



Anita Banicevic

Partner

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Toronto

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Expertise

Competition, Antitrust and Foreign Investment
Advertising, Marketing and Distribution
Investigations and White Collar Defence

Bar Admissions

Ontario, 2000

“She is an excellent lawyer; she is very smart and personable.”

Market Commentator – *Chambers Canada*

Anita provides creative solutions on all aspects of competition law and foreign investment review, with a particular focus on mergers, abuse of dominance, misleading advertising and criminal price-fixing investigations. Anita is frequently sought out to advise on some of the most closely watched and leading competition cases in Canada.

With extensive expertise in multinational mergers, Anita has secured *Competition Act* and *Investment Canada Act* clearance for numerous high-profile transactions of Canadian and international businesses in various industries. She regularly assists clients with contested proceedings before the courts and the Competition Tribunal, as well as negotiated resolutions and consent agreements.

Anita has held leadership positions within the Canadian Bar Association and American Bar Association. She served as Chair of the Canadian Bar Association’s Competition Law Section from September 2017 to 2018.

REPRESENTATIVE WORK

Ali Holding S.r.l.

Acted as Canadian regulatory counsel to Ali Holding S.r.l. in its US\$3.5-billion merger with Welbilt, Inc.

Knighthead Capital Management LLC and Certares Opportunities LLC

Acted as Canadian regulatory counsel to Knighthead Capital Management LLC and Certares Opportunities LLC in their successful US\$6-billion bid with Apollo Capital Management, LP to acquire Hertz Corp.

SESAC

Acted as Canadian counsel to SESAC, a portfolio company of Blackstone, in its US\$385-million acquisition of Entertainment One Music (eOne) from Hasbro, Inc.

Northleaf Capital Partners

Acted for Northleaf Capital Partners in its strategic sale of a non-controlling interest to Mackenzie Financial Corporation, a subsidiary of IGM Financial Inc., and Great-West Lifeco Inc.

Plenary Group

Acted for Plenary Group, a leading investor, developer and operator of public infrastructure in North America, in its sale to Caisse de dépôt et placement du Québec.

The Blackstone Group Inc.

Acted for real estate funds managed by The Blackstone Group Inc. and their

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affiliates in Blackstone's \$6.2-billion all-cash acquisition of Dream Global Real Estate Investment Trust and the separation of its external asset manager, Dream Asset Management.

Blackstone Property Partners

Acted for an affiliate of Blackstone Property Partners in its joint venture with Hudson Pacific Properties, Inc., to acquire the 1.45 million-square-foot Bentall Centre office and retail complex in Vancouver.

Enercare Inc.

Acted for Enercare Inc., one of North America's largest home and commercial services and energy solutions companies, in its \$4.3-billion sale to Brookfield Infrastructure and its institutional partners by way of plan of arrangement.

Rogers Sugar Inc.

Acted for Rogers Sugar Inc. in connection with the acquisition of L.B. Maple Treat Corporation, one of the world's largest branded and private label maple syrup bottling and distribution companies, for \$160.3 million.

DAK Americas LLC

Acted for DAK Americas LLC, a producer of PET (polyethylene terephthalate) resins, in connection with its acquisition of a controlling interest in Selenis Canada from IMG Group. Selenis Canada operates a PET plant in Montréal.

Stericycle Inc.

Acted as Canadian counsel for Stericycle, Inc. in its acquisition of Shred-it International, a global secure information destruction services provider, for US\$2.3 billion in cash.

Bentall Kennedy (Canada) Limited Partner

Acted for the Bentall Kennedy Group, a premier real estate investment management firm operating in Canada and the United States, in its acquisition by Sun Life Financial Inc. for a purchase price of \$560 million.

Rogers Communications Inc.

Acted for Rogers Communications Inc. in connection with its successful defence in closely watched misleading advertising proceedings in the Ontario Superior Court brought by the Commissioner of Competition. The case concerned comparative performance-based advertising used by Rogers in connection with its launch in 2010 of Rogers' Chatr brand. This case gave rise to a lengthy trial fought over many weeks, and involved complex expert evidence concerning the testing and operation of wireless networks as well as constitutional challenges to the misleading advertising provisions of the *Competition Act*.

Dollar Thrifty Automotive Group, Inc.

Acted for Dollar Thrifty Automotive Group, Inc. on Canadian regulatory matters in connection with the \$2.6 billion acquisition of Dollar Thrifty by Hertz Global Holdings, Inc. to form one of North America's largest car rental agencies. Davies also acted for Dollar Thrifty on regulatory matters arising from a rival bid for Dollar Thrifty by the Avis Budget Group Inc.

Maple Group Acquisition Corporation

Acted for Maple Group Acquisition Corporation (renamed TMX Group Limited), an

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entity whose shareholders consisted of five of Canada's largest pension funds, four Canadian bank-owned investment dealers, a leading independent broker dealer, Canada's largest financial co-operative group and a leading Canadian-based financial services group, in connection with its \$3.8-billion acquisition of each of TMX Group Inc., The Canadian Depository for Securities Limited, Alpha Trading Systems Inc. and Alpha Trading Systems Limited Partnership, resulting in the creation of a new integrated clearing and exchange group. This deal was awarded Deal of the Year in 2012 by *Lexpert* magazine.

Schlumberger Limited

Acted for Schlumberger Limited in connection with its \$240-million acquisition of CE Franklin Ltd. by National Oilwell Varco by way of plan of arrangement. Schlumberger was the 56% controlling shareholder of CE Franklin, a supplier to the Canadian energy industry.

Dollar Thrifty Automotive Group, Inc.

Acted for Dollar Thrifty Automotive Group, Inc. on Canadian *Competition Act* matters in connection with the acquisition of Dollar Thrifty Automotive Group, Inc. by Avis Budget Group Inc. in a transaction valued at approximately \$1.3 billion.

Eurocopter Holding SAS

Acted for Eurocopter Holding SAS, a subsidiary of European Aeronautic Defence and Space Company EADS N.V., in connection with its acquisition of Vector Aerospace Corporation in a transaction valued at \$635 million by way of a takeover bid.

Ivanhoé Cambridge Inc.

Acted for Ivanhoé Cambridge Inc. in the sale of its five Canadian shopping centres to Primaris Retail REIT for an aggregate price of approximately \$572 million.

Audley Capital

Acted for Audley Capital, the principal shareholder of Western Coal Corp., in the acquisition of Western Coal by Walter Energy Inc. Walter Energy acquired Western Coal through the initial purchase of part of Audley Capital's block and subsequent acquisition of the remaining outstanding common shares by way of plan of arrangement, with a total value of \$3.3 billion.

Ventana Gold Corp.

Acted for Ventana Gold Corp. in connection with the unsolicited \$1.5-billion takeover bid by an affiliate of Eike Batista for all of the outstanding Ventana shares, which ultimately resulted in a supported transaction at a higher price.

The Cadillac Fairview Corporation

Acted for The Cadillac Fairview Corporation in the sale of Erin Mills Town Centre, Erin Mills Town Plaza and surrounding development lands to Ontario Pension Board for \$370 million.

Wal-Mart Canada Realty Inc. and SmartCentres Realty Inc.

Acted for Wal-Mart Canada Realty Inc. and SmartCentres Realty Inc. in connection with the sale of a shopping centre in Ontario and a shopping centre in Québec to RioCan Real Estate Investment Trust for approximately \$100.7 million.

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Ancor Limited

Acted for Ancor Limited in its acquisition of Alcan Packaging operations from Rio Tinto plc in 31 countries for approximately US\$2 billion. The acquisition enhances Ancor's position as one of the world's leading packaging companies.

Mill Road Capital, L.P.

Acted for U.S.-based private equity firm Mill Road Capital, L.P. in its successful "white knight" bid for Cossette Inc. for approximately \$134 million.

Barzel Industries Canada Inc.

Acted for Barzel Industries Canada Inc. (formerly Novamerican Steel) in its cross-border restructuring proceedings involving independent proceedings under the *Companies' Creditors Arrangement Act* run in parallel concert with U.S. Chapter 11 proceedings for the U.S. parent company and U.S. subsidiaries and implementing a cross-border "stalking horse" sale agreement, cross-border bidding and auction process and closing of such sale within 65 days of the initial filing.

IPC US Real Estate Investment Trust

Acted for IPC US Real Estate Investment Trust in its strategic process and ultimate sale of its assets to Everclear Acquisition Corporation, a wholly owned subsidiary of Behringer Harvard REIT I, in a US\$1.4-billion all-cash transaction.

Barzel Industries Inc.

Acted for Barzel Industries Inc. (formerly Symmetry Holdings Inc.) in its acquisition of Novamerican Steel Inc. for a purchase price of US\$585 million.

Cadim Inc.

Acted for Cadim Inc. (a division of Caisse de dépôt et placement du Québec) in connection with its partnership arrangements with Westmont Hospitality Group and Cadbridge Investors LP, and acted for Cadbridge and InnVest REIT in connection with their joint negotiated takeover bid for Legacy Hotels REIT in a transaction valued at approximately \$2.5 billion.

EdgeStone Capital Equity Fund III, LP

Acted for private equity fund EdgeStone Capital Equity Fund III, LP in its \$70-million negotiated takeover bid for Stephenson's Rental Services Income Fund.

Fortis Inc.

Acted for Fortis Inc. in its acquisition of Terasen Inc., the Canadian natural gas distribution business of Kinder Morgan, Inc., in a transaction valued at \$3.7 billion, creating the largest investor-owned utility in Canada. Awarded 2007 Deal Team of the Year at the inaugural Canadian Dealmakers Gala.

Fortress Investment Group LLC

Acted as Canadian counsel for private equity funds managed by affiliates of Fortress Investment Group LLC in their acquisition of substantially all of the North American operations and facilities of Holiday Retirement Corp., involving 299 seniors' living communities totalling over 35,000 living units, including 34 communities across Canada.

Fortress Investment Group LLC

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Acted as Canadian counsel for private equity funds managed by affiliates of Fortress Investment Group LLC in their acquisition of RailAmerica Inc. in an all-cash transaction valued at US\$1.1 billion.

INEOS

Acted for INEOS on Canadian regulatory matters in connection with the formation of a joint venture to combine the INEOS Silica business and PQ Corporation, both manufacturers of industrial silicates and silicas, in a transaction valued at US\$1 billion.

Ivanhoé Cambridge Inc.

Acted for Ivanhoé Cambridge Inc. in its acquisition of the interests of The Mills Corporation in three shopping centres located in Vaughan, Ontario, Glasgow, Scotland and Madrid, Spain for US\$988 million.

Unisource Canada, Inc.

Acted for Unisource Canada, Inc. in its defence of multiple class actions across Canada alleging a price-fixing conspiracy in respect of carbonless paper.

PetroKazakhstan Inc.

Acted for PetroKazakhstan Inc., a Canadian-listed energy company, in its US\$4.18-billion acquisition by China National Petroleum Corporation by way of negotiated takeover bid.

Canada Pipe Company Ltd.

Acted for Canada Pipe Company Ltd. before the Competition Tribunal, Federal Court of Appeal and Supreme Court of Canada with respect to the only fully contested abuse of dominance case to be decided in Canada in more than 15 years. This matter was decided in favour of Canada Pipe following a lengthy trial in the Competition Tribunal and against Canada Pipe in the Federal Court of Appeal. The matter was eventually resolved through a negotiated Consent Agreement in December 2007.

RECOGNITIONS

Chambers Global: The World's Leading Lawyers for Business—
Competition/Antitrust

Chambers Canada: Canada's Leading Lawyers for Business—
Competition/Antitrust

Global Competition Review—Women in Antitrust (2016, 2021)

GCR 100 Canada: A Guide to the World's Leading Competition Law and
Economics Practices

Global Competition Review's "40 Under 40" (2012)

*The Legal 500 Canada—*Competition and Antitrust (Hall of Fame)

The Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada—
Competition Law

Lexpert Zenith Award—Celebrating Change Agents in Law (2019)

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Lexpert Guide to US/Canada Cross-Border Lawyers in Canada—Regulatory

The Canadian Legal Lexpert Directory—Competition Law (Most Frequently Recommended); Advertising and Marketing Law

The Best Lawyers in Canada—Advertising and Marketing Law (Lawyer of the Year 2022, Toronto); Competition/Antitrust Law

Who's Who Legal: Thought Leaders Competition; Who's Who Legal: Foreign Investment Control; Who's Who Legal: Competition; Who's Who Legal: Canada—Competition

Expert Guides' *Women in Business Law*; Expert Guides—Competition and Antitrust

INSIGHTS

Navigating the New Norm: Further Changes to Canada's *Competition Act* in Effect

June 21, 2024

CBA Competition Law Fall Conference, "Are we there yet? Assessing the Efficacy of our New Toolbox,"; Ottawa, ON

Oct. 26, 2023

Canada's *Competition Act* Reforms Include Expanded Power to Challenge Anticompetitive Agreements

Sept. 28, 2023

Canadian Government Announces "First Set" of *Competition Act* Reforms

Sept. 19, 2023

Employers Beware: Amendments to the Canadian *Competition Act*'s Criminal Conspiracy Provisions Take Effect

June 22, 2023

Significant changes to Canadian competition law, co-author

Dec. 01, 2022

New amendments to the Competition Act: What they mean for HR, co-author

June 30, 2022

Federal Government Enacts Significant Amendments to Canada's *Competition Act*

June 24, 2022

Interview, Global Competition Review, "Canadian bar urges government to suspend competition law changes"

June 06, 2022

American Bar Association, Antitrust Law Spring Meeting, "Canadian Competition Law – What's Different Up North?"; Washington, DC

Apr. 06, 2022

EDUCATION

Queen's University, LLB, 1998

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Queen's University, BA, 1995

PROFESSIONAL AFFILIATIONS

American Bar Association

Canadian Bar Association

COMMUNITY INVOLVEMENT

American Bar Association, Section of Antitrust Law, Long Range and Strategic Planning Committee, co-chair

American Bar Association, Section of Antitrust Law, 2017 Consumer Protection Conference, co-chair

American Bar Association, Section of Antitrust Law, Compliance & Ethics Committee, past co-chair

American Bar Association, Section of Antitrust Law, Influence Task Force, member

American Bar Association, Section of Antitrust Law, Mergers and Acquisitions Committee, vice-chair

Canadian Bar Association, Competition Law Section Executive Committee, past chair

International Competition Network, non-governmental adviser

TEACHING ENGAGEMENTS

Anita has lectured on competition law at Queen's University Faculty of Law.