed mediation counsel to self-represented litigants by the Southern District of New York federal court, and has been repeatedly recognized for outstanding pro bono service by the New York State Bar Association.

David obtained his law degree from the University of Toronto, where he graduated with honours and received the Borden Ladner Gervais LLP Prize for Academic Excellence, the Fasken Martineau DuMoulin LLP Award for Academic Excellence, and the Laskin Prize in Constitutional Law.

Prior to attending law school, David held a variety of positions in the Government of Ontario, including as director of communications to the Minister of Energy and press secretary to the Minister of Infrastructure and Transportation. David also served in the Canadian Armed Forces as a Reservist for nearly nine years.

### Education

University of Toronto Faculty of Law  
(2016) JD (Honours)  
Queen's University (2008) BA  
(Honours) (History & Politics) (with  
Distinction)  
Osgoode Hall Law School (2023)  
OsgoodePD Advanced Certificate in  
Workplace Investigations

### Bar Admissions

New York (2017)  
Ontario (2020)

### Practice Areas

Appeals  
Arbitration  
Commercial Litigation  
Employment  
Insolvency and Restructuring  
Investigations  
Public Law  
Securities Litigation

### Contact

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## RECOGNITION

- ▶ The Legal 500 Canada (2022-2023)  
Labour and Employment (Recommended Lawyer)
- ▶ Empire State Counsel (2017-2020)  
Designation for outstanding *pro bono* service in New York State

## SELECT CASES

- **Mittra v Royal Bank of Canada et al** – Counsel to RBC in this \$10 million wrongful dismissal claim. After a three-week trial, the Court held that RBC had just cause to dismiss the plaintiff without notice. Reported at 2024 ONSC 636.
- **Bluemoon Capital Ltd v Ceridian HCM Holding Inc et al** – Counsel to applicant in Norwich application seeking information relating to the acquisition of Lifeworks.
- **Internal Investigation** – Internal investigation into allegations of harassment, discrimination, and self-dealing made by former general counsel of an organization against its senior leadership.
- **CBRE v Hudson's Bay Company** – Counsel to CBRE in an oppression claim in the Supreme Court of British Columbia against HBC arising from the breach of department store leases in The Netherlands. Successfully opposed HBC's application to strike CBRE's claim.
- **Internal Investigation** – Internal investigation into allegations of interference in a quasi-judicial process.
- **Fleming v York University** – Counsel to York University in judgment enforcement proceedings arising from a multi-million dollar fraud against the University. Most recently, successfully resisted an application by a judgment debtor which sought to draw down equity in assets available to York for enforcement purposes.
- **Starr v Crombie** – Counsel to the Mayor of Mississauga in various proceedings initiated by a former member of Council.
- **Laurentian University of Sudbury** – Counsel to the Board of Governors of Laurentian University in CCAA insolvency proceedings.
- **Counsel to Former GC of Crown Corporation** – Represented the former General Counsel of a significant public sector organization in relation to a wrongful dismissal claim, achieving a substantial settlement.
- **Securities Investigations** – Counsel to a leading investment bank in relation to securities investigations by the U.S. Securities and Exchange Commission, the Financial Industry Regulatory Authority, and the Federal Reserve. *(Prior to joining Lenczner Slaght)*
- **Independent Investigation** – Independent investigation into allegations of breaches of fiduciary duties by a member of a board of directors.
- **Amicus Curiae Submission to U.S. Supreme Court** – Counsel to a national banking association for an *amicus curiae* brief submitted to the U.S. Supreme Court regarding a question of statutory interpretation. *(Prior to joining Lenczner Slaght)*
- **U.S. Antitrust Clearance** – Counsel to a leading agricultural sciences entity in successfully obtaining U.S. antitrust clearance of its acquisition of a major competitor. *(Prior to joining Lenczner Slaght)*
- **Restructuring Litigation** – Counsel to the debtor, a global automobile parts manufacturer, in a Chapter 11 restructuring in New York federal court. *(Prior to joining Lenczner Slaght)*
- **Employment Discrimination Litigation** – Counsel to a plaintiff bringing employment discrimination claims against the New York City Department of Education. *(Prior to joining Lenczner Slaght)*
- **Executive Compensation Arbitration** – Counsel to a leading U.S. bank in a JAMS arbitration defending against claims for millions of dollars in forfeited incentive awards by its former General Counsel. *(Prior to joining Lenczner Slaght)*

- **Executive Compensation Litigation** – Counsel to a U.S. bank defending against claims for nearly \$20 million in golden parachute compensation by its former Chief Executive Officer. *(Prior to joining Lenczner Slaght)*
- **Breach of Contract Arbitration** – Counsel to a national airline in a contract dispute before the American Arbitration Association arising from the airline's refusal to accept delivery of a shipment of aircraft engines. *(Prior to joining Lenczner Slaght)*
- **Breach of Contract Litigation** – Counsel to a defendant Class I railway in cross-border claims based in contract, statute, and tort arising from an operating accident. *(Prior to joining Lenczner Slaght)*
- **Breach of Contract Litigation** – Counsel to a global materials manufacturer in connection with a dispute arising out of the \$1 billion sale of its coating resins business. *(Prior to joining Lenczner Slaght)*
- **Merger and Acquisition Litigation** – Counsel to a global telecommunications entity in litigation regarding the disposition of escrow account funds following a more than \$1.8 billion acquisition. *(Prior to joining Lenczner Slaght)*
- **National Product Liability Litigation** – Counsel to a defendant automobile manufacturer in multiple actions, with billions of dollars in exposure, brought by U.S. Attorneys General relating to diesel vehicle emissions. *(Prior to joining Lenczner Slaght)*
- **National Consumer Class Action** – Counsel to a defendant automobile manufacturer in a putative U.S. class action bringing claims relating to diesel vehicle emissions. *(Prior to joining Lenczner Slaght)*

#### SELECT PUBLICATIONS AND PRESENTATIONS

- **Time for Time-Limited Trials** – In the Summer 2022 edition of *The Advocates' Journal*, David Salter co-authored an article analyzing whether trials should be time-limited.
- **The Length of Civil Trials and Time to Judgment in Canada: A Case for Time-limited Trials** – David Salter co-authored the article *The Length of Civil Trials and Time to Judgment in Canada: A Case for Time-limited Trials*, which was published in *The Canadian Bar Review*. This article explores both quantitative and normative factors informing the debate over time-limited trials, concluding that Canadian civil justice systems are well-placed to begin implementing discretionary, judge-ordered time-limited trials.
- **Advocacy and Defamation Collide: Giuliani, Powell and Claims of Stolen Election** – In *The Lawyer's Daily*, David Salter writes about why defamation claims against U.S. lawyers Rudy Giuliani and Sidney Powell are blurring lines between advocacy and politics.
- **Dominion Voting Systems: Explaining the Defamation Suits Against Fox News & Trump's Allies** – David Salter authored the Lexpert article *Dominion Voting Systems: Explaining the Defamation Suits Against Fox News & Trump's Allies*. This article breaks down the U.S. defamation cases pushing back against claims of a stolen election.
- **Impact of US Tort Law on Canadian Common Law** – David Salter shared his expertise at uOttawa's JD National Program on the *Impact of US Tort Law on Canadian Common Law*.

- **The Impact of U.S. Tort Law on Canadian Tort Law** – David Salter presented a guest lecture at the University of Ottawa Faculty of Law's First Year Torts class on the impact of American tort law on the development of Canadian tort law. *(Prior to joining Lenczner Slaght)*
- **What Asian Manufacturers Should Know About U.S. Markets** – David Salter co-authored *What Asian Manufacturers Should Know About U.S. Markets*, an article discussing legal and reputational risks associated with operations in U.S. markets, for *Hong Kong Lawyer*, the journal of the Law Society of Hong Kong. *(Prior to joining Lenczner Slaght)*
- **A Case for Time-Limited Trials** – David Salter co-authored with Kevin LaRoche and M. Laurentius Marais *The Length of Civil Trials and Time to Judgment in Canada: A Case for Time-Limited Trials*, an original study regarding the length and duration of Canadian civil trials. The authors argue that Canadian courts can improve access to justice by implementing time-limited trials on a discretionary basis. The article has been accepted for publication in the *Canadian Bar Review*. *(Prior to joining Lenczner Slaght)*

## BLOG POSTS

- **Court Puts Bankers on Notice: “Exceptional” Integrity and Honesty Required** – After a three-week trial, the Ontario Superior Court has held that the Royal Bank of Canada had after-acquired cause to terminate a senior banker, Aidan Mittra, and dismissed Mittra's \$10?million lawsuit.
- **High Time for Shorter Trials** – The bench and bar have long recognized that lengthy trials decrease access to justice. That is no surprise: trials are expensive, long trials more so, and lawyers generally think that the longer the trial, the longer it takes to receive a decision.

## SELECT NEWS ARTICLES

- **Lenczner Slaght Stands Out as a “Litigation Powerhouse” in Legal 500 Canada** – Canada's leading litigation firm is once again ranked in Tier 1 for Dispute Resolution by *Legal 500 Canada*.
- **Legal 500 Highlights Lenczner Slaght's Litigation Dominance** – Legal 500 recognizes Canada's leading litigation firm as “a regular fixture in the country's ground-breaking contentious cases”.
- **Defending Democracy: The Status of “false News” in Canada** – David Salter spoke to Julius Melnitzer about the status of “fake news” and defamation law in the U.S. and Canada for a LegalWriter.net article.
- **Narcissism of Small Differences: A Defamation-law Lesson From Trump's 2020 Election Fraud Claims** – The Law Times interviewed David Salter on the high-profile defamation lawsuits underway in the U.S., in which two election-technology companies are suing figures associated with former president Donald Trump's post-election voter fraud claims. In this article, David highlights the differences between Canadian and American defamation law.
- **Lenczner Slaght Welcomes David Salter** – Canada's leading litigation firm adds another exceptional litigator to its talent pool.

## PROFESSIONAL ACTIVITIES

- Canadian Bar Association
- Ontario Bar Association
- The Advocates' Society
- New York State Bar Association