



Derrick Auch

Partner

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Derrick Auch is a partner in the Calgary office and practises in the area of corporate finance and securities, general corporate/commercial law and mergers and acquisitions. Derrick joined the firm in 2004.

Derrick works extensively in assisting emerging, as well as established companies in completing both private and public financings, mergers and acquisitions, general corporate/commercial transactions, compliance with corporate governance and continuous disclosure, going public and other financing transactions.

Derrick acts for a broad range of junior issuers whose shares are listed on the TSX Venture Exchange (TSXV) as well as for various brokerage firms on public and private financings. He has also developed an expertise in oil and gas and mining law and the area of mining disclosure.

Derrick's practice includes the following:

- Restructuring and reorganizing transactions including acquisitions, arrangements, mergers and other reorganizations
- Private placements for public and private companies
- Public offerings by prospectus
- Representing brokerages on public and private financings
- General Corporate/Commercial transactions such as unanimous shareholder agreements, joint ventures, management buyouts, shareholders meetings and disputes and incorporation and organization of companies
- Extensive experience with the CPC process including prospectuses and qualifying transactions
- Continuous disclosure expertise including NI 43-101 – Standards of Mining Disclosure, NI 51-101 – Standards of Disclosure for Oil and Gas Activities and NI 51-102 – Continuous Disclosure Obligations
- Assisting issuers with corporate governance issues

Derrick was recognized in the Canadian Legal Lexpert® Directory (Mining) 2012, 2014-2016, 2018 and Derrick was featured on the cover of Lexpert magazine in May 2011 when he commented on the feature story “The Regulator Debate: Lawyers Take Sides on Ottawa’s Mission to Form a National Securities Regulator”.

- Projects, Energy and Infrastructure
- Oil and Gas
- Proxy Disputes
- Mergers and Acquisitions
- Securities and Corporate Finance
- Capital Markets

- Mining

English

LANGUAGES SPOKEN

- English

EXPERIENCE

- Lead counsel for StorageVault Canada Inc. in its \$57.5 million bought deal short form prospectus Senior Unsecured Hybrid Debenture financing co-led by Scotiabank and CIBC World Markets on behalf of a syndicate of underwriters.
- Co-lead counsel for StorageVault Canada Inc. for an aggregate of approximately \$270 million of asset purchase transactions in 2021 in 18 distinct acquisitions.
- Canadian Counsel for OneTrust LLC in its cross border acquisition of Tugboat Logic.
- Lead counsel for StorageVault Canada Inc. in its \$75 million bought deal short form prospectus Senior Unsecured Hybrid Debenture financing co-led by Scotia Capital Inc., National Bank Financial Inc. and TD Securities Inc. on behalf of a syndicate of underwriters.
- Co-lead counsel for StorageVault Canada Inc. in its \$275 million acquisition of Real Storage with 38 stores across Canada in British Columbia, Alberta, Manitoba and Ontario.
- Co-lead counsel for StorageVault Canada Inc. for the \$320 million credit facility used to finance the Real Storage acquisition which involved a syndicate of lenders led by The Bank of Nova Scotia and including The Toronto-Dominion Bank.
- Co-lead counsel for StorageVault Canada Inc. for an aggregate of approximately \$160 million of asset purchase transactions in 2018, in 10 distinct acquisitions, for 19 stores, including a \$66.5 million acquisition from a private vendor of 2 stores located in the Greater Toronto Area.
- Lead counsel for StorageVault Canada Inc. in its \$34 million acquisition from Access Self Storage Inc. of one store in Toronto, Ontario, two stores in Quebec and three stores in Nova Scotia.
- Lead counsel for StorageVault Canada Inc. in its \$396 million acquisition of Sentinel Storage with 24 stores across Canada in British Columbia, Alberta, Manitoba, Ontario, Quebec and Nova Scotia.
- Acted for StorageVault Canada Inc. in its \$270 million revolving credit agreement with a syndicate of lenders led by The Bank of Nova Scotia and including National Bank of Canada, The Toronto-Dominion Bank, Bank of Montreal, Raymond James Finance Company of Canada Ltd., Canadian Western Bank and Canadian Imperial Bank of Commerce.
- Lead counsel for StorageVault Canada Inc. in its \$135 million bought deal short form prospectus common share financing which included a secondary offering.
- Lead counsel for StorageVault Canada Inc. in its \$66 Million acquisition from Access Self Storage Inc. of three stores in Montreal, Quebec and two stores in Toronto, Ontario.
- Lead counsel for StorageVault Canada Inc. in its \$57.5 Million bought deal short form prospectus common share financing.
- Lead counsel for StorageVault Canada Inc. in its \$15 Million acquisition of one self storage location in Alberta from a private company vendor.
- Lead counsel for StorageVault Canada Inc. in its \$48 Million acquisition from Access Self Storage Inc. of three self storage locations in Montreal, Quebec and one self storage location in Toronto, Ontario.
- Lead counsel for StorageVault Canada Inc. in its \$22 Million acquisition of one self storage location in Alberta from a private company vendor.
- Acted for Boulder Energy Ltd. in the \$270 Million going private acquisition by ARC Financial Corp.
- Acted for Mount Bastion Oil & Gas Corp. in the \$150 Million purchase of assets from Penn West Petroleum Ltd. and the concurrent \$162 Million private placement financing.
- Lead counsel for StorageVault Canada Inc. in the \$51 Million acquisition of eight self storage locations from Access Self Storage Inc. and Cubeit Portable Storage Canada Inc.
- Lead counsel for StorageVault Canada Inc. in the \$52 Million acquisition of four self storage locations from Storage For Your Life Solutions Inc.
- Lead counsel for MFRI, Inc. in its \$9 Million buyout of its joint venture portion to acquire 100% ownership of Bayou Perma-Pipe Canada.

- Acted for Rio Alto Mining Ltd. in its \$1.35 Billion Sale to Tahoe Resources Inc. by plan of arrangement to combine companies into a new \$4 Billion intermediate precious metals producer.
- Acted for Canacol Energy Ltd. on its \$140 Million acquisition of Shona Energy Company, Inc. by way of a statutory plan of arrangement.
- Lead counsel for a private Alberta oil and gas corporation on the aggregate of \$25 Million of common share financings placed in part by Peters & Co. Limited.
- Lead counsel representing Big Rock brewery in the conversion from an income trust to a dividend paying corporation.
- Represented a public international oil and gas corporation on the \$500 Million plan of arrangement acquisition by a US corporation.
- Represented an Alberta-based acquiror in the purchase of an internationally-recognized ski resort
- Lead counsel representing one of the Alberta oil and gas corporations acquired by an Alberta oil and gas trust for \$120 Million.

CREDENTIALS

Admissions

- Alberta, 1999

Recognitions

- *Best Lawyers in Canada* (Securities Law), 2019-2023; (Mining Law), 2020-2023
- *Expert Special Edition*, Leading Canadian Lawyers in Global Mining, 2014/2015; 2015/2016; 2016/2017; 2018/2019
- *Canadian Legal Expert® Directory* (Mining), 2012, 2014-2016, 2018-2022

Education

- LL.B., University of Calgary, 1997
- B.Comm., University of Calgary, 1993

Memberships

- Member, TSX Venture Exchange's Local Advisory Committee
- Member, Alberta Securities Commission's Market Advisory Committee
- Member, Securities Law and Oil and Gas Subsections, Alberta Branch of the Canadian Bar Association
- Member, Calgary Bar Association
- Member, Canadian Olympic team as coach of the long track sprinters at the 1998 Nagano Winter Olympics and the 2002 Salt Lake City Winter Olympics
- Former Member, Speed Skating Canada's Long Track High Performance Committee

INSIGHTS

Publications

"All the time in the world": Canadian securities regulators adopt fundamental changes to take-over bid regime

22 MAR 2016

The Canadian Securities Administrators have announced the final adoption of fundamental changes to the take-over bid regime in Canada. The new rules represent the most significant changes to Canada's take-over bid regime in decades, and the consequences will be numerous and significant.

Significant changes proposed to Canada's take-over bid laws: Advantage shifts to target companies

8 MAY 2015

The highly anticipated amendments to the take-over bid regime in Canada have now been released by the Canadian Securities Administrators (CSA). The CSA had previously outlined the general nature of these proposed changes in a notice released on September 11, 2014, which we reviewed in a previous bulletin.

Canadian securities regulators adopt new prospectus exemption for existing security holders

10 Apr 2014

CSA's proposed amendments to accredited investor and minimum amount investment exemptions mean more costs for issuers

19 Mar 2014

On February 27, 2014, the Canadian Securities Administrators (the "CSA") published for comment proposed amendments to the accredited investor exemption under section 2.3 of National Instrument 45-106 *Prospectus and Registration Exemptions* (the "AI Exemption") and the minimum amount investment exemption under section 2.10 of NI 45-106 (the "MA Exemption") (together, the "Proposed Amendments").

NEWS

DLA Piper Canada lawyers recognized in 2022 *Canadian Legal Lexpert Directory*

March 4, 2022

DLA Piper (Canada) LLP is pleased to announce our lawyers have been ranked as leading practitioners in the 2022 edition of the *Canadian Legal Lexpert Directory*.

DLA Piper (Canada) LLP recognized in the 2022 *Best Lawyers in Canada* guide

26 August 2021

DLA Piper (Canada) LLP is thrilled to see 84 of our lawyers across 35 practice areas recognized in the 2022 *Best Lawyers in Canada* guide.

DLA Piper Canada has strong showing in 2021 *Canadian Legal Lexpert Directory*

22 April 2021

DLA Piper (Canada) LLP has increased their rankings in the *Canadian Legal Lexpert Directory* for the third consecutive year.

DLA Piper Canada's Capital Markets group has fast-paced start to 2021

3 March 2021

Assisting on close to \$1 billion in deals in key growth sectors since the beginning of the year, our Capital Markets team has had a fast-paced start to 2021.
