



## Mark Katz

Partner

### Office

Toronto

### Tel

416.863.5578

### Email

[mkatz@dwpv.com](mailto:mkatz@dwpv.com)

### Expertise

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

### Bar Admissions

Ontario, 1989

“An excellent lawyer at the top of the game. Very highly regarded...He’s very much in the spotlight.”

*Chambers Global*

Mark counsels clients – in Canada and internationally – on mergers and acquisitions, criminal cartel investigations, joint ventures, abuse of dominance, distribution and pricing practices, misleading advertising and compliance. He also advises clients on the regulation of foreign investments and ownership in Canada, including under the *Investment Canada Act*.

Clients appreciate Mark’s calm demeanour, his straightforward and personable approach and his common-sense advice on competition and foreign investment matters.

Mark is actively involved in the Canadian and American Bar Associations and writes and speaks frequently on Canadian competition and foreign investment review laws. Mark is also the co-author of *The Competition Law Guide for Trade Associations in Canada*.

## REPRESENTATIVE WORK

### Outfront Media Inc.

Acted as Canadian counsel to OUTFRONT Media Inc. in the C\$410-million sale of its Canadian outdoor advertising business to Bell Media, a wholly-owned subsidiary of BCE.

### Direct Travel, Inc.

Acted as Canadian counsel to Direct Travel, Inc., in its sale to a group of investors, including Durable Capital Partners, Madrona Ventures, Top Tier Capital Partners, and Blackstone Credit & Insurance, led by Steve Singh.

### Wolseley Canada Inc.

Acted for Wolseley Canada Inc., the leading wholesale distributor to plumbing, HVAC/R, waterworks and industrial markets in Canada, in its acquisition of Yorkwest Plumbing Supply Inc., a distributor of building and industrial products in the greater Toronto area.

### Vance Street Capital LLC

Acted for Vance Street Capital, a Los Angeles private equity fund, in the sale of Terra Insights, a Vancouver-based geotechnical, structural and geospatial monitoring company, to Orica for cash consideration of C\$505 million.

### Mondi plc

Acted for Mondi plc, a global leader in the production of sustainable packaging and paper, in its acquisition of the Hinton Pulp mill from West Fraser Timber Co. Ltd. (West Fraser) and its long-term partnership with West Fraser to access local, high-quality fibre from well-established wood basket, as well as with Mondi plc’s plans to invest €400 million in the expansion of Hinton.

### Viking Global Investors LP

Acted for funds affiliated with Viking Global Investors LP in connection with

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Valsoft Corporation Inc.'s note issuance in an initial aggregate amount of US\$170-million to Coatue Management and funds affiliated with Viking Global Investors LP.

### **RelationShop Inc.**

Acted as Canadian counsel for RelationShop Inc. in its acquisition of all of the issued and outstanding shares of Mercatus Technologies, a leading provider of eCommerce solutions for regional grocers and independents.

### **Ember Infrastructure Management, LP**

Acted for funds managed by Ember Infrastructure Management, LP, a New York-based private equity firm, in its \$395-million acquisition of H2O Innovation Inc., a TSX-listed company, by way of statutory plan of arrangement under the *Canada Business Corporations Act*, and the associated rollover of shares by Investissement Québec, Caisse de dépôt et placement du Québec and management.

### **Design World LLC d/b/a WTWH Media, LLC**

Acted as Canadian counsel to Design World LLC d/b/a WTWH Media, LLC, a Mountaingate Capital portfolio company, in its acquisition via a wholly owned Canadian subsidiary of substantially all the assets of Engineering.com Incorporated, a media website operator focused on engineering related content.

### **Mountaingate Capital**

Acted for Mountaingate Capital Management II, L.P. in its strategic investment in Bond Brand Loyalty Group, a leading marketing, customer experience and loyalty software management group.

### **Apotex Pharmaceutical Holdings Inc.**

Acted as lead transaction and tax counsel to Apotex Pharmaceutical Holdings Inc., a global pharmaceutical company that produces high-quality affordable medicine, in its sale to SK Capital Partners.

### **GreenV B.V.**

Acted for Green V B.V. in its acquisition of JV Energy Solutions Inc., a provider of customer-specific heating, electrical engineering and insulation for the greenhouse horticulture industry.

### **Velan Inc.**

Acted for Velan Inc., a global leading manufacturer of industrial valves, in its \$329-million all-cash sale and privatization by way of plan of arrangement by Flowserve Corporation, one of the world's leading providers of fluid motion and control products and services.

### **Cordis-X**

Acted for Cordis-X, the lead investor in the C\$34-million Series A funding round by Puzzle Medical Devices Inc., a medical device company specializing in the development of a minimally invasive long-term hemodynamic transcatheter pump.

### **HID Global Corporation**

Acted for HID Global, a subsidiary of Swedish conglomerate Assa Abloy, in its acquisition of Vancouver-based Guard RFID Solutions, a manufacturer of real-

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time location systems used in healthcare environments.

### **LKQ Corporation**

Acted as Canadian counsel to LKQ Corporation in its C\$2.8-billion acquisition of Uni-Select Inc.

### **EcoPro BM**

Acting for Korea-based EcoPro BM in its C\$1.2-billion joint venture with Ford and SK On to build a cathode manufacturing facility to produce electric vehicle (EVs) battery materials in Bécancour, Quebec.

### **Interfor Corporation**

Acted for Interfor Corporation in its acquisition for over C\$325-million of 100% of the equity interests of Kilmer Group-backed Chaleur Forest Products entities.

### **Vance Street Capital**

Acted for Vance Street Capital, a U.S. private equity firm, and its portfolio company Terra Insights, in its acquisition of NavStar, a Vancouver-based global leader in monitoring technology for automated detection of movement on slopes and structures.

### **ENGIE**

Acting as Canadian regulatory counsel to ENGIE in the EUR7.1-billion sale of its global multi-technical services division, EQUANS, to Bouygues.

### **Vance Street Capital**

Acted for Vance Street Capital, a Los Angeles-based private equity firm, and its portfolio company Polara Enterprises, in their acquisition of Carmanah Technologies, a Vancouver-based leading provider of solar LED pedestrian and traffic safety technology.

### **Cominar REIT**

Acted for Cominar REIT, one of Canada's largest diversified real estate investment trusts and the largest commercial property owner in Québec, in its C\$5.7-billion sale to Iris Acquisition II LP, which is an entity created by a consortium led by Canderel Real Estate Property Inc., one of Canada's largest privately held real estate companies.

### **Viking Global Investors LP**

Acted for funds affiliated with Viking Global Investors LP in their acquisition of a minority stake in Valsoft Corporation Inc., whose business involves the acquisition and growth of vertical software businesses that provide mission-critical solutions to their clients.

### **The Sherwin-Williams Company**

Acted for The Sherwin-Williams Company, a global leader in the coatings industry, in its acquisition of AquaSurTech, which primarily manufactures and distributes industrial coatings and related products.

### **Thales Group**

Acting as Canadian regulatory counsel to Thales Group in the EUR1.66-billion sale of its Ground Transportation Systems Global Business Unit to Hitachi Rail.

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## **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.

## **Interfor Corporation**

Acted for Interfor Corporation in its \$490-million acquisition of 100% of the equity interests of Kelso & Company-backed EACOM Timber Corporation.

## **Kansas City Southern**

Acted as Canadian counsel to Kansas City Southern in its transformative US\$31-billion merger with Canada Pacific Railway to create the first U.S.-Mexico-Canada rail network.

## **CDW LLC**

Acted as Canadian counsel for CDW LLC in its acquisition of Sirius Computer Solutions, Inc., for a purchase price of US\$2.5 billion.

## **Blackstone Infrastructure Partners L.P.**

Acted as Canadian counsel to Blackstone Infrastructure Partners L.P. in its acquisition of the majority interest of Carrix, Inc., one of the world's largest marine-terminal operators.

## **Danone**

Acted as Canadian counsel to Danone, a leading French multi-local food and beverage company, in the sale of Vega, the North American plant-based nutritional products brand, to funds managed by WM Partners, a U.S.-based private equity investment firm focused on the health and wellness industry.

## **Alexion Pharmaceuticals Inc.**

Acted as Canadian competition counsel for Alexion Pharmaceuticals Inc., a global biopharmaceutical company focused on rare disorders therapies, in its US\$39-billion acquisition by AstraZeneca plc, a UK-based biopharmaceutical company focused on prescription medicines.

## **RST Instruments Ltd. and Measurand Instruments Inc.**

Acted for Vance Street Capital LLC, a Los Angeles-based private equity firm, and its portfolio companies RST Instruments Ltd. and Measurand Instruments Inc., in their acquisition of 3v Geomatics Inc., a world leader in the use of radar satellite images to detect and measure ground and infrastructure displacement across large areas.

## **Bentley Systems, Incorporated**

Acted for Bentley Systems, Incorporated, in its acquisition of Seequent Holdings Limited, a global leader in 3D modelling software for the geosciences, for US\$1.05 billion.

## **Medline Industries, Inc.**

Acted as Canadian regulatory counsel to Medline Industries, Inc., the largest U.S.-based privately held manufacturer and distributor of healthcare supplies with 2020 revenue of US\$17.5 billion, in an investment by a private equity consortium comprising funds managed by Blackstone, Carlyle and Hellman & Friedman.

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## **Grimco Canada, Inc**

Acted for Grimco Canada, Inc., a national wholesale sign supply manufacturer and distributor, in its acquisition of Cobalt Graphics Distribution, a division of Cansel Survey Equipment, Inc.

## **WESCO International Inc.**

Acted for WESCO International Inc. in the sale of its legacy WESCO Datacom business in Canada to Guillevin International, a Canadian distributor of industrial products.

## **WESCO International Inc.**

Acted for WESCO International Inc. in the sale of its legacy WESCO Utility business in Canada to Rexel Canada, a wholly owned subsidiary of France's Rexel Group.

## **Hillrom**

Acting as Canadian competition counsel to Hillrom, a global medical technology leader, in its proposed US\$10.5-billion sale to Baxter International Inc., a leading global medical products company.

## **Mohawk Industries Inc.**

Acting for Mohawk Industries Inc. in defence of a proposed class action in Ontario alleging anti-competitive conduct in the condominium refurbishment industry.

## **S&P Global Inc.**

Acted for S&P Global Inc. on Canadian regulatory matters in connection with its US\$44-billion all-stock merger with IHS Markit.

## **Tryg A/S**

Acted as Canadian counsel to Tryg A/S in connection with its £7.2-billion joint bid with Intact Financial Corporation to acquire RSA Insurance Group plc.

## **Foundation Building Materials, Inc. and Lone Star Funds**

Acted for Foundation Building Materials, Inc. (FBM) and Lone Star Funds (LSF) in the US\$1.37-billion acquisition of all outstanding FBM shares by an affiliate of American Securities LLC.

## **Xplornet Communications Inc.**

Acted for Xplornet Communications Inc., a portfolio company of Stonepeak Infrastructure Partners and Canada's leading rural broadband provider, in its acquisition of Corridor Communications Inc., which operates CCI Wireless, a provider of broadband solutions to rural homes in Alberta, along with enterprise clients across western Canada.

## **Meggitt plc**

Acted as Canadian counsel to Meggitt PLC, a U.K.-listed maker of components and sub-systems for the aerospace, defence and selected energy markets, in the US\$146-million sale of its U.S. subsidiary, Meggitt Training Systems, to private equity firm Pine Island Capital Partners LLC.

## **McCain Foods Limited**

Acted for McCain Foods Limited in its \$70-million acquisition of Hillspring Farms

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Ltd., a Canadian farmer of potatoes, through a quick-flip sale in a receivership.

### **WESCO International, Inc.**

Acted as Canadian competition counsel to WESCO International, Inc., a Pennsylvania-based distributor of electrical, industrial, and communications products, in its US\$4.5-billion acquisition of Anixter International Inc.

### **Xplornet Communications Inc.**

Acted for Xplornet Communications Inc., Canada's largest rural-focused broadband service provider, in its sale to Stonepeak Infrastructure Partners.

### **Celgene Corporation**

Acted for Celgene Corporation, an integrated global biopharmaceutical company, on competition matters related to its US\$74-billion sale to Bristol-Myers Squibb Company.

### **Driven Brands Inc.**

Acted for Roark Capital-backed Driven Brands Inc. in its acquisition of Clairus Canada Group, a major automotive parts, windshield repair and claims management business based in Québec.

## RECOGNITIONS

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

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

*GCR 100 Canada: A Guide to the World's Leading Competition Law and*  
*Economics Practices—*Competition and Foreign Investment Review

*The Canadian Legal Lexpert Directory—*Competition Law

*The Best Lawyers in Canada—*Advertising and Marketing Law; Competition and  
Antitrust Law

*Who's Who Legal: Thought Leaders Competition; Who's Who Legal:*  
*Competition; Who's Who Legal: Canada—*Competition

Expert Guides—Competition and Antitrust

## INSIGHTS

Interview, *Global Competition Review*, "Keep AI regulatory gaps on the agenda  
post-UK general election, committee says"  
May 28, 2024

Interview, *Global Competition Review*, "Canadian mining deal collapses, seller  
blames government restrictions"  
May 22, 2024

*Financier Worldwide*, "The changing face of merger control in Canada", co-author  
Apr. 01, 2024

Canadian Government to Enhance Scrutiny of Foreign Investments in the

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Interactive Digital Media Sector

Mar. 13, 2024

*Investing In... 2024*: Canada chapter, co-author

Jan. 01, 2024

*Financier Worldwide*, "The State of Foreign Investment Review in Canada", author

Jan. 01, 2024

Interview, *Global Competition Review*, "Canada set to overhaul merger control rules"

Dec. 01, 2023

Interview, *Financier Worldwide's Corporate Disputes*, "Dealing with Dawn Raids"; Web Publication

Dec. 01, 2023

Great FESpectations: Further Changes to Canadian Competition Law Ahead

Nov. 23, 2023

Doing Business in Canada 2023, contributor

Nov. 14, 2023

## EDUCATION

Osgoode Hall Law School, LLB, 1987

McGill University, BA, 1984

## PROFESSIONAL AFFILIATIONS

American Bar Association

Canadian Bar Association

## COMMUNITY INVOLVEMENT

American Bar Association, Section of Antitrust Law, Trade, Sports and Professional Associations Committee, former vice-chair

American Bar Association, Section of International Law, International Antitrust law Committee, former co-chair

Avenue Road Hockey Association

Camp Massad of Québec

Israel Guide Dog Centre for the Blind

## TEACHING ENGAGEMENTS

Mark was a co-lecturer for Federated Press's 5th Negotiating and Drafting International Business Agreements course and the Conducting Regulatory Investigations course.