



Tudor Carsten

Partner

tudor.carsten@dlapiper.com

Toronto

T: +1 416 365 3505

F: +1 416 777 7409

Tudor is a partner in the firm's Litigation, Arbitration and Investigations group. He has a diverse advocacy practice, successfully representing clients on a range of commercial litigation matters including breach of contract cases and shareholder disputes. He also represents clients in both domestic and international arbitrations.

Tudor regularly provides advice on the conduct of internal investigations and has represented numerous clients on matters related to fraud and asset recovery, including in the financial, communication, health, real estate and transportation sectors.

Tudor represents clients responding to investigations by regulatory agencies, including the Ontario Securities Commission and the Competition Bureau, as well as defending clients charged with regulatory and quasi-criminal offences. He also provides advice on matters related to corruption, money laundering and economic sanctions.

Tudor was a guest lecturer at Osgoode Hall Law School in 2011, 2012 and 2013 on the topic of shareholder remedies.

- Litigation, Arbitration and Investigations
- International Arbitration
- White Collar and Corporate Crime
- Corporate and Securities Litigation

English Romanian

LANGUAGES SPOKEN

- English
- Romanian

REPRESENTATIVE INVESTIGATIONS EXPERIENCE

- Advised a publicly listed tech company with operations in the US and Canada on its response to investigations and inquiries by the Ontario Securities Commission relating to alleged improper conduct by an investment dealer.
- Advised a national communications and cable provider on a number of internal investigations related to procurement and software fraud.

- Advised a leading Canadian pension fund on an internal investigation of a whistle-blower complaint alleging corrupt practices in the IT department of the fund's wholly-owned commercial real estate subsidiary.
- Advised a national non-profit organization on an internal investigation of accounting irregularities and potential fraud.

REPRESENTATIVE FRAUD AND ASSET RECOVERY EXPERIENCE

- Obtained a number of urgent *Mareva* injunctions for a national communications and cable provider, freezing millions of dollars misappropriated in separate frauds perpetrated by employees and suppliers of the client.
- Obtained an urgent order for the return of pharmaceutical products misappropriated from an international pharmaceutical company by a Canadian distributor.
- Represented a consortium of high net worth investors in recovering millions of dollars misappropriated through a complex series of mortgage frauds.
- Represented a consortium of European-based credit card issuers in bringing court proceedings in Canada to secure and ultimately recover the proceeds of significant credit card fraud.
- Assisted both corporate and individual clients to recover funds misappropriated by employees or business partners.

OTHER REPRESENTATIVE EXPERIENCE

- Advised an international retailer on anti-corruption and anti-money laundering obligations and best practices in Canada.
- Defended a municipality against charges relating to the operation of a sewage treatment facility.
- Defended clients against charges relating to alleged violations of conservation by-laws.
- Represented a range of employers in proceedings arising from employees' violation of their non-solicitation and non-competition obligations.
- Represented homeowners in disputes arising from negligent or fraudulent conduct by general contractors or other trades.
- Assisted clients in advancing or defending civil claims alleging defamation.

CREDENTIALS

Admissions

- Ontario, 2003

Recognitions

- *The Legal 500 Canada* (Dispute Resolution), 2017

Education

- LL.B., Queen's University, 2002
- B.Sc., Psychology, (Honours), University of Toronto, 1997

Memberships

- Member, Canadian Bar Association
- Member, Law Society of Ontario
- Member, Advocates Society

Other Activities

- Guest lecturer on topic of virtual property, "Current Issues in Real Estate Transactions", Osgoode Hall LL.M. class

INSIGHTS

Publications

Canada - Global bribery offenses guide

11 January 2022

White collar, corporate crime and investigations: End of year review 2021

4 January 2022

2021 featured the ongoing uncertainty, challenges and risk for businesses associated with COVID-19 pandemic. Despite the challenges, compliance programs, investigations and proceedings continued as close to normal as possible, with adjustments made to adapt the “new normal”. In this 2021 Year In Review, we offer key updates from the year past and offer our predictions on 2022 and beyond.

Canadian securities regulators test the use of artificial intelligence

10 August 2021

On July 15, 2021, the Ontario Securities Commission, British Columbia Securities Commission, Autorité des Marchés Financiers, and Alberta Securities Commission jointly announced that they had selected the Canadian-based technology firm, Bedrock AI Inc. (Bedrock), to support their Cross-Border Testing (CBT) initiative. As part of the CBT initiative, the Canadian securities regulators are working with Bedrock to assess how AI technology can be used to review and process corporate disclosure requirements, identify corporate risks, and enhance the supervisory and enforcement role of regulators.

Supreme Court sets aside sealing orders in Sherman Estate

22 June 2021

In *Sherman Estate v Donovan*, the Supreme Court of Canada unanimously lifted sealing orders that had been placed over the estate files of Barry and Honey Sherman (the “Shermans”), reiterating the importance of the open court principle and clarifying that it is engaged by all Court proceedings, regardless of whether the matter is adversarial or administrative in nature.

Callow v Zollinger: the Supreme Court of Canada expands the duty of good faith performance of a contract

23 December 2020

The Supreme Court of Canada has issued a significant case on the common law duty of good faith performance of contracts in *Callow v Zollinger*.

Events

Previous

White Collar Crime, Investigations and Compliance Symposium

5 October 2021

Webinar

- Speaker, 2016 DLA Piper (Canada) LLP Canadian Employment and Labour Law Conference

NEWS

DLA Piper Canada advised Hush Blankets on its acquisition by Sleep Country

22 October 2021

On October 22, 2021, Canada's leading omni-channel specialty sleep retailer, Sleep Country Canada Holdings Inc. (TSX: ZZZ), acquired a majority share of Hush Blankets Inc.
