



## Ralph Cuervo-Lorens

Toronto

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### education and year of call

- Called to the Ontario bar - 1991
- FCI Arb, The Chartered Institute of Arbitrators (UK) - 2018
- Canadian Board Diversity Council's "Get on Board" Governance Program - 2012
- Advanced Mediation Training, JAMS - 2006
- Arbitration and Mediation Institute of Ontario Inc. - 2003
- University of Toronto, M.A. - 1995
- Osgoode Hall Law School, LL.M. (cand.) - 1993
- Queen's University, LL.B. - 1989
- University of Victoria, B.A. - 1986

### practice areas

environmental regulation

dispute resolution

tax litigation and advocacy

regulatory compliance

white collar defence and government investigations

fraud law

### industries

mining

energy

transportation

commercial real estate

### profile

Ralph is a partner in the firm's Regulatory Group. His regulatory practice has a focus on CSR standards, social license to operate and environmental risk-management and compliance for clients with "high impact" businesses. Ralph's work in this area includes traditional regulatory matters (such as impact assessment, disclosure and reporting, decommissioning, Aboriginal consultation and accommodation, audits, risk management, emergency response and remedial and clean-up plans) and also extends into due diligence, risk management and disclosure issues in corporate securities, financing and mergers and acquisition transactions.

In his commercial litigation and dispute resolution practice, Ralph focuses on regulatory, risk management and compliance matters, together with all aspects of dispute resolution and advocacy. He acts as lead counsel in the management and resolution of complex business and regulatory matters across a broad spectrum of law, including commercial, corporate, environmental, financial advisory, anti-corruption, privacy and freedom of information, first nations, tax, securities and white-collar fraud.

Ralph regularly advises a wide range of clients including mining, property developers, energy, services (financial, consumer, retail) and manufacturing.

Ralph has acted as Settlement Counsel in multi-party litigation, is a fellow of The Chartered Institute of Arbitrators (U.K.) and has been court-appointed Independent Counsel in complex litigation. He is also co-author of the leading Canadian text on tax evasion. Ralph also acts as defence counsel in regulatory and quasi-criminal prosecutions under a wide range of federal and

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provincial regulatory and taxation statutes before courts and tribunals at all levels.

Ralph has appeared or made representations on matters for clients before the Environmental Review Tribunal, Ontario Municipal Board, Information and Privacy Commissioner, Ontario Securities Commission, Walkerton Public Inquiry, Assessment Review Board, Local Planning Appeal Tribunal, Health Services Appeal Board, various municipal councils, Tax Court of Canada, Federal Court of Canada, Ontario Provincial Court, Ontario Superior Court of Justice and the Court of Appeal for Ontario.

## directorships and professional associations

- Attended the prestigious, invitation-only, closed-door annual [Cambridge Forum](#) for senior environmental practitioners on environmental law in January 2020
- Institute of Corporate Directors
- Law Society of Ontario
- Ontario Bar Association
- American Bar Association
- International Bar Association
- The Advocates' Society
- Hispanic Ontario Lawyers Association
- Executive Member, The Chartered Institute of Arbitrators (U.K.), Canada Branch
- Fellow, The Chartered Institute of Arbitrators (U.K.)
- Canadian Council of the Americas
- Editor-in-chief, Faculty of Law, Queen's Law Journal (1988 - 1989)
- Contributing Editor, Carswell's Practice Cases

## representative matters

### Regulatory & Litigation

- Litigation counsel to public mining company in multi-million dollar lawsuit against Province of Ontario arising from failure to discharge aboriginal duty to consult in context of mineral exploration
- Counsel to commodity supplier in Target Canada CCAA proceedings
- Counsel to commodity supplier in Sears Canada CCAA proceedings
- Litigation counsel to affected property owners in first time challenge of wind farm project on heritage grounds before Environmental Review Tribunal and related Judicial Review

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- Canadian litigation counsel to Direct Energy
- Litigation counsel to Spanish multi-national in defence of multi-million product liability case arising from tainted health supplements
- Litigation Counsel to Italian medical equipment retailer in dispute over termination of distributorship agreement
- Litigation counsel on behalf of professional athlete in lawsuit against financial advisor and mutual fund company
- Counsel to Canadian public mining company on federal environmental assessment issues arising from re-opening of historic gold mine
- Environmental, regulatory and country risk counsel to Northgate Minerals in bid for competitor and subsequent sale to AuRico Gold involving gold and silver mines in Mexico
- Regulatory counsel to Ontario's largest waste management and diversion firm
- Co-counsel to Asea, Brown, Boveri (ABB) in connection with environmental (and related Freedom of Information) matters relating to manufacturing operations, PCB storage and divestitures
- Environmental counsel to TD Bank
- Defence counsel to multinational consultant firm in federal environmental prosecution that resulted in withdrawn charges
- Environmental and litigation counsel to marquee Canadian fast food company
- Defence counsel on behalf of insurer in favourable resolution of charges under Ontario's Safe Drinking Water Act against camp operator
- Counsel to Domtar Inc. in connection with landfill closure, environmental enforcement proceedings, environmental assessments, audits, approvals, control orders, risk management and environmental audit work
- Counsel to U.S. client in defence of regulatory proceeding before Environmental Review Tribunal arising from recycler contamination of Rouge River Watershed in national park sensitive environmental area
- Environmental and litigation counsel to international lending consortium in connection with financing of electric power generating station
- Environmental counsel to buyer on purchase of electrical utility
- Aboriginal duty to consult and environmental counsel to one

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- of the winners in Ontario's renewable energy supply contract bid process, in connection with wind farm development
- Represented Ministry of the Environment provincial officer at Walkerton Inquiry into deaths by contaminated town water supply
- Represented U.S.-based lenders in environmental aspects of financing of pulp and paper and steel mills with wide-scale environmental impacts
- Environmental compliance advice to a variety of companies such as IBM, Pratt & Whitney, Bank of Montreal, BP Canada, Schlumberger and Eaton Corporation
- Environmental counsel to a large Canadian oil and gas distribution client regarding Ontario pipeline relocation
- Environmental counsel in wind farm and water treatment plant portfolio acquisitions
- Advising a variety of clients in connection with the remediation and disposition of contaminated lands, including warranty, clean up, risk assessment, and other contract and tort claims
- Acting as litigation plaintiff and defence counsel on soil contamination claims, including contaminated development properties, service stations, industrial land and brownfield developments
- Advising IBM Inc., Eaton-Yale, and Logitech Inc. in connection with environmental regulated product issues
- Advising Hyundai Auto Canada in federal emission standards case
- Advising Toyota North America in connection with environmental export/import compliance issues
- Environmental Counsel to Goldcorp Inc. in a variety of environmental regulation and litigation issues including provincial prosecutions arising from mine expansion at Red Lake, Ontario
- Counsel for Domtar Inc. in prosecutions under the federal Fisheries Act arising from waterway pollution
- Counsel to Salvation Army in a variety of contaminated land cases
- Counsel to Chicago-based client in resolution of multi-million dollar litigation against Dow Chemical arising from the largest PCB contaminated area in the province involving clean-up costs in the range of \$20 to \$90 million
- Defence Counsel in challenge to Fire Marshall's order arising from fire at recycler facility
- Defence counsel to large Canadian mining company in

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- resolution of environmental prosecution on the eve of public announcement of large acquisition on the part of the client
- Defended regulatory proceedings at trial and appellate levels on behalf of Domtar
- Acted in litigation against Ministry of the Environment arising from improper registration on title of notice certificate in connection with industrial clean-up site
- Advised U.S. investment bank in negotiating with Ministry of Environment in connection with purchase and re-start of chemical plant out of insolvency
- Represented waste disposal transfer station client in environmental appeal by adjacent land owners including Environmental Bill of Rights issues
- Advised international computer companies on blue box, e-waste, recycling and the management of toxic substances
- Ontario environmental counsel to Pratt & Whitney Canada

## **Risk Management and CSR**

- Risk management advice in Fire Marshall investigation and third party litigation arising from catastrophic fire at manufacturing facility
- Advice on risk management issues at Mexican subsidiary of mid-sized Canadian gold producer
- Crisis management and crisis supervision to major Canadian public company in connection with spill that threatened town drinking water supply
- Risk management counsel in relation to environmental impacts from fire at recycler facility
- Country risk counsel to Canadian public mining company in bid for competitor and subsequent sale involving several mines in Mexico
- Preparation of environmental risk management programs for manufacturing, property development and banking clients
- Acting for national property management companies as environmental and risk management counsel
- Advised Ontario's Independent Electricity System Operator on case arising from interplay between electricity supply obligations and prevention of harm to the environment
- Providing general advice regarding electromagnetic radiation and other nuisances in connection with transmission lines

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## **White Collar Fraud**

- Counsel to large municipality in the GTA in prosecution of \$20M civil fraud case against manager and third parties,

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including advising on issues arising from related criminal prosecution

- Counsel to purchaser, director and shareholder in civil litigation case against former shareholder and director alleging fraud and misrepresentation in the share sale of manufacturing business
- Counsel to US based clients in B.C. Mareva injunction proceedings in payments processing industry
- Court-appointed Independent Counsel in Anton Piller injunction proceedings arising from theft of confidential business information
- Counsel to Lite-On, a Taiwanese computer multinational, in multimillion dollar fraud at its Mexican subsidiary
- Counsel to Salvation Army in enforcement of civil fraud judgement arising from multimillion dollar employee defalcation
- Counsel to international hotel chain in employee defalcation case

## **Tax Litigation**

- Litigation counsel to Canadian affiliate of US manufacturer in internal fraud case resulting in historical underpayment of income tax
- Counsel to industrial property owner in successful realty tax appeal on the basis of historical environmental contamination
- Counsel to industrial manufacturer and one of its officers in multi-million dollar audit and tax evasion prosecution
- Litigation counsel to commercial property developer in multi-million dollar land transfer tax dispute
- Litigation counsel to shareholders of entertainment company in income attribution case
- Counsel to manufacturing company in defence of tax assessment arising from incorrect expense reporting
- Defence counsel in successful defence at trial and appeal of retail sales tax prosecution of transportation company and one of its directors
- Tax litigation counsel to property developer in challenge of property tax assessment arising from sale of commercial property portfolio
- Defence counsel in tax evasion prosecution against manufacturing company in relation to improper posting of company expenses
- Litigation counsel in multi-million dollar realty tax appeals

arising from incorrect valuation on account of contamination

## **Aboriginal**

- Environmental and regulatory counsel to First Nations in relation to land claim treaty negotiation with Canada and Ontario
- Aboriginal duty to consult counsel to Renewable Energy Systems Canada, winners in Ontario's renewable energy supply contract bid process, in connection with development of two wind farms
- Counsel to First Nations in pipeline related proceedings before the National Energy Board
- Litigation Counsel to Metis Nation of Ontario, Metis Nation of Alberta, Metis Nation of B.C. and Metis Nation of Saskatchewan on national Metis governance issues

## **Alternative Dispute Resolution**

- ADR counsel in a variety of insurance, environmental, banking and commercial disputes
- Settlement Counsel in multi-million dollar contaminated land case
- Chartered arbitrator

## **community involvement**

- Founding Member, Mexico-Canada Alliance of Commerce
- Board of Advisors, Toronto Hispanic Chamber of Commerce
- Judge, Wilson Moot Competition
- Practice judge, VIS International Commercial Arbitration Moot

## **media mentions**

July 8, 2014

Mining for the Truth in Guatemala, Maclean's

March 13, 2014

Ralph Cuervo-Lorens Quoted in SNL Metals & Mining

## **publications**

**September 10, 2020**

**September 10, 2020 Update**

Cross-Country Check-In:  
COVID-19 and the Environment  
Environment Law Bulletin



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**July 24, 2020**

Update: Cross-Country Check-In: COVID-19 and the  
Environment  
Environment Law Bulletin

**April 16, 2020**

Canadian White-collar Crime Perspectives: Government  
Investigations and COVID-19  
Litigation Bulletin

**March 25, 2020**

COVID-19: "Essential" Information About the Consequences of  
Continuing to Operate a "Non-Essential Business" in Ontario  
and Québec  
COVID-19 Bulletin