



The Washington, DC antitrust bar

As Washington, DC is roiled by political turmoil, its antitrust bar remains deeply rooted and largely stable – as well as the biggest and arguably most important in the world. **Pallavi Guniganti** and **Charles McConnell** review the merits of more than 40 competition practices in the US capitol

Washington, DC is unquestionably a different place than it was two years ago, when *GCR* last surveyed the city's antitrust bar. Most obviously, the election of Donald Trump has changed the leadership of the US Federal Trade Commission and US Department of Justice's antitrust division, as well as other government departments that can affect competition through regulation. At the time of writing, the nomination of Makan Delrahim as assistant attorney general for antitrust awaits a vote by the full Senate, and the president has yet to name a permanent head of the FTC; the commission's sole Republican, Maureen Ohlhausen, has been acting chairman.

Many observers have said they expect the change in political party to affect antitrust enforcement only slightly, if at all. They point out the non-ideological nature of fighting cartels, which both parties generally regard as anticompetitive; the paucity of anti-monopoly claims brought even during the Obama Administration; and the standardisation of merger review that means distinctions between Republican and Democratic views show up only in the closest of cases.

Though lawyers say their clients hope to do deals that likely would have been blocked under the prior administration, one tie-up seen as a possible bellwether

– Walgreen Boots Alliance's acquisition of rival retail pharmacy chain Rite Aid – has been cut down to a purchase of fewer than half of the shops after a lengthy FTC investigation. The presumption of laxer treatment of business under a conservative president has been complicated by Trump's emphasis on retaining jobs and campaign rhetoric against NBCUniversal, Time Warner and Amazon. While the Committee for Foreign Investment in the US vets deals for their effect on national security and not competition, an increasing number of antitrust lawyers in Washington, DC say they are hearing anxiety from Asian clients about the president's "America First" slogan, interpreted as potential hostility toward acquisitions of US companies by foreigners.

Six months into the Trump administration, most initial fears that competition enforcement would decline as severely as it did during the Reagan Administration – a decline widely thought to have led to something of a generation gap in the antitrust bar – appear to have died down. With perhaps the exception of the American Express litigation, which the DOJ declined to appeal to the US Supreme Court, the federal competition authorities continue to pursue the same matters that they did last year. Law firms continue to regard their antitrust departments as a worthwhile

investment, evidenced by a job market for both new lawyers and laterals that is no worse than the overall level of hiring in the profession. And the Washington, DC competition bar continues to be rivalled only by its Brussels counterpart for size, talent and importance.

ELITE

CLEARY GOTTlieb STEEN & HAMILTON “is the best firm in the world,” says one competitor, and ‘second to none in DC.’ The firm’s nine full-time antitrust partners include long-time leaders of the bar such as George Cary, as well as the “great” David Gelfand, who returned in July 2016 after overseeing the Antitrust Division’s litigation for three years, and “strong, experienced young partners” such as Elaine Ewing. Kenneth Reinker and Daniel Culley were elected to the partnership in January 2017. After labouring as managing partner of the firm for six years, Mark Leddy has downshifted to the role of senior counsel.

Cary and Ewing teamed up to win conditional FTC clearance of Abbott Laboratories’ \$25 billion purchase of medical device maker St Jude Medical, and from the DOJ of Dow Chemical’s \$130 billion tie-up with DuPont. Brian Byrne and Mark Leddy advised divestiture buyer MolsonCoors in the *Anheuser Busch InBev/SABMiller* beer blockbuster. Other major recent deals include *Air Liquide/Airgas*, cleared by the FTC in less than six months and with a more limited divestiture than the merger agreement anticipated; *Western Digital/SanDisk*, which passed through the FTC without a second request; and Essilor’s \$49 billion acquisition of eyewear maker Luxottica, which has gone to a second request in multiple jurisdictions.

The past year saw a string of litigation victories as well. Cary worked with Leah Brannon to defend Sanofi’s loyalty discounts against a competitor’s monopolisation claim at trial and on appeal. The two also defeated regulations by the Texas Medical Board that would have gutted their client Teladoc’s business model – the state has now passed legislation to enable telehealth providers. In the roll-on-roll-off vehicle shipping follow-on action, Mark Nelson and Jeremy Calsyn kept their district court win on appeal; they successfully argued that despite guilty pleas, follow-on damages were blocked by the Shipping Act of 1984. Even where Cleary lost, it limited the loss, as in US Airways’ jury verdict finding Sabre liable for damages – but less than 2% of what the airline originally claimed. Various partners counsel Citigroup, HSBC and Goldman Sachs in the many government investigations and civil litigations aimed at financial institutions.

OUTSTANDING

ARNOLD & PORTER KAYE SCHOLER has benefited from the end of the Obama administration by regaining three antitrust partners in Washington, DC who had been in government since 2013: William Baer and Sonia Pfaffenroth at the Antitrust Division, and Deborah Feinstein at the FTC. Their returns will boost a group that had maintained a high standing in their absence. “We are as busy as we ever have been,” says



Left to right: Deborah Garza, Jonathan Gleklen, Mark Leddy



Jonathan Gleklen, who will hand off the role of practice chair to Feinstein in September.

Gleklen was the DC antitrust lead for General Electric’s acquisition of Baker Hughes, which the DOJ cleared with a chunky divestiture in June 2017. Along with Peter Levitas and Barbara Wootton, he is advising Monsanto on a proposed \$66 billion acquisition by Bayer that remains under review after a lengthy second request. With Wootton leading the team, Arnold & Porter was among the trio of firms representing Monsanto on the now-abandoned sale of its Precision Planting business to Deere.

After winning unconditional clearance for AT&T’s purchase of satellite TV provider DirecTV in 2015, Richard Rosen and Maureen Jeffreys are now aiding the telecommunications giant in its heavily-scrutinised tie-up with media conglomerate Time Warner. “If I’m getting sued, I want Rich Rosen to represent me,” a partner at another antitrust group says, and others feel the same way. Rosen advised Cigna in its blocked acquisition by Anthem. Quieter merger matters include Wilson Mudge’s early termination for *Komatsu/Joy Global*, and Michael Bernstein guiding AMC Theaters through a divestiture-conditioned approval of its purchase of Carmike Cinemas. Mark Merley represents Visa in the ATM fee litigation, which was nearly heard by the Supreme Court; back in district court this year, the defendants beat ATM operators’ bid for a preliminary injunction. When Arnold & Porter completed its own merger with Kaye Scholer in January 2017, it gained pharmaceutical specialist Laura Shores, who helped a New York-based team fend off a monopolisation suit against Novartis.

The quality of **BAKER BOTTS’** litigators is reflected in the FTC’s penchant for stealing them. Just before Stephen Weissman’s return to the firm in late 2015, partner Charles Loughlin left to serve as the agency’s chief trial counsel, and in January 2017 Thomas Dillckrath became Loughlin’s deputy. Practice chairs Weissman and John Taladay say they are “in hiring mode,” as the firm invests in a profitable antitrust group that has doubled in revenues and size since it

Firm	Head(s) of competition	Size	Who's Who Legal nominees	Clients
Elite				
Cleary Gottlieb Steen & Hamilton	Not applicable	9 partners 2 counsel 50 associates	Leah Brannon Jeremy J Calsyn George S Cary Mark Leddy Mark W Nelson	Abbott Laboratories, Air Liquide, Citigroup, Coca-Cola, Deutsche Telekom, Dow Chemical, GlaxoSmithKline, Google, HSBC, IMS Health, Keurig, Lafarge, Teladoc, Western Digital, Whirlpool
Outstanding				
Arnold & Porter Kaye Scholer	Jonathan Gleklen	22 partners 9 counsel 43 associates	Jonathan Gleklen Richard L Rosen	AMC Theaters, AT&T, Boston Scientific, Cigna, Endo, General Electric, Kroger, Monsanto, Nucor, Philip Morris, Visa
Baker Botts	John Taladay Stephen Weissman	15 partners 5 counsel 25 associates	Sean FX Boland Paul C Cuomo James F Rill John Taladay	Arch Coal, Boehringer Ingelheim, Eaton, Halliburton, IATA, Liberty Media, Magna, McWane, Merck, Novartis, Pepsi, Philips Electronics, Qualcomm, Valero, Waste Management
Covington & Burling	Thomas Barnett Deborah Garza	18 partners 6 counsel 12 associates	Thomas O Barnett Deborah A Garza Theodore Voorhees Jr Alan M Wiseman	Allergan, Amazon, AstraZeneca, Citigroup, Disney, Keurig, JPMorgan Chase, National Football League, Samsung, Tribune Media, Union Pacific Railroad, Verizon
Dechert	Paul T Denis	6 partners 1 counsel 8 associates	Paul T Denis Paul H Friedman	American Airlines, Albertsons, Berwind, B&G Foods, Curtis Circulation, CVS Health, Dean Foods, General Electric, Kellogg, Monsanto, National CineMedia, Ritchie Bros, WhiteWave
Gibson Dunn & Crutcher	Scott D Hammond	16 partners 4 counsel/of counsel 24 associates	D Jarrett Arp Scott Hammond Joseph Kattan Joshua H Soven	Apple, Intel, Microsoft, UBS, Panasonic, Kimberly-Clark, BNSF Railway, McDonald's, Aetna, AT&T, Marriott, LinkedIn, Hewlett Packard Enterprises, St Jude Medical, Energizer, Comcast, Moody's, Sony, Southern Power, Tenet Healthcare, Uber
Hogan Lovells	Janet McDavid	17 partners 14 associates	Logan M Breed Janet L McDavid J Robert Robertson	Advocate Health Care, Aeromexico, Blue Cross Blue Shield, Change Healthcare, Credit Suisse, Dell, OSF Healthcare, SABMiller
Jones Day	David Wales	24 partners 2 of counsel 25 associates	Kathryn M Fenton Kenneth Field John M Majoras J Bruce McDonald Phillip A Proger Ryan C Thomas David P Wales	Aetna, Carlyle, Cintas, ConAgra, Deere & Company, Essilor, General Electric, HeidelbergCement, Indivior, Linear Technology, Newell, PinnacleHealth, Potash Corp, Procter & Gamble, Rite Aid, Safran, Sanofi
Latham & Watkins	Amanda Reeves	9 partners 5 counsel 21 associates	Michael G Egge Amanda P Reeves Margaret M Zwisler	Agrium, Avago, Barclays, Entercom, Nissan, Cox, Gavis Pharmaceuticals, FMC Technologies, Ocean Spray, Time Warner Cable, Siemens, Sumitomo Electric
Skadden Arps Slate Meagher & Flom	Steven C Sunshine	5 partners 3 counsel 17 associates	John M Nannes Steven C Sunshine	Energy Solutions, NXP Semiconductors, Nokia, SanDisk, Yahoo!, Intel, Air Products, Cavium, HP, Cisco, Plum Creek Timber, LANXESS, Bai Brands, Allergan, Corning International Kabushiki Kaisha
Weil Gotshal & Manges	Steven Newborn	10 partners 2 counsel 15 associates	Ann Malester Steven A Newborn	Abbott Laboratories, AbbVie, Allergan, BASF, Sanofi, Sherwin Williams, Signet Jewelers, Staples, TPG Capital, Walgreens Boots Alliance, Walmart, WEX
White & Case	J Mark Gidley	12 partners 7 counsel 32 associates	J Mark Gidley	Actavis (Allergan, Forest Laboratories and Warner Chilcott), Anthem, Boehringer Ingelheim, Haier, Icahn, Maruyasu, Nexans, Paddock Holdings, Par Pharmaceutical, Toshiba, Tyson Foods, Upsher-Smith, Zimmer Biomet
Wilson Sonsini Goodrich & Rosati	Susan Creighton	7 partners 5 counsel 16 associates	Susan Creighton Mark Rosman Scott A Sher	Associated Wholesale Grocers, Brocade, FanDuel, Glenmark Generics Inc USA, Google, HP, Mylan, Pandora, T-Mobile USA, Salesforce.com, Spotify, Twitter, Verisign, Walgreens

began as a refuge from Howrey. Before he retired in January, William Henry helped to counsel Boehringer Ingelheim in its \$12.6 billion asset swap with Sanofi.

When lawyers at this Texas-born firm talk about a “full pipeline” of work, it has a more literal meaning than it may elsewhere. Though low oil prices and a DOJ challenge cut off Halliburton’s attempt to buy rival Baker Hughes, other deals still demand a defence. Having spent months convincing the FTC to allow Valero Energy’s purchase of two petroleum storage terminals from Plains All American Pipeline, Weissman and Michael Perry are now battling the California attorney general’s attempt to block it. Perry, along with Sean Boland and Paul Cuomo, counselled Rockwater Energy Solutions’ sale to Select Energy Services. In another aspect of the energy industry, Joseph Ostoyich represented Waste Control Specialists as it went to trial in Delaware to save its tie-up with rival nuclear waste disposer EnergySolutions. Further merger work includes Cuomo acting for Liberty Media on multiple deals, such as its \$8 billion purchase of Formula One.

Baker Botts boasts a strong portfolio of non-merger work, too. James Kress is defending patent assertion entity Conversant against Apple’s panoply of antitrust claims, and he and Cuomo have fended off SawStop’s lawsuit against table saw makers Milwaukee Electric Tool, One World Technologies and Ryobi Technologies. In addition to defending McWane from litigation following on from the FTC’s case against the pipe maker, Ostoyich and William Lavery are acting for a plaintiff aluminium producer that sued the South Carolina Public Service Authority for an allegedly anticompetitive monopoly on electrical power supply. The firm is coordinating counsel for global auto parts probes of Toyoda Gosei, and Taladay leads the team acting for the International Air Transport Association as a complainant to the European Commission.

Some of the best antitrust lawyers in Washington, DC say they would call **COVINGTON & BURLING**, especially when negotiating with a Republican administration, thanks to a practice led by two partners who led the Antitrust Division during the George W Bush administration. Thomas Barnett is “a serious antitrust lawyer who knows what he’s doing,” and his peers at other firms report only good experiences working with him. He talks up the firm’s focus on promoting from within its “embarrassment of riches of young and mid-level associates who are outstanding”; Henry Liu was made a partner in October 2016. Co-chair Deborah Garza also earns plaudits as a “terrific” mergers and cartels lawyer, who led a group convened by the Chamber of Commerce to offer advice to Congress and the president about trade policy and antitrust.

While some clients remain confidential, the firm seems to be involved in most major Antitrust Division probes, ranging from the long-running auto parts cartel to the newer inquiry into generic drugmakers. Garza prides herself on helping clients avoid charges or guilty pleas, such as Sandridge Energy avoiding

an indictment in an alleged two-company conspiracy to keep down the price for oil and gas leases, despite a grand jury’s indictment of the leniency applicant’s former chief executive. Cartel defence in turn leads to defence against the follow-on litigation, which Covington handles for multiple clients in financial benchmarks: Alan Wiseman, Thomas Isaacson, Andrew Lazerow and Jonathan Gimblett for Citigroup in the London Inter-Bank Offered Rate; Robert Wick for JPMorgan Chase in aluminium warehousing and interest rate swaps. Garza and Isaacson pitched in on the West Coast case brought against animation studios by animators alleging a no-poaching conspiracy; Disney, Lucasfilm, Pixar, and Two Pic MC settled for \$100 million in February 2017.

Lately, the firm’s specialty in mergers appears to be those with few overlaps that nonetheless raise controversy. Garza acts for Tribune Media in its sale to conservative Sinclair Broadcast Group; Barnett is aiding Amazon in its acquisition of Whole Foods; and he and James O’Connell guided Verizon in its purchase of Yahoo!, which finally closed in June 2017. O’Connell also represents Chinese steelmakers accused by US Steel of fixing prices.

DECHERT is a “very strong practice,” its rivals say, and Paul Denis and Paul Friedman “are both really great lawyers.” The firm brings decades of industry expertise to the entire food chain, from seeds to supermarkets. It is also long-time counsel to US Airways – now under its post-merger name American Airlines, and needing competition arguments for various allocations of slots and joint ventures, plus defence against a DOJ investigation of possible collusion and the damages claim that followed. As this issue went to press, partner Steven Bradbury awaited confirmation to become general counsel to the Department of Transportation.

Friedman worked with colleagues in the firm’s home office of Philadelphia to defend Dean Foods against a putative class action in which the last plaintiff ultimately settled on the eve of trial in March 2017. Bradbury did the same in defending Curtis Circulation, which obtained summary judgment against accusations of a group boycott; a Second Circuit appeal is pending. Dechert, a self-described “destination shop for contested mergers,” acted for General Electric in its attempt to sell its appliance division to Electrolux, and Friedman and Michael Weiner were lead trial counsel for Monsanto in its attempt to sell its Precision Planting business to Deere & Co. The companies abandoned both deals after DOJ lawsuits.

In more positive interactions with the Antitrust Division, Denis and Craig Falls obtained conditional clearance for WhiteWave’s sale to Danone, while James Fishkin got industrial equipment distributor Ritchie Bros’ acquisition of IronPlanet through without any remedies. Fishkin also advised Dollar Tree on selling 330 stores as required by the FTC for its tie-up with Family Dollar, though like the firm’s 2015 *Albertsons/Safeway* merger, this remedy didn’t work out well for the divestiture buyer. In other scrutinised tie-ups

– such as *Alaska Airlines/Virgin*, *Energy Solutions/Waste Control Specialists*, *AMC/Carmike*, *Walgreens/Rite Aid* and *Teva/Actavis* – the firm represents confidential third parties that are competitors or customers.

Even critics of **GIBSON DUNN & CRUTCHER** talk about its “obviously excellent cartel practice,” which is “second to none; the team is phenomenal from the top to the bottom.” Former Antitrust Division deputy for criminal enforcement Scott Hammond chairs the antitrust group, and leads the criminal defence of companies in at least half a dozen product investigations. The firm acts for UBS in probes of foreign exchange, Libor, precious metals and other products. Hammond and Jarrett Arp represent Heritage in the DOJ’s generic pharmaceuticals case, in which some executives have pleaded guilty. Arp notes that the firm is distinguished by its credibility in handling an investigation from the first whisper of concern to appealing against class certification in private lawsuits.

This ability to integrate a team in all phases of a matter goes beyond follow-on damages. In defending transport platform Uber against claims of a price-fixing conspiracy among its independent contractors, Cynthia Richman in DC and colleagues in other offices pushed to have the case arbitrated. The issue is now on appeal, which drew partner Theodore Boutrous into the litigation; he and Richman also work together on Apple suppliers’ monopolisation counterclaim against chipmaker Qualcomm’s patent royalties lawsuit. Richman represented Swisher at the Ninth Circuit in successfully vacating a \$44 million antitrust jury verdict against it in an antitrust lawsuit brought by Trendsetta. On appeal, Thomas Hungar – now general counsel for the US House of Representatives – and Joshua Soven in August 2016 won Seventh Circuit dismissal of Robinson-Patman Act claims against Clorox for refusing to sell large-package sizes of Clorox products to a small retailer. Joseph Kattan is working on Sabre’s appeal after a trial loss to US Airways, and helped Sony Music block class certification in the Digital Music antitrust litigation.

Though less well known than the other two legs of the antitrust practice, Gibson Dunn’s deal work is impressive, and often takes place on a stand-alone basis with other firms handling corporate aspects. Such recent hired gun work includes the \$48 billion *AT&T/DirecTV* merger, \$12.7 billion *Schlumberger/Cameron* tie-up, \$8 billion *Southern Co/AGL Resources* merger – and Adam DiVincenzo advising Walmart on the \$310 million purchase of Bonobos. Soven handled the US clearance for long-time client Marriott’s \$13.8 billion acquisition of rival hotel brand Starwood.

The “very, very good” Janet McDavid leads the antitrust team at **HOGAN LOVELLS**, which also draws competitors’ compliments for younger partners such as the “outstanding” Logan Breed, and Leigh Oliver, the 2017 winner of *GCR*’s Lawyer Under 40 award. While former FTC commissioner Julie Brill left in May 2017 to go in-house at Microsoft, Christopher Casey

joined in December 2016 from the DOJ, and Andrew Lee came on board in February 2017 from Steptoe & Johnson. The group further bolstered its partner ranks in January 2017 by promoting Justin Bernick and Meghan Rissmiller.

McDavid and Breed served as US antitrust counsel to SABMiller in its more than \$100 billion acquisition by AB InBev, which the DOJ cleared with structural and behavioural remedies in July 2016. Logan Breed handled a second request investigation and Department of Transportation application for antitrust immunity for Aeromexico’s proposed alliance agreement with Delta, and Joseph Krauss led the global team advising Dell in selling its information technology services business to NTT data for \$3 billion in March 2016. J Robert Robertson, Benjamin Holt, Bernick and Rissmiller defend Daimler Trucks in the Class 8 Transmission antitrust litigation brought by direct and indirect purchasers, after competing transmission makers won a jury verdict against Eaton for anticompetitive exclusive deals with its customers.

Healthcare is still the most frequent business for Hogan Lovells’ Washington, DC antitrust practice. Krauss and Rissmiller steered Change Healthcare through a DOJ second request over its proposed \$3.4 billion joint venture with McKesson, leading to unconditional clearance. Acting for Advocate Health Care in its proposed merger with NorthShore University Health System, Robertson and Oliver won at trial in Chicago federal court, but lost at the Seventh Circuit in November 2016. Lawsuits against Blue Cross Blue Shield by both providers and beneficiaries alleging a market allocation scheme remains the blockbuster multidistrict litigation, for which Robertson and Bernick are co-lead defence counsel. More quietly, Holt and Bernick are defending Mylan against accusations by state attorneys general that it fixed prices with other generic drugmakers.

Lawyers from other firms hail **JONES DAY** as “terrific,” calling it a “go-to shop” for merger litigation that is “very strong” in DC. The practice is notable for its sheer quantity of both partners and matters. It is inclined to hire laterally – practice chair David Wales says he’s looking for good cartel lawyers – and its hourly rates can make it more accessible for cases such as FTC challenges to hospital tie-ups that involve lots of hard legal work but not necessarily large sums of money. 2016 saw the retirement of practice-builder Joe Sims, but the firm’s ties to the Trump administration could weigh in its favour. It promoted deal lawyer Michael Gleason to partner in January 2017.

Gleason was part of a Phillip Proger-led team, also featuring star litigator John Majoras, that tried to get Aetna’s proposed \$37 billion purchase of rival health insurer Humana through the DOJ and, when that failed, through the Washington, DC federal court. That particular merger trial – the fifth for Jones Day in less than two years – was a win for the Antitrust Division, as was *Electrolux/General Electric* by default when the companies gave up on the deal. Deere hired

Majoras to fight for an acquisition of Monsanto's Precision Planting business, but the seller backed out of the deal in May 2017, shortly before trial. The firm has fared better against the FTC, with an outright courtroom victory in *Steris/Synergy* and a legislative success – obtaining state action immunity – that forced the commission to drop its lawsuit against the merger of West Virginia hospitals Cabell Huntington and St Mary's Medical Center. But the FTC lawyers beat Jones Day on appeal in another hospital deal, *PinnacleHealth/Penn State Hershey*. In what might be deemed a draw, client Rite-Aid backed away from a total sale of itself for \$17.2 billion to Walgreens Boots, and now seeks to sell fewer than half of its stores.

Of course, Jones Day lawyers are not always litigating mergers. Sometimes they negotiate consent decrees, as Wales and Bruce McDonald did for HeidelbergCement's acquisition of Italcementi; sometimes they get deals through a second request without any divestiture, as Michael Knight did for Cintas's tie-up with G&K. The firm has also built a reputation for defending brand-name drugmakers such as Kyorin and Sanofi against patent-related antitrust claims.

LATHAM & WATKINS has added more counsel recently with Alan Devlin's return from the FTC in July 2017. However, the only change in partnership was the departure of Abbott 'Tad' Lipsky in February 2017 to serve for a few months as the acting director of the FTC's bureau of competition, before he fully retired.

Peers describe the practice as "very strong" on cartel defence, regulation and litigation, with Margaret Zwisler perennially deemed "a great litigator". She led the defence of Cox Communications against cable subscribers' claims of anticompetitive bundling, in which a judge rejected an Oklahoma jury's verdict to enter judgment as a matter of law for Cox in January 2016. Four months later, Zwisler beat cranberry farmers' bid for class certification in their monopolisation claims against Ocean Spray. She continues to represent Barclays in the interest rate swaps litigation, and helped the London Metal Exchange escape the aluminium warehousing case. As the global auto parts cartel investigation begins to wind down, Latham & Watkins blocked follow-on indirect purchaser plaintiffs' attempts to amend their complaints for maximum joint and several liability, and negotiated relatively favourable settlements of all remaining class action cases against DOJ amnesty applicant Sumitomo Electric. For a confidential client, Lipsky and Jason Cruise resolved a four-year FTC conduct probe into trade association activities.

The firm also keeps busy with a sheaf of mergers, such as representing Agrium in its \$36 billion merger of equals with Potash; advising Entercom in its acquisition of CBS Radio; and counselling Siemens in its \$4.5 billion acquisition of Mentor Graphics. In April 2016, Amanda Reeves and Michael Egge helped to obtain DOJ clearance for Time Warner Cable's \$78 billion merger with Charter Communications, conditioned on the new cable giant's not impeding online video



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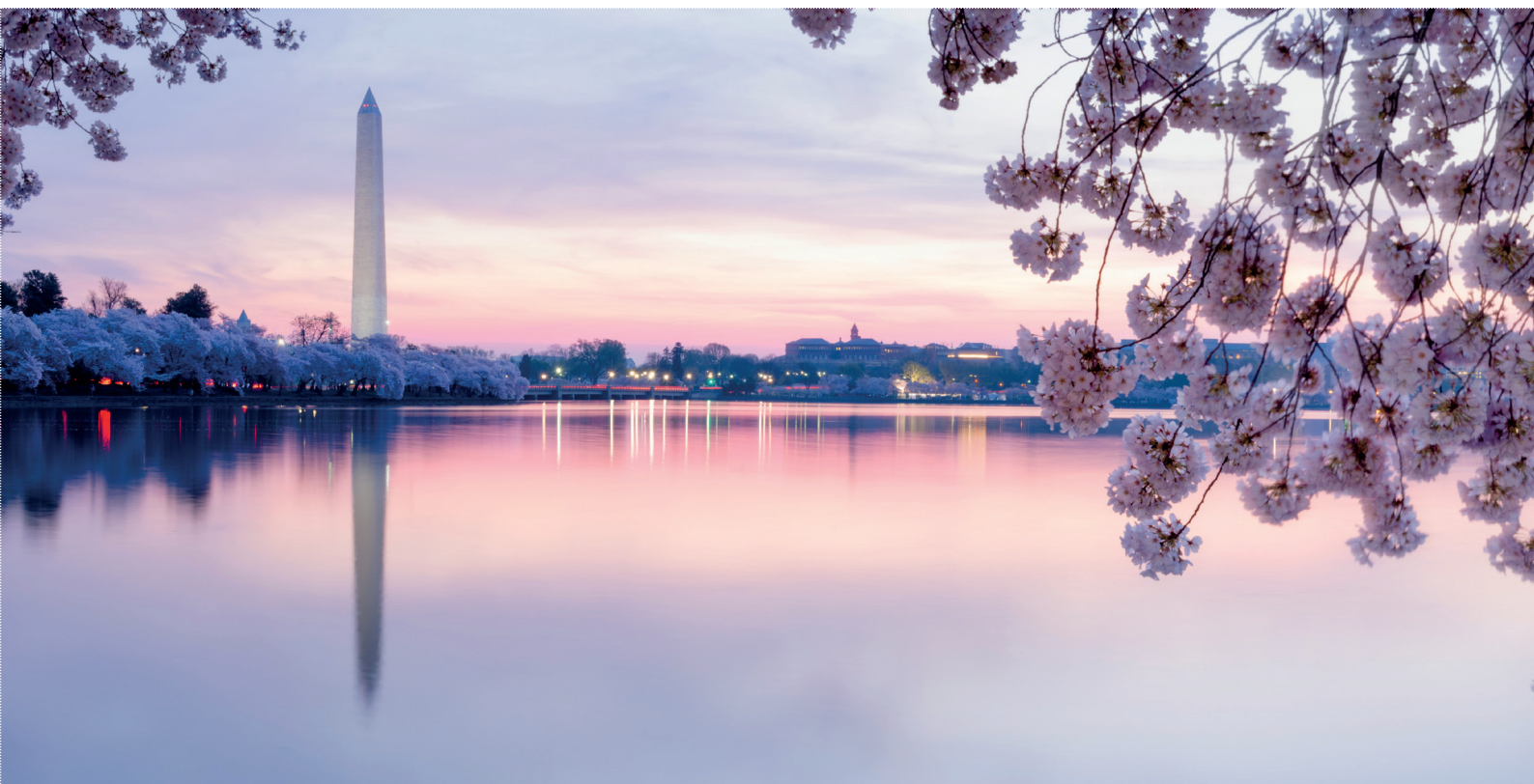
Scott Hammond, David Wales,
Amanda Reeves

distributors' access to content. Reeves acted for Gavis Pharmaceuticals, the acquisition of which by Lupin met with a second request from the FTC but ultimately cleared with divestitures in February 2016. Egge and Cruise advised FMC Technologies on its \$4.5 billion merger with Technip, and Egge teamed with San Francisco colleagues for Avago's \$37 billion acquisition of Broadcom.

SKADDEN ARPS SLATE MEAGHER & FLOM has "a good strong presence in DC on mergers and litigation," a top antitrust lawyer from a rival firm says, particularly with the August 2016 homecoming of Tara Reinhart from serving as the FTC's chief trial counsel. After two years at one federal antitrust agency, she promptly turned around to litigate against the other, going to trial in spring 2017 alongside practice chair Steven Sunshine to defend Energy Solutions' proposed \$367 million acquisition of Waste Control Specialists. The DOJ ultimately won when the judge avoided grappling with the failing firm defence by saying Waste Control hadn't tried hard enough to find another bidder.

Sunshine seems nearly omnipresent on matters, representing Allergan subsidiary Watson against the FTC's pay-for-delay accusations regarding Lidoderm; Bausch + Lomb against contact lens purchasers' claims of minimum-pricing collusion by lens makers; Bausch + Lomb owner Valeant, in selling Paragon Vision Services to settle FTC charges that its acquisition of the company violated antitrust laws; NXP Semiconductors in its acquisition by Qualcomm; and Intel's \$15.3 billion purchase of Mobileye. Perhaps the most notable, however, was actually a settlement. Nokia hired Sunshine over the 2016 Christmas holiday to defend the company's patent pricing policy against Apple's antitrust challenge; by May, the spat settled for at least \$2 billion.

John Nannes picks up on the investigations side, including the DOJ's probe of the generic pharmaceutical industry – where Skadden has multiple long-standing clients – and investigations in media and transport. He continues to defend Norfolk



Southern Railway in the seemingly endless *Rail Freight Fuel Surcharge* litigation, which currently awaits a new decision on class certification. Along with John Lyons, Nannes saw a much faster end to the *Aluminium Warehousing* case against Access World, other warehouse operators and various banks, when Judge Katherine Forrest shut the plaintiffs' claims down in October 2016.

WEIL GOTSHAL & MANGES puts "some go-to people" on the big deals that get challenged, its rivals say. Chair Steven Newborn is a "formidable" lawyer, while Ann Malester is recognised as "the best on pharmaceutical merger issues" and an "outstanding advocate for clients." But their rivals also recognise the line of succession, saying Jeffrey Perry will be able to step into Newborn's shoes. All three, along with Steven Bernstein, have experience leading FTC merger shops, and Newborn estimates that at least 80% of deals come directly to the antitrust practice, despite Weil's highly respected M&A group. The firm promoted Brianne Kucerik to partner in 2016.

This is undeniably a destination practice for deals. It has handled more than a dozen second requests in the past couple of years, including on mergers where other firms with notable antitrust teams were handling the corporate aspects, such as in Walgreens' attempted tie-up with Rite Aid. After a 20-month FTC review, that deal has now been trimmed to the purchase of fewer than half of the target's stores. Discretion sometimes is the better part of valour, as Weil client Staples found after Diane Sullivan's bravura trial effort to block the FTC from an injunction against the office supply retailer's purchase of rival Office

Depot failed. These two are outweighed, however, by a host of successful, heavily scrutinised recent mergers. These include Allergan's \$39 billion sale of its generic pharmaceuticals business to Teva; Sanofi's \$20 billion exchange of its animal health business with Boehringer Ingelheim's consumer healthcare business; AbbVie's \$5.8 billion acquisition of Stemcentrx without a second request; WEX's \$1.4 billion acquisition of Electronic Funds Source, cleared unconditionally after a second request; Sherwin-Williams' \$11.3 billion acquisition of Valspar, cleared with remedies in May 2017; and G&K Services' \$2.2 billion merger with Cintas.

Weil handles cartels from New York, but the DC team pitches in on some non-merger litigation. One recent win was summary judgment for Simon & Schuster against independent ebook retailer claims following on from the Apple price-fixing case, which the Second Circuit upheld on appeal.

"If you want fighters, **WHITE & CASE** is the firm to go to. They think outside the box," says a former enforcer at a top DC antitrust practice. In criminal defence, the firm looks to avoid having clients plead guilty, and in litigation, it will try everything before admitting defeat. This trait of practice chair J Mark Gidley – called "really smart" and a "darn good lawyer" by other litigators – was particularly prominent in pursuing Anthem's acquisition of rival health insurer Cigna. When George Paul and Rebecca Farrington couldn't get the deal through the Antitrust Division, Anthem went to trial; when the district court ruled against the tie-up, Anthem appealed; when it lost the appeal on a 2-1 decision, it took the dissenting opinion as a basis to seek Supreme Court review.



The firm promoted former DOJ attorney JD Donaldson to partner and Charles Moore to counsel in 2016. In addition to *Anthem/Cigna*, Donaldson assisted Paul and Farrington on Zimmer Biomet's \$1 billion acquisition of LDR Holding. Other recent deals include Farrington on Haier's acquisition of GE's appliance division, and the sale of Carl Icahn's XO Communications to Verizon.

"We like to try cases, though all trials are life-shortening," Gidley says. "That's a quote from Rich Parker. A series of near-death experiences." Christopher Curran, who led for Anthem in court, gives the DOJ no quarter on the criminal side either. Instead of pleading guilty as its alleged co-conspirators in price-fixing automotive steel tubes have done, Maruyasu is fighting the prosecution. In March 2017, the Sixth Circuit refused to dismiss the indictment against the Japanese company for lack of personal jurisdiction, so it is set for trial in January 2018. Curran also acts for Toshiba in the lithium-ion battery cell follow-on actions, which were denied class certification in April 2017. The firm's litigation specialty is in pharmaceuticals, with Eric Grannon leading for Par/Paddock in the *Androgel* litigation underlying the Actavis precedent, until the FTC dismissed the defendants from the case in February 2017. Peter Carney represents Allergan in a challenge to the FTC's power to pursue equitable relief in the *Lidoderm* pay-for-delay case; Carney, Eileen Cole and Gidley won for Warner Chilcott in the Third Circuit against product-hopping claims about Doryx; and the firm defends Warner Chilcott in Massachusetts federal court against product-hopping and pay-for-delay allegations.

Observers say **WILSON SONSINI GOODRICH & ROSATI** is "very busy, very strong, very successful," and quickly growing its Washington, DC practice, which includes "very smart" Susan Creighton, "real deal" Mark Rosman and "brilliant" Joshua Wright. Rosman and cartel specialist colleagues in other offices have plenty of work for clients before the DOJ, including in the generic pharmaceuticals, auto parts, capacitors and foreign exchange investigations.

The firm's merger work particularly illustrates how it has retained its base in the technology industry while expanding into retail and other sectors. Scott Sher represented Brocade Communication Systems in its \$5.9 billion acquisition by Broadcom, which the FTC approved with divestitures. Along with Jamillia Ferris, he also acted for online event manager Cvent in its \$1.65 billion sale to Vista Equity Partners, which the DOJ ultimately cleared unconditionally despite a second request spurred by complainants and concerns about network effects. Ferris, Sher and Wright counselled FanDuel in its proposed merger with rival fantasy sports gambling site DraftKings, which the companies dropped after the FTC sued in June 2017. Following another second request, the FTC cleared Wilson Sonsini client iControl's acquisition by Alarm.com without remedies and the \$140 million deal closed in March 2017 after an unusual eleventh-hour antitrust lawsuit by Honeywell settled. The firm has also represented third parties such as McDonald's in opposing the *Staples/Office Depot* merger, and ACT as a competitor during Abbott's \$25 billion acquisition of St Jude.

Wilson Sonsini also represents Walgreens as a witness in the FTC's pending conduct case against

Firm	Head(s) of competition	Size	Who's Who Legal nominees	Clients
Highly Recommended				
Axinn Veltrop & Harkrider	John DeQ Briggs	4 partners 1 counsel 7 associates	John DeQ Briggs	AARC, Alvogen, Avaya, Ball Corporation, Danfoss, Dell, Google, HIG Capital, Hi-Touch Bus. Svc, IBC, McKesson, NIBE, Nishikawa Rubber, Silver Lake Partners, Stanley Black & Decker, Symantec Corporation, Thermo Fisher, Tyson Foods, UPMC, Yardi
Boies Schiller Flexner	William A Isaacson	9 partners 3 counsel 8 associates	Robert Cooper James P Denvir III Amy J Mauser William A Isaacson	Apple, Animal Science Products, Carolinas Healthcare System, Costco, Delta Air Lines, International Construction Products, Sanford Health, SolarCity, Travis Kalanick
Crowell & Moring	Wm Randolph Smith	13 partners 11 counsel 12 associates	Wm Randolph Smith	AT&T, Blue Cross Blue Shield, Caledonia, Cardinal Health, CSX Transportation, DuPont, Humana, Owens & Minor, TransCanada, United Airlines, United Technologies
Freshfields Bruckhaus Deringer	Paul Yde	4 partners 5 counsel 14 associates	Terry Calvani Thomas Ensign Bruce McCulloch Robert Schlossberg Paul Yde	Air Methods, AmerisourceBergen, Bank of America Merrill Lynch, Carlson, Continental AG, Hachette, Hapag-Lloyd, Intel, Johnson & Johnson, London Stock Exchange, Novartis, PepsiCo, Rexam, Smiths, Spectra Energy, United Airlines
Hunton & Williams	D Bruce Hoffman	8 partners 4 counsel 13 associates	D Bruce Hoffman	Cash-America International, Georgia-Pacific, Blue Cross Blue Shield of Michigan, Statoil, Chevron Corporation, Delhaize America, Rubycon Corporation, Diageo, GS Yuasa International, Capital One Financial Corp

1-800 Contacts, but has a more direct involvement – with Sher representing the defendant VisionDirect – in follow-on civil litigation regarding the alleged suppression of competition for online advertising of contact lenses. He and Creighton act for Arista Networks in its lawsuit against Cisco systems. In other plaintiff-side work, Seth Silber is part of the team that helped Amphastar get its antitrust claims against pharma competitors Momenta and Sandoz revived by the First Circuit, and that represents Mylan in suing Celgene over its alleged abuse of safety restrictions on Thalomid and Revlimid to block generic competition. Silber defends Mylan against claims following on from the DOJ generic drug probe.

Highly recommended

The Washington, DC office at **AXINN VELTROP & HARKRIDER** insists that it is no longer the little sibling of the New York office. Practice co-chair John DeQ Briggs heads up a strong antitrust practice in the nation's capital – one that has its hand in major deals, litigation efforts and criminal investigations. The firm proudly says it does not handle many “run-of-the-mill” cases, noting that lawyers will not do a lot of HSR filings for easy deals. Axinn was lead and global coordinating counsel for Dell in its \$67 billion acquisition of EMC, which required approvals in about 20 jurisdictions. Partner Rachel Adcox said Dell's president Michael Dell personally called for partner Mike Keeley to help push the deal through Chinese regulators. Keeley and Russell Steinthal took the lead

for Stanley Black & Decker in its acquisition of the Craftsman tool brand.

Turning to litigation, the firm is active in the Blue Cross Blue Shield antitrust litigation, where plaintiffs are attempting to break up the health insurance group. Axinn represents Independence Blue Cross against plaintiff powerhouses Boies Schiller Flexner and Hausfeld. Tyson Foods also retained the DC team this year to help it fend off claims it conspired to drive down chicken grower pay. Stanley Black & Decker also employs Axinn's services for litigation efforts, specifically in defending against an inventor's claim of a group boycott of his safety feature for power saws. The Axinn DC team remains involved in global investigations through its representation of confidential Japanese companies and others.

Some of the best litigators in town praise **BOIES SCHILLER FLEXNER**, which plays both sides of the “v” to an extent unusual in Washington, DC. Partner Richard Feinstein estimates that nearly half of the FTC Bureau of Competition's resources go to healthcare matters, and the firm makes good use of his experience as bureau director, in matters such as defending Sanford Health's acquisition of Mid Dakota Clinic. He and fellow FTC alumnus Nicholas Widnell act for Carolinas Healthcare System against the DOJ's claim of anticompetitive anti-steering provisions – an Antitrust Division argument that this firm has beaten before, on behalf of American Express. William Isaacson is defending Travis Kalanick against a putative class action accusing the Uber founder of a price-fixing conspiracy with drivers

that his company insists are independent contractors, not employees. James Denvir and Michael Mitchell got a judge to throw out travel agents' allegation that Delta Airlines and other carriers conspired with an airline fare publishing company to block cheaper multi-city itineraries, but Denvir continues to fight passengers' claims that Delta conspired with American, United and Southwest to cap seat capacity.

Isaacson says the firm is willing to commit resources to contingency cases. On the plaintiff's side, he, Karen Dunn, Amy Mauser and Christopher Renner represent Apple in a \$1 billion monopolisation and contract claim against Qualcomm as the two tech giants battle over the chipmaker's patent licensing practices. A Delaware federal judge shaved some claims off International Construction Products' lawsuit against heavy construction equipment makers including Caterpillar, but Denvir and Renner are still pressing an allegation of a group boycott. In June 2017, the Ninth Circuit refused to hear an Arizona public utility's appeal of a lower court's denial of dismissal in SolarCity's monopoly lawsuit, brought by Feinstein, Mauser, Dunn and Isaacson. In mergers, the firm represents some third parties with concerns, such as Salesforce in objecting to the *Microsoft/LinkedIn* deal. Boies Schiller added to its antitrust partners with the promotion of Abby Dennis in January 2016.

CROWELL & MORING has 'a number of good people,' the co-chair of a top DC practice says, while another rival admires the firm's client list. It has expanded and diversified while retaining long-standing customers such as AT&T, which partners Wm Randolph Smith, Jeane Thomas and Shawn Johnson are guiding in the \$85 billion acquisition of media company Time Warner. Kent Gardiner, Shari Ross Lahlou, David Schnorrenberg and Joseph Miller acted for Humana in its proposed \$37 billion sale to rival health insurer Aetna, but the companies opted to drop their deal after a Washington, DC federal court enjoined it. Confidential clients have the firm representing them as third parties in tie-ups such as *Smiths/Morpho Detection*, and the firm publicly acted for Clean Harbors in the DOJ's challenge to the attempted *EnergySolutions/Waste Control Specialists* deal. Gardiner, Schnorrenberg and Astor Heaven defended United Airlines' acquisition of slots at Newark Airport from a DOJ lawsuit to block the deal, which became unnecessary when a regulatory change removed slot constraints at the airport.

United Airlines also uses Crowell for non-merger litigation, such as passengers' claim – following a DOJ investigation – that the airline colluded with its competitors to limit seat capacity. This, the *Rail Freight Fuel Surcharge* litigation against CSX Transportation, and the Blue Cross Blue Shield lawsuit brought by physicians and subscribers remain ongoing, but the firm won two motions for summary judgment in 2016. Upheld by the Tenth Circuit in March 2017, a court threw out Suture Express's tying and exclusive dealing claims against Owens & Minor, represented by Lahlou



Left to right:

John DeQ Briggs,
Amanda Wait, Darren Tucker



and John Gibson. A Third Circuit appeal remains pending in Lahlou's victory for DuPont over a claim of fixing the price of titanium dioxide. In a further boost to the firm's capabilities, former Antitrust Division deputy for civil enforcement Juan Arteaga joined as a partner in July 2017.

Rivals praise **FRESHFIELDS BRUCKHAUS DERINGER's** DC lawyers, from partner Paul Yde with 32 years of antitrust experience, to associate Jan Rybnicek. The firm promoted FTC alumna Mary Lehner from counsel to partner in May 2016 and Hiram Andrews from associate to counsel in January 2017. Bob Schlossberg retired from the Freshfields partnership in May 2016 but remains active in his of counsel role.

AB InBev's acquisition of SABMiller naturally dominated the firm's time in 2016. Rich Snyder was point man for local counsel in the Americas on the merger. Other major deal work includes Yde, Lehner and Thomas Ensign acting for Rexam on its takeover by rival beverage container maker Ball, which prompted a second request and divestiture condition by the FTC in June 2016; Lehner for Smiths Group's acquisition of Morpho Detection, for which the DOJ in March 2017 required a divestiture before granting early termination; and Yde for United Airlines on its proposed acquisition of Delta's slots at Newark airport, which the DOJ challenged until a regulatory change in April 2017 ended the scarcity of slots. Freshfields is now regular US antitrust counsel to Johnson & Johnson, which includes handling the merger control aspects of its \$30 billion acquisition of Actelion. On the investigation side, the firm represented United Airlines in the DOJ investigation of potential collusion in seat capacity, and confidential clients in the ongoing auto parts probes. Litigation includes Bruce McCulloch defending amnesty recipient British Vita Group in the *Polyurethane Foam* follow-on class action, and Snyder representing Hachette in the private lawsuits that followed the DOJ's ebooks case.

Bruce Hoffman was still at the helm at **HUNTON & WILLIAMS** for the period reported on for this survey,



Left to right: Roxann Henry,
Raymond A. Jacobsen Jr.,
Richard Parker

but in June 2017 he, David Higbee, Djordje Petkoski, Ryan Shores and Todd Stenerson left for Shearman & Sterling. As of July 2017, Hoffman is slated to join the FTC. Hunton has been very active in litigation, with some investigation and merger work to complement its robust practice. Hoffman, partner Amanda Wait – who now leads the practice – and October 2015 addition Phyllis Marcus provide solid FTC experience while partner David Higbee provided the DOJ perspective. The firm punches above its weight as an antitrust boutique, one long-time observer says.

HUNTON & WILLIAMS counselled Cash America in its merger of equals with First Cast, the country's largest pawn shop; the tie-up created a combined company with a \$2.4 billion market capitalisation. Hoffman had been advising Blue Cross Blue Shield of Michigan in the national antitrust litigation against BCBS plans across the country, as well as in a suit brought by rival Aetna. Petkoski defended Rubycon in damages litigation following the DOJ's capacitors cartel prosecution. The firm also counselled Capital One in a lawsuit that challenged the transition from swipe payment cards to chips, and thus liability for fraud, which Capital One and the other defendants won on a motion to dismiss in late 2016.

New partner Matthew Reilly – a former FTC staffer with a deep background on high-profile mergers while at the government and private practice – made waves when he headed to **KIRKLAND & ELLIS** late last year to join its already strong DC practice. Reilly joins Mark Kovner and 17 other partners and the firm boasts an impressive list of clients that call on Kirkland when they engage in bet-the-company deals. Those included advising Teva in the largest-ever pharmaceutical divestiture during its massive deal with Allergan; advising Charter Communications in its \$78 billion acquisition of Time Warner Cable and \$10.4 billion purchase of Bright House Networks, which the DOJ looked at closely; and counselling Nexstar Broadcasting Group in its \$4.6 billion purchase of Media General. In total,

Kirkland filed 224 HSR notifications in the 2016 fiscal year

The Kirkland DC team represented multiple clients in several reverse payment settlement cases, including in the *Nexium* antitrust litigation. The team counselled Ranbaxy and Teva Pharmaceuticals in multidistrict class action litigation alleging a patent settlement among Teva, Ranbaxy and two others violated the antitrust laws – the first reverse payment case to go to trial after *FTC v Actavis*. Kirkland represents ABB Optical in the *Disposable Contact Lens* antitrust litigation, which accuses lens distributors of conspiring to maintain minimum resale pricing in violation of state and federal antitrust laws.

MAYER BROWN's DC lawyers handling a variety of antitrust cases across the country. Partners Mark Ryan, Bill Stallings, Richard Favretto and Robert Bloch provide deep government experience and have helped propel the firm into major global cases. Ryan and Stallings assisted Virgin America in its \$2.6 billion acquisition by Alaska Air, which the DOJ eventually let pass with small divestitures. The team also represented an interested third party in the now-defunct *Deere/Precision Planting* merger; and acted for Nestlé Purina PetCare in its acquisition of Merrick Pet Care in 2015.

The team represents the Big 10 conference in tandem with the Chicago office in ongoing litigation regarding the NCAA in California. Ryan acts for Viamedia, the largest independent spot cable advertising representative in the US, in a lawsuit against cable giant Comcast for allegedly monopolising the spot cable advertising market through subsidiary Comcast Spotlight, which competes directly with Viamedia. A federal judge largely denied Comcast's motion to dismiss in November 2016. Partners Adam Hudes and Carmine Zarlenga had two victories for Nestlé in late 2015. A US appellate court upheld the dismissal of direct purchasers' antitrust class action against chocolate candy makers, finding that evidence of a conspiracy in Canada was too ambiguous to support an inference of price-fixing in the US; and a district court dismissed antitrust claims brought against Nestlé by rival spring water bottler Nirvana. Ryan acts for CDK Global in defending against Authenticom's efforts to gain access to the data in CDK's auto dealer management systems.

The Washington antitrust team at **MCDERMOTT WILL & EMERY** got a boost in January when one of the DOJ's two antitrust criminal enforcement section heads, Mary Strimel, made her way to the firm. Other additions like Bilal Sayyed from Kirkland & Ellis helped the team remain strong, despite the loss of partner Warren Rosborough to Emerson Thomson Bennett. Ray Jacobsen continues to head up the substantial DC office, which handles a variety of deals and litigation for clients across the country. Jacobsen, along with Joel Grosberg, Carla Hine and William Diaz, advised Evonik Industries in obtaining US clearance for its \$3.8 billion acquisition of the specialty and coating additives business of Air Products. Jacobsen and Diaz

Firm	Head(s) of competition	Size	Who's Who Legal nominees	Clients
Highly Recommended (cont.)				
Kirkland & Ellis	Not applicable	19 partners 7 counsel 6 associates	Mark L Kovner Matthew J Reilly	Accenture, 3G Capital Partners, Teva Pharmaceuticals, Tronox, Abbott Laboratories, Bain Capital, Vista Equity Partners, Boeing, BP, Delta Air Lines, Danaher, Infineon, Leap Wireless, Wellcare, Boehringer Ingelheim, Ranbaxy, ABB Optical
Mayer Brown	Mark W Ryan	10 partners 10 counsel 8 associates	None	Cargill, Nestlé, Virgin America, The Big Ten Conference, Philips, Blue Shield of California, Foster Farms, CDK Global
McDermott Will & Emery	Raymond A Jacobsen Jr	13 partners 1 counsel 7 associates	Raymond A Jacobsen Jr	Lockheed Martin, Steel Dynamics, American Gypsum Company, Mars, Dairy Farmers of America, TreeHouse Foods, Weyerhaeuser, ProMedica Health System, Constellation Brands, Amgen
Morgan Lewis & Bockius	Darren S Tucker Hill Wellford	8 partners 1 of counsel 5 associates	John H Shenefield	Apollo Global Management, Google, Pfizer, Morgan Stanley & Co, ICAP, Qualcomm, Lupin Pharmaceuticals TDK Corporation, Perrigo Company, Verso Corporation
Morrison & Foerster	W Stephen Smith Jeffrey Jaeckel	8 partners 1 counsel 4 associates	Roxann Henry David L Meyer W Stephen Smith	Amadeus, CSX, Intel, JPMorgan Chase, Norfolk Southern, ON Semiconductor, Sumitomo Electric, UPS, Boyd Gaming
O'Melveny & Myers	Richard Parker Ian Simmons	7 partners 3 counsel 10 associates	Richard Parker	Alaska Airlines, American Airlines / US Airways, Asiana Airlines, Bumble Bee Foods, Halliburton, Honeywell, Mitsui, Quest Diagnostics, Samsung Electronics, Top Rank
Paul Weiss Rifkind Wharton & Garrison	Kenneth Gallo Charles (Rick) Rule Joseph Simons	7 partners 2 counsel 29 associates	Kenneth A Gallo Charles F (Rick) Rule Joseph J Simons	Air Methods, Cigna, Elanco, Eli Lilly, Mastercard, Microsoft, Mitel Networks, MLB Office of the Commissioner, Monsanto, News Corp, Sharp, Universal American
Simpson Thacher & Bartlett	Peter Thomas	4 partners 1 counsel 4 associates	None	Ahold, NXP Semiconductors, Priceline, CSL Ltd, Amgen, JPMorgan, TradeWeb, HCA, ISDA, Costar, ChemChina, Deutsche Bank, Holcim
Sidley Austin	William Blumenthal	11 partners 2 counsel 5 associates	William Blumenthal Tim Muris James Lowe	AT&T, BorgWarner, Cabela's, Catalyst Paper, CBOE, Concacaf, Duke Energy, Exelon, Pandora Media, Recall Holdings, Sigma-Aldrich, United Airlines, Welltower, West Corporation
Sullivan & Cromwell	Daryl A Libow	5 partners 12 council 12 associates	None	The Bank of Tokyo-Mitsubishi UFJ, BP, Diebold, Dyax, FXI Holdings, JPMorgan Chase & Co, Nomura, Solera Holdings, ING Group, Columbia Pipeline Group, FirstMerit Corporation, First Niagara Financial Group, Ace Limited, Scottrade, Tesoro, Praxair, British Airways, International Airlines Group
Wilmer Cutler Pickering Hale and Dorr	Thomas Mueller	11 partners 10 counsel 35 associates	Thomas Mueller, Hartmut Schneider	Baker Hughes, DENSO, ELNA, Envision Healthcare, International Paper, Jeffrey Glazer, NCAA, Panasonic, Regal, Rohan Ramchandani, Schaeffler

also teamed up for Impax in the drugmaker's \$586 million acquisition of 19 products that were divested as part of the FTC's consent order in the *Teva/Allergan* deal. McDermott is also trying to steer candymaker and petcare company Mars through its \$9.1 billion acquisition of pet health service company VCA.

Also active on the non-merger front, McDermott's DC team won summary judgment for Mars in the chocolate price-fixing litigation. Peg Warner defends

Weyerhaeuser in the containerboard class action; and Impax tapped Jacobsen and Paul Thompson in March 2016 to defend the company against allegations it conspired to raise the price of digoxin or certain doxycycline products.

The **MORGAN LEWIS & BOCKIUS** team describes itself as the "hottest practice group in DC right now," and it may be right. The DC antitrust team is currently

litigating against the FTC in two simultaneous cases – defending Qualcomm against the highly publicised monopoly claim; and defending Shire against allegations it abused the citizen petitioning process. The former of the two has seen considerable follow-on action, including dozens of class actions and a lawsuit by Apple. That surely makes up for the firm's biggest dollar value deal – Pfizer's \$160 billion proposed inversion merger with Allergan – falling flat after the Obama administration changed the tax rules on such transactions. In total, the DC practice makes merger filings in about 20 countries each year.

Darren Tucker and Hill Wellford bring government experience to the cases on which they work, including providing strategic counselling and antitrust advice to Google on Android and other services on a global basis. This has included engaging with enforcers and coordinating counsel in the US, European Union, Russia, Japan, China and elsewhere. Jon Roellke in DC acts for ICAP in the the *Interest Rate Swaps* antitrust litigation. The firm also works for the pharmaceutical industry: Leiv Blad negotiated a favourable settlement with Alaska's state attorney general on behalf of generic-drug maker Lupin regarding alleged pay-for-delay settlements with the branded-drug makers of Loestrin and Effexor.

Rivals are quick to heap praise on Roxann Henry and others at **MORRISON & FOERSTER**. Partner Jonathan Gowdy lead the team advising Deere & Company in its aborted acquisition of Precision Planting, which attracted a DOJ challenge. The firm also fields a decent amount of work from Japanese technology company/quasi hedge fund SoftBank, including through satellite services provider Intelsat's February merger with OneWeb – which MoFo also represents – with a \$1.7 billion investment from SoftBank to capitalise the merged company. The firm operates under the expertise of practice chair Stephen Smith, and colleagues Roger Fones and David Meyer are recognised for their experience at the Antitrust Division, where Fones spent almost 30 years and Meyer served as principal deputy assistant attorney general.

Accusations of collusion and inevitable follow-on litigation absorb much of this team's time, whether it is defending a client in multi-jurisdictional investigations of auto parts, freight forwarding, batteries or semiconductors. The DC team advises both individuals and clients in cartel probes. The team also represents UPS in California, defending the shipping company from charges that it conspired with FedEx not to deal with shipping consultants, succeeding at the district court and now awaiting a decision on whether the Ninth Circuit will reverse or affirm the lower court. Morrison & Foerster also represents Jetto in the interchange fees litigation.

O'MELVENY & MYERS continues to have one of the leading practices in Washington, DC, with a strong set of cases over the past couple of years and Richard Parker universally acclaimed as a strong lawyer. Ian

Simmons calls a \$5 million jury verdict for American Airlines over global distribution system Sabre – trebled to \$15 million – a “seminal result” against elite law firms including Cleary Gottlieb and Cravath Swaine & Moore. The firm also handled work in other high-profile cases, including Parker leading the litigation effort against the Antitrust Division for Halliburton's proposed acquisition of Baker Hughes, which was ultimately abandoned before trial; and, along with partners Ted Hassi and Katrina Robson, representing Humana in its now-abandoned health insurance merger with Aetna. Despite being on the losing side of that litigation, the firm continues to fight hard against the government.

O'Melveny's string of successes include negotiating the consent decree that helped Alaska Airlines close its acquisition of Virgin America, a deal that the lawyers for the merging companies stressed would lead to a stronger competitor to the “big four” of Delta, American, Southwest and United. And lawyers at O'Melveny filed a rare competitor lawsuit for Honeywell in New Jersey earlier this year to try to stop Alarm.com's acquisition of assets from iControl, which led to a confidential settlement. The DC team represents technology giant Samsung and laboratory services company Quest Diagnostics before enforcers around the world. While the New York office negotiated a large cut in the fine on Bumble Bee Foods in the canned tuna cartel, Hassi defends the seafood company in follow-on litigation.

Getting a bump up the ranking after a couple extremely active years is **PAUL WEISS RIFKIND WHARTON & GARRISON**, which received a substantial injection of four antitrust partners from Cadwalader Wickersham & Taft in August 2016. Former Antitrust Division head Charles F (Rick) Rule, Jonathan Kanter, Joseph Bial and Andrew Forman made the jump, with Rule taking over as the firm's co-chair. The four have particular expertise in HSR work and other merger issues, complementing an already-prominent litigation team to make what Rule calls a “whole practice.” The firm had its hand in some of last year's biggest mergers, including representing Cigna in its saga to be acquired by Anthem despite the client's reluctance. Paul Weiss also advised Microsoft on its \$26 billion acquisition of LinkedIn; Time Warner in its acquisition of Charter; and Monsanto in its acquisition by Bayer.

Kenneth Gallo represented News Corp against now-settled monopolisation claims and MasterCard in interchange fee litigation. The team also won a huge victory before the US Court of Appeals for the Fifth Circuit when it convinced it to throw out a \$340 million verdict against client Becton Dickinson. Kanter is also active in counselling third parties that have issues with other companies, including those that have concerns about Google and its practices. The firm also remains active in the capacitors litigation and in the government and private litigation related to the financial institutions. Another big client is performing rights organisation ASCAP, which has found itself



PHOTO: ISTOCK/COMROMAN BABAKIN

front and centre regarding consent decrees and more this past year.

SIDLEY AUSTIN's recent lateral hires demonstrate the firm's dedication to its DC antitrust practice. In March 2016, FTC general counsel Jonathan Nuechterlein joined as a partner; in the spring of 2017, former FTC chairman Timothy Muris left Kirkland & Ellis to become senior counsel at Sidley; and as this issue went to press, James Lowe moved from WilmerHale's to Sidley's partnership. Ken Glazer, who joined from the FTC with chair William Blumenthal in 2013, has retired from antitrust practice.

As it did in AT&T's 2015 deal for DirecTV, the firm provides regulatory counsel in the \$85 billion acquisition of Time Warner. Blumenthal and Karen Kazmerzak represent CBOE Holdings in its \$3.2 billion acquisition of Bats Global Markets, which cleared the FTC in November 2016 without a second request. Cabela's \$5.5 billion sale to Bass Pro Shops, in which Blumenthal acted for the seller, underwent a lengthy second request but ultimately won unconditional clearance from the FTC in July 2017. In dealings with the DOJ, Kazmerzak brought Recall's tie-up with fellow records management company Iron Mountain through merger review with remedies. However, she and Blumenthal lost at a preliminary injunction hearing in March 2016 when the Antitrust Division sought to block Tribune Publishing from buying Freedom Communications. Sidley is involved in several different auto parts investigations and follow-on damages actions, as well as the DOJ's generic pharmaceuticals cartel probe.

SIMPSON THACHER & BARTLETT retains what one competitor calls "a great platform" from its corporate practice, and is "always going to be an important

Above: Department of Justice entrance in Washington, DC

player" in antitrust, even with the autumn 2016 departure of practice chair Matthew Reilly to Kirkland & Ellis. Managing partner Peter Thomas now heads the DC practice, which elevated Abram Ellis to partner in November 2016. Before departing, Reilly – along with Peter Herrick and Andrew Lacy – represented Office Depot in its \$6.3 billion sale to rival office superstore chain Staples, which the FTC successfully blocked.

Better fortune went to Sara Razi as lead counsel for Ahold in its merger with Delhaize, which closed in July 2016, after a year-long FTC investigation and the divestiture of 81 locations. Simpson Thacher acted for NXP Semiconductors in its merger with Freescale Semiconductor, which the FTC also cleared with structural remedies. Outside the merger realm, Ellis supports his New York colleagues in multiple antitrust lawsuits in the financial sector, including representation of JPMorgan Chase in Libor, Tradeweb in interest rate swaps and Deutsche Bank in Treasuries. Notably, he has helped the International Swaps and Derivatives Association avoid being named as a defendant in the ISDAfix lawsuit.

Peers say **SULLIVAN & CROMWELL**'s antitrust practice head Daryl Libow is a good lawyer, and he is quick to point out that it has been a good year for the firm. The headline-grabbing news is the arrival of former DOJ antitrust chief Renata Hesse, which certainly strengthens and deepens the firm's antitrust practice. Within a few months of her return to private practice, Hesse had taken the lead for Amazon in the online retailer's acquisition of organic grocery chain Whole Foods.

The firm also promoted special counsel Joseph Matelis – who has Antitrust Division experience – to partner. He acts for DS Smith in the corrugated packaging company's \$920 million acquisition of

Firm	Head(s) of competition	Size	Who's Who Legal nominees	Clients
Recommended				
Akin Gump	Paul Hewitt	7 partners 2 counsel 6 associates	None	7-Eleven, VCA, Daimler Trucks North America, Charter Communications, Methodist LeBonheur Healthcare, Vizio, McKee Foods, Direct Selling Association, Amplifon
Allen & Overy	John Terzaken	2 partners 8 associates	None	Bosch, Deutsche Bank, Mercuria Energy Trading Group, Tri-Union Seafoods, United Airlines
Baker Hostetler	Robert Abrams	10 partners 1 counsel 4 associates	None	Caterpillar, Char-Broil, Commonwealth Brands, Dairy Farmer Milk Cases, Deseret News Publishing Company, DVD Buyers & Renters, Funai Electric Co, HP, Kaiser Foundation Health Plan, Lam Group, Makita USA, National Association of Animal Breeders, Nippon Cargo Airlines Co, NYK Line North America, Oldcastle Materials, The Aluminum Association, ThyssenKrupp Elevator Corporation, TOTE, TransDigm, US Beet Sugar Association, Yusen Logistics (Americas) Inc
Baker McKenzie	Mark Hamer	3 partners 2 counsel 1 associates	None	Okaya Electric Industries, AUO Monitorship, Canpotex Limited, American Natural Soda Ash Corp, Veolia Environment, Archer-Daniels-Midland Company, FedEx, Safran, Meiji Yasuda Life Insurance Company, Brunswick Corporation, Daimler AG, CHS, Knorr-Bremse, Clarcor
Cooley	Jacqueline Grise	3 partners 2 counsel 8 associates	M Howard Morse Marc G Schildkraut	Patheon, Alarm.com, Meredith, Tesoro, Rovi, Uber, Horizon Pharma, Medivation, Prasco, ATPCO, Hawaiian Airlines, Snyder's-Lance, Sazerac
Davis Polk & Wardwell	Michael N Sohn Jon Leibowitz Jesse Solomon	3 partners 1 counsel 7 associates	Michael N Sohn Jon Leibowitz	BATS Global Markets, Biotie Therapies Corp, China Resources Beer, ConAgra Foods, Cooper Gay Swett & Crawford, Emerson Electric, Shire, Smith & Nephew, Solvay, SS&C Technologies Holdings, Syngenta, Volkswagen Truck & Bus, Zuffa LLC

competitor Interstate Resources, and helped to shepherd Enbridge's \$28 billion purchase of Spectra Energy through the FTC with divestitures. With Christopher Viapiano, Libow represents Bank of Tokyo-Mitsubishi in Libor investigations, as well as follow-on litigation. He and Amanda Davidoff are involved in several futures-related actions, including securing a dismissal for JPMorgan in a silver futures case – which is back in district court after reversal – and representing BP in the *Brent Crude Oil* multidistrict litigation.

WILMER CUTLER PICKERING HALE AND DORR

is viewed by its peers as a “very good” firm, with the “terrific” Hartmut Schneider on mergers and Thomas Mueller “prominent” on cartels. As this issue went to press, partner James Lowe moved to Sidley Austin. In 2016, he had worked with Schneider to steer International Paper's \$2.2 billion acquisition of Weyerhaeuser's cellulose fibres business, which the DOJ cleared without a second request. The Antitrust Division was less open to Baker Hughes' proposed \$34.6 billion sale to Halliburton, suing to block this tie-up of the the world's second- and third-largest oilfield service companies. The companies abandoned the deal in May 2016, but Baker Hughes got out with a \$3.5 billion breakup fee. Schneider had better luck for Baker Hughes in June 2017, as the DOJ conditionally cleared its \$32 billion joint venture with General Electric.

Outside the merger realm, Steve Cherry, David Donovan, Patrick Carome and David Molot continue to represent DENSO in the damages claims following on from its guilty plea in the auto parts cartel, leading a joint defence against plaintiffs' efforts to consolidate and create joint and several liability for different products. Cartel and follow-on action work led by Mueller includes defending ELNA in the capacitor cartel probe, eventually negotiating a 60% fine discount based on cooperation and inability to pay; individuals Rohan Ramchandani in the foreign exchange and Jeffrey Glazer in the generic pharmaceuticals probes; and Schaeffler Group USA in the bearings damages claims. Leon Greenfield acted for Apple in accusing Nokia-connected patent assertion entities of violating sections 1 and 2 of the Sherman Act, while working with Cherry and Ronald Machen to defend Panasonic against CoKinetic's claims of anticompetitive exclusionary conduct.

Recommended

AKIN GUMP STRAUSS HAUER & FELD has added two well-regarded young partners in the past two years: Corey Roush from Hogan Lovells in September 2015, and Gorav Jindal from Dechert in August 2016. Roush, along with Pratik Shah and James Tysse, represent Daimler Trucks North America in the putative class actions filed against it and other heavy truck

manufacturers for allegedly conspiring to have Eaton monopolise the market for heavy-duty truck transmissions, in which only the individual plaintiffs' claims still survive after a Third Circuit ruling in February 2017. The same appellate court also smiled upon Paul Hewitt's and Fairley Spillman's client Mylan in the *Provigil* pay-for-delay litigation in September 2016 by decertifying the direct purchaser class. On the mergers side, Roush acts for 7-Eleven in its \$3.3 billion deal with Sunoco, which was issued a second request in July 2017. He and Hewitt teamed up to advise animal healthcare services company VCA on its \$9.1 billion sale to Mars, announced in January 2017, which is also in the FTC second request process.

Former Antitrust Division prosecutor John Terzaken has the **ALLEN & OVERY** team working like a well-oiled machine as the firm's DC office tackles significant litigation work, especially its follow-on actions. The team represents BNP Paribas against allegations of collusion in the credit default swaps market; Bosch in 31 different damages claims by auto dealers, end payors, and direct and indirect purchasers; Deutsche Bank in a financial benchmarking case; and Tri-Union in the ongoing litigation regarding allegations of price-fixing in the packaged seafood industry. Terzaken is joined by FTC alumnus John Roberti.

BAKER HOSTETLER, whose antitrust practice's core remains the 15 people who came from Howrey, continues to do good work and take challenging cases to trial. The lawyers at the firm have real courtroom experience and are able to look at cases innovatively and creatively for plaintiffs and defendants. Bob Abrams leads the DC office and works with partners Terry Sullivan, Bob Brookhiser, Greg Commings and Dan Foix in leading a farmers' class action alleging that milk marketers and processors conspired to stifle competition. The case, due to settlement objectors and opt-outs, remains ongoing despite the settlement being the largest judgment in Vermont history. Abrams, Brookhiser, Commings and Foix represent long-time client Caterpillar against group boycott and exclusionary dealing allegations brought by International Construction Products, facing off against Boies Schiller Flexner. Foix and others are also trying to break ground in a suit against a labour union – which have largely stayed outside the antitrust laws – in New York. Partners John Fornaciari and Bob Disch act for shipping company Nippon Yusen Kaisha in follow-on damages claims regarding its role in the roll-on roll-off cartel; the district court threw out the claims as being barred by the Shipping Act, and a decision from the Third Circuit is pending.

BAKER MCKENZIE's loss of Lee Van Voorhis to Jenner & Block in September 2016 was offset by the arrival of new antitrust practice chair Mark Hamer, who joined the firm's DC office from DLA Piper. Before going into private practice, Hamer had been a senior trial attorney in the DOJ's antitrust division for six

years. The DC office also added Craig Lee in November 2016 – he was the assistant chief of the division's Washington Criminal I section, balancing Hamer's civil litigation experience with a criminal prosecutor's CV. A prominent global firm, Baker McKenzie is turning its attention back to growth in the North American offices. The firm handled US filings for *FedEx/TNT* and counselled industrial and environmental filtration company CLARCOR in its \$4.3 billion acquisition by Parker Hannifin. The firm also represented Okaya Electric in a DOJ grand jury investigation, which was closed as to Okaya in January 2016, and in a follow-on damages claim, which was settled for \$3.7 million. It also acted for Safran in its sale of its Morpho-Detection security solutions business to the Smiths Group for \$710 million, and for Veolia Environnement in its \$350 million acquisition of a nuclear waste company and a separate \$325 million acquisition of Chemours' the sulfur products division.

COOLEY handled 60-70 merger filings last year, most coming in the high technology and pharmaceutical industries – the firm's forte. Partner Jacqueline Grise helped to guide Alarm.com through an eight-month FTC investigation of the long-time client's acquisition of iControl without the enforcer bringing a complaint, only to find itself on the receiving end of a rare competitor lawsuit to block the merger, brought by O'Melveny & Myers on behalf of Honeywell. The DC team, which includes partners and FTC alumni M Howard Morse and Marc Schildkraut, also counselled Rovi in its \$1.1 billion acquisition of TiVo, which received 60 days of close scrutiny from the FTC; and Uber's \$680 million acquisition of self-driving truck company Otto. Grise also acted for Medivation in its \$14 billion sale to Pfizer, Horizon on its \$1.1 billion acquisition of Hyperion Therapeutics, and Dollar Shave Club in its billion-dollar sale to Unilever. Major litigation success came when Cooley obtained summary judgment for Patheon in litigation brought by joint venture partner ProCaps; Morse and Schildkraut defended that victory at the US Court of Appeals for the Eleventh Circuit.

The size and scope of **DAVIS POLK & WARDWELL**'s DC practice continues to grow as the firm tackles major deals for its clients. Former FTC chair Jon Leibowitz heads the DC office and worked with partner Jesse Solomon on its \$5.9 billion purchase of US biopharmaceutical company Dyax. They work with Mike Sohn, who recently rejoined Howard Shelanski and the rest of the team in handling big global deals. The big one currently on the plate is counselling Syngenta in its proposed \$43 billion agricultural merger by ChemChina. Other recent deal work includes counseling Zuffa in its \$4 billion sale of Ultimate Fighting Championship; advising BATS Global Markets on its \$3.2 billion acquisition by CBOE Holdings; representing Emerson on its \$3.15 billion acquisition of the valves and controls business from Pentair; and acting for ConAgra on the sale of its private label operations to Treehouse

Foods for \$2.7 billion. The most headline-grabbing deal of all the deals Davis Polk counselled, however, might have been Uber's sale of its China business to local rival Didi Chuxing.

Former deputy director of the FTC's bureau of competition Barry Nigro continues to steer the antitrust ship for **FRIED FRANK HARRIS SHRIVER & JACOBSON** in Washington, DC. He counselled Media General through its \$4.6 billion Nexstar deal, which was solved with divestitures after DOJ and Federal Communications Commission scrutiny. He also advised New Mountain Capital portfolio company SNL Financial's \$2.2 billion sale to McGraw Hill Financial and New Mountain's deals for Equian and Trover Solutions. Nigro also assisted ProQuest in its acquisition of Ex Libris Group from Golden Gate Capital, and Permira as part of a consortium buying eBay Enterprise from eBay for \$925 million.

After receiving praise from many in the DC bar, **HUGHES HUBBARD & REED** is a new entrant to this year's survey. Despite the firm doing most of its work in New York, veteran practitioner William Kolasky has done a great job out of the DC office, which added Ali Stoeppelwerth as special counsel in October 2016. He helped to clear two mergers at the end of 2016 and start of 2017: a deal between two of the three largest Chinese apparel manufacturers, and British company E2V's acquisition by Teledyne. When the Antitrust Division in March 2016 obtained an injunction against Freedom Communications' sale to Tribune Publishing, Kolasky represented alternative buyer Digital First Media. He acted for the company again when it sold the *Salt Lake City Tribune* to its only competitor, over the objections of employees; the DOJ closed the investigation without taking action. In June 2017, the FTC cleared with divestitures the sale of his client Claris Lifesciences' injectable drugs business to Baxter.

ROPES & GRAY's Washington, DC team is relatively young and full of energy. Practice chair Mark S Popofsky works with partners Michael McFalls, Jonathan Klarfeld and Chong Park, who joined the firm in August 2015. The team maintains a strong client list in the healthcare and pharmaceutical industry – helping AbbVie with its antitrust issues, developing a relationship with Medtronic, and working through several mergers. McFalls steered Shire in its \$32 billion acquisition of Baxalta to form a global leader in rare disease drugs, avoiding a second request from the FTC. McFalls also took the lead for daily fantasy sports company DraftKings' ultimately abandoned acquisition of rival FanDuel. Popofsky represents Hitachi-LG Data Storage in optical disk drives follow-on damages litigation, obtaining a favourable settlement for the client in June 2016 with indirect purchasers. The team has also been active representing third-party clients in *Staples/Office Depot* and *Rite Aid/Walgreens*, and advises private equity

firms through many of their transactions. Klarfeld assisted Welsh, Carson, Anderson & Stowe with all antitrust aspects, including HSR compliance and FTC investigation, in the creation of a joint venture between its company United Surgical Partners International and Tenet Healthcare.

The **STEPTOE & JOHNSON** team that includes Edward Schwartz, Ken Ewing and Doug Green continues to do good work, despite the loss of Chong Park to Ropes & Gray. The firm represents the National Milk Producers Federation in the dairy antitrust litigation out of Illinois. The client was also happy with a settlement in that litigation in California. Schwartz acts as lead litigation counsel to Amadeus IT Group against a class action that accuses it of conspiring with competing global airfare distribution services; with the indirect purchasers' state law damages claims dismissed, the plaintiffs now have only a claim for injunctive relief. The firm also does regular work for FedEx and Netflix, and has a hand in some criminal investigations around the world.

VENABLE antitrust chair Lisa Jose Fales works out of Washington, DC and the firm continues to act for several drugmakers after its big win in the Nexium pay-for-delay trial for defendant Ranbaxy – now Sun Pharmaceuticals. In the latest victory for Sun, an appellate court in September 2016 reversed the trial judge's decision to certify a class of fewer than two dozen direct purchasers of anti-narcolepsy drug Provigil. The team says clients are bullish to go to trial using Venable, and they boast having more referrals and a stronger profile than two years ago. The firm also defends Impax Laboratories against allegations of an anticompetitive conspiracy to delay entry of a generic version of pain medication Opana ER and acne drug Solodyn. Beyond the pharmaceutical industry, Venable advises Perdue Farms in its defence against class action complaints brought by broiler chicken buyers who accuse poultry producers of conspiring to fix prices by restricting output. Venable assisted the plaintiff class in the *O'Bannon* antitrust suit against the National Collegiate Athletic Association over the use of college players' likenesses without payment.

Washington, DC partner Craig Seebald continues to lead the **VINSON & ELKINS** antitrust practice, and the firm's lawyers continue to be go-to counsel in investigations and litigation. Alden Atkins leads for Southwest Airlines in the *Domestic Airline Travel* antitrust litigation, which is consolidated in DC federal court. Seebald represented Maxwell in a criminal investigation concerning allegations it conspired to fix the prices of cell phone and laptop batteries. While the DOJ brought no charges against Maxwell, dozens of class action lawsuits claim the company engaged in a worldwide conspiracy to artificially stabilise the prices of such lithium ion batteries. Both Seebald and Atkins advise Hitachi Automotive Systems in auto

Firm	Head(s) of competition	Size	Who's Who Legal nominees	Clients
Recommended (cont.)				
Fried Frank Harris Shriver & Jacobson	Bernard A Nigro Jr	2 partners 2 associates	Bernard A Nigro Jr	AEA Investors and Ontario Teachers' Pension Plan, Boulder Brands, Genesys, Goldman Sachs Asset Management, Goldman Sachs Merchant Banking, Media General, T.Rad Co, ProQuest, Permira, Baring Private Equity Asia
Hughes Hubbard & Reed	William J Kolasky	2 partners 1 counsel 4 associates	William J Kolasky	Portigon, Westdeutsche Immobilien Bank, MediaNews Group (dba Digital First Media), Cantor Fitzgerald, Claris, Republic Airlines, Brambles, Cars.com
Ropes & Gray	Mark S Popofsky	4 partners 11 associates	Mark S Popofsky	Hitachi-LG Data Storage, Shire, Synageva BioPharma, Bain Capital Investors, Welsh Carson, Anderson & Stowe
Steptoe & Johnson	Ed Schwartz	4 partners 2 of counsel 2 associates	None	LG Chem, Netflix, National Milk Producers Federation, Republic Services, Federal Express, PHRMA, Rockwell Collins, McCain Foods, Amadeus, Japan Airlines, Western Union
Venable	Lisa Jose Fales	16 partners 6 counsel 8 associates	None	Sun Pharmaceuticals Industries, Ltd (formerly Ranbaxy) and Sun Pharmaceutical Industries, Inc, Taro Pharmaceuticals USA, Inc and Taro Pharmaceutical Industries Ltd, Impax Laboratories, Inc, Wockhardt, Perdue Farms, Inc, the Estate of Michael Jackson, Wyndham Hotels and Resorts, Guthy Renker
Vinson & Elkins	Craig P Seebald	6 partners 10 associates	None	Southwest Airlines, Maxell Corporation of America, Hitachi Maxell Ltd, Hitachi Automotive Systems Americas, Inc, Dart Container Corporation and Solo Cup Company
Williams & Connolly	John E Schmidlein Jonathan B Pitt	10 partners 10 associates	None	Dairy Farmers of America, AstraZeneca, Fox Broadcasting Company and Big Ten Network Services, Blue Sky Studios, Takata Corporation, Google, Par Pharmaceuticals, Yankees Entertainment & Sports Network, Bank of America, Merrill Lynch Fenner Pierce & Smith, Celgene Corporation, 21st Century Fox, Danaher Corporation

parts follow-on damages litigation. Partner William Lawler acted for Dart and Solo in defending claims they coordinated to keep a new material for disposable cups off the market. The US Court of Appeals for the First Circuit upheld the district court's summary judgment for the defendants in August 2016. The firm does have some merger exposure; it made about 20 HSR filings in 2016.

WILLIAMS & CONNOLLY continues to feature prominently in the DC bar. It openly admits that the antitrust team is not a merger shop; its lawyers instead focus on litigation and cartels. Practice heads John Schmidlein and Jonathan Pitt have acted for an impressive list of clients in the past couple of years. 21st Century Fox routinely picks the firm for litigation defence, including in a Florida federal court where sports channel GoTV sued the company for allegedly using bribes to gain exclusive access. The team is acting for Par Pharmaceutical in the ongoing *Propranolol* antitrust litigation in the Southern District

of New York. The firm also represented Takata in the auto parts investigation. Other clients in the past couple of years include the Dairy Farmers of America, AstraZeneca, Bank of America-Merrill Lynch Fenner Pierce & Smith, Celgene and more.

Several excellent antitrust practitioners in Washington, DC work at firms not listed in this survey. W Todd Miller and Donald I Baker stay busy at antitrust boutique Baker & Miller. Linklaters' Jeffrey Schmidt is a former FTC competition bureau director who is active in mergers such as *London Stock Exchange/Deutsche Boerse*. Paul Hastings partner MJ Moltenbrey remains a force for Monsanto and airline matters; her former colleague Michael Cohen, now at Sheppard Mullin, has returned to the capital to work alongside of counsel Donald Klawiter. Orrick Herrington & Sutcliffe's hires of Alexander Okuliar from the FTC and James Tierney – a “great guy”, says the chair of a top DC antitrust practice – from the DOJ have competitors expecting to see the firm often in the coming year. **GCR**