



## Luis Sarabia

Partner

### Office

Toronto

### Tel

416.367.6961

### Email

lsarabia@dwpv.com

### Expertise

Dispute Resolution  
Arbitration and Mediation  
Class Actions  
Commercial Litigation  
Securities Litigation

### Bar Admissions

Ontario, 1995

“Regardless of how difficult, complex or sometimes urgent the task, it was dealt with professionally and successfully.”

*Client – Chambers Global*

Luis has a broad-based general litigation and arbitration practice. He has specific expertise in acting for the world's leading mining companies in their large and complex litigation and arbitrations – in Canada and internationally.

Clients appreciate that Luis is “a good sounding board, gives pragmatic advice and has a sense of calmness which gives you a lot of security.” (*Chambers Global 2015*)

Luis is lead counsel for public and private corporations at various levels of Canadian courts, as well as at the Ontario Securities Commission. Spanish-speaking parties regularly turn to Luis for assistance. He regularly acts as counsel in class actions, takeover bids and change of control litigation. A qualified and experienced arbitrator, Luis is regularly selected by parties to arbitrate on a range of business and commercial disputes.

## REPRESENTATIVE WORK

### Grup Mediapro S.L.U.

Acted for Grup Mediapro S.L.U. in a litigation settlement with CSB, LP, culminating in a transaction pursuant to which Mediapro sold its Canadian business, consisting of the OneSoccer Channel, to CSB.

### Brandt Tractor Ltd.

Acting for Brandt Tractor Ltd., the world's largest privately held John Deere Construction and Forestry equipment dealer, in various litigation matters (including commercial disputes and wrongful dismissal claims).

### HudBay Minerals

Acted for HudBay Minerals Inc. in a large, complex international arbitration in Lima, Peru arising out of the construction of the Constancia Mine.

### Barrick Gold Corporation

Acting for Barrick Gold Corporation and certain of its former and existing officers and directors in defence of multi-billion dollar class actions in Ontario and Québec alleging breaches of the public disclosure requirements under provincial securities legislation concerning Barrick's Pascua Lama mining project in Chile and Argentina.

### Rio Tinto Limited

Acting for Rio Tinto Limited in relation to its US\$6.7-billion Oyu Tolgoi project in a proposed class action filed in the district of Montréal seeking leave proceed under the *Securities Act* (Québec) and certification under the Québec *Code of Civil Procedure*. Oyu Tolgoi is one of the world's largest new copper-gold mines and is located in the South Gobi region of Mongolia, approximately 550 km south of the capital, Ulaanbaatar, and 80 km north of the Mongolia-China border.

# DAVIES

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### **Turquoise Hill Resources Ltd.**

Acted for Turquoise Hill Resources Ltd. in confidential arbitration proceedings under the British Columbia *International Commercial Arbitration Act* against its majority shareholder, Rio Tinto International Holdings Limited, in connection with the Oyu Tolgoi mine, one of the largest known copper and gold deposits in the world.

### **Potentia Renewables Inc.**

Acted for Potentia Renewables Inc. and its affiliates in a contractual dispute with the Independent Electricity System Operator (IESO) regarding Potentia's right to optimize solar projects.

### **Ralph Reichmann**

Acted as lead counsel for Ralph Reichmann, the patriarch of a wealthy and successful Canadian family, in defending claims against him and his wife brought by his son, Abraham Reichmann, in relation to events that span over 40 years and concern, among other things, oppression and breaches of fiduciary duties in relation to notable family-owned enterprises and numerous trusts.

### **Barrick Gold Corporation**

Acted for Barrick Gold Corporation in international tort litigation concerning the mining operations of an affiliate of Barrick in Africa, brought in the courts of Canada, the United Kingdom and Tanzania.

### **Detour Gold Corporation**

Acted for Detour Gold Corporation in a securities class action involving alleged breaches of the public disclosure requirements of the *Securities Act* (Ontario) in relation to the company's production and cost guidance during the ramp-up of the Detour Lake Mine, and to details of one of the company's credit agreements.

### **MAG Silver Corp.**

Acted for MAG Silver Corp. in an international arbitration in Mexico.

### **Avocet Mining PLC**

Acted for Avocet Mining PLC in defending successfully through trial a claim asserted against Avocet and its subsidiary Wega Mining ASA by Infinity Gold Mining Inc. and Shaloha Trading Corporation in relation to a contested break-fee, arising out of an unsuccessful take-over bid by Infinity and Shaloha.

### **Agnico Eagle Mines Limited**

Defended Agnico Eagle Mines Limited in relation to charges against Agnico under the *Fisheries Act* arising from its operations at the Meadowbank mine in Nunavut.

### **Shaft Sinkers (PTY) Ltd.**

Acted for Shaft Sinkers (PTY) Ltd. in an ICC arbitration in Geneva arising from the sinking of Eurochem's VolgaKaliy potash shaft in Russia.

### **EMEA Nortel Debtors**

Acted for the EMEA Nortel Debtors in the Ontario Commercial List and Delaware Court of Bankruptcy concerning allocation of approximately \$7.5 billion of proceeds from the sale of Nortel assets. The Nortel allocation proceedings were

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unique in their size, complexity, and multi-jurisdictional nature.

### **BHP Billiton**

Acted for BHP Billiton in connection with "ROFR" litigation arising from the sale of its Canadian diamond business.

### **Agnico Eagle Mines Limited**

Acted for Agnico Eagle Mines Limited and certain of its current and former officers and directors in their defence of a multi-jurisdictional class action alleging that the company's public disclosure was false and misleading contrary to Part XXIII.1 of the Ontario *Securities Act*.

### **Potash Corporation of Saskatchewan (now known as Nutrien Ltd.)**

Acted for Potash Corporation of Saskatchewan (now known as Nutrien Ltd.) in proceedings before the Courts of Saskatchewan. This was a multi-billion dollar dispute over the ownership of potash reserves in the world's largest potash mine in Esterhazy, Saskatchewan, and gave rise to more than 100 days of discovery, numerous interlocutory motions as well as an appeal to the Saskatchewan Court of Appeal. The case was settled shortly before the commencement of a lengthy trial in Saskatoon, on terms satisfactory to Potash Corporation.

### **Canadian Coalition for Good Governance**

Acted for the Canadian Coalition for Good Governance, a collection of Canada's leading institutional investors, in a reference to the Supreme Court of Canada concerning the constitutional validity of proposed legislation creating a National Securities Regulator in Canada.

### **Pershing Square Capital Management LP**

Acted for Pershing Square Capital Management LP and other institutional investors in Sears Canada Inc. in connection with their successful efforts to oppose Sears Holdings Corporation's efforts to squeeze out the minority shareholders of Sears Canada, including proceedings before the Ontario Securities Commission and the Ontario courts.

### **Scion Capital**

Acted for Scion Capital, the largest shareholder in Bolivar Gold Corporation, in connection with its opposition to the acquisition of Bolivar by South African miner Gold Fields Limited, including Scion's dissident proxy solicitation and related litigation before the courts of Ontario and the Yukon Territory.

### **High-tech company**

Acting for a high-tech company in a C\$5-million lawsuit filed by its former President, alleging, among other things, constructive dismissal.

## **RECOGNITIONS**

*Chambers Global: The World's Leading Lawyers for Business*—Dispute Resolution: Arbitration

*Chambers Canada: Canada's Leading Lawyers for Business*—Dispute Resolution: Arbitration; Litigation, General Commercial: Ontario

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*The Legal 500 Canada*—Dispute Resolution: Ontario (Leading Partner)

*Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms & Attorneys*—Commercial (Litigation Star); Securities (Litigation Star)

*Lexpert Special Edition: Litigation*

*The Canadian Legal Lexpert Directory*—Commercial Arbitration; Litigation: Corporate Commercial; Litigation: Securities

Chambers Canada Award—Litigation Firm of the Year (2018)

*Chambers Canada: Canada's Leading Lawyers for Business*—Litigation, General Commercial Department: Ontario (Band 1 for firm)

*The Best Lawyers in Canada*—Class Action Litigation; Corporate and Commercial Litigation; Securities Law

*Who's Who Legal: Canada*—Commercial Litigation

## INSIGHTS

Supreme Court of Canada Rules in *Nevsun Resources Ltd. v Araya*  
Feb. 28, 2020

Supreme Court to Rule on Novel Claims Against Canadian Multinationals  
Operating Abroad  
Jan. 22, 2019

Canada Gets Go-Ahead for a National Securities Regulator  
Nov. 12, 2018

Duff & Phelps, 2017 General Counsel Symposium, "Canadian and Other U.S.  
Cross-Border Litigation: Current Issues and Trends"; Chicago, IL  
Nov. 03, 2017

Parents' Subsidiary Liabilities Hit Home, co-author  
Mar. 06, 2016

Leading-Edge Practices in Subsidiary Governance  
June 17, 2015

Blowing the Whistle on the Whistleblower Program  
May 08, 2015

## EDUCATION

University of Windsor, LLB, 1993  
University of Toronto, MA (International Relations), 1991  
University of Toronto, BA, 1989

## PROFESSIONAL AFFILIATIONS

Chartered Institute of Arbitrators (CI Arb)  
The Advocates' Society  
The Litigation Counsel of America, Fellow

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## **TEACHING ENGAGEMENTS**

Luis teaches a graduate course in Corporate Remedies for LLM students at Osgoode Hall Law School. He has been a guest lecturer at various law schools, including McGill University Faculty of Law, University of Toronto Faculty of Law, Western Law and the University of Saskatchewan College of Law. He has also been an instructor at the Intensive Trial Advocacy Workshop at Osgoode Hall Law School's Professional Development program. Luis is a lecturer in Continuing Legal Aid programs organized by The Advocates' Society and in Arbitration Law for the Saskatchewan Law Society. Luis has also conducted advocacy skills training for the Law Society of Newfoundland and Labrador.