

Attorney
Biography

Richard E. Donovan



Practice Areas:
Antitrust and Trade Regulation
Litigation
- Class Actions
White Collar Crime and
Investigations

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Richard Donovan is a partner in the firm's New York office and Co-Chair of the Litigation and Antitrust and Trade Regulation practice groups. He focuses his practice on antitrust and trade regulation issues (regulatory, litigation and criminal), internal investigations and commercial litigation.

Representative Experience:

Obtained a defense verdict in four-month trial of price-fixing claims by a class of fishermen against a foreign importer of salmon.

Represented several applicants under the corporate and individual amnesty programs of the Department of Justice (DOJ) Antitrust Division involving potential criminal charges.

Defended corporations in a number of state and federal class actions alleging price-fixing.

Currently prosecuting a monopolization case in federal court in Minnesota and defending a tying claim in federal court in New Jersey.

Won a favorable AAA arbitration award for a leading telecommunications equipment maker in a dispute arising out of a joint venture in South America.

Litigated and successfully mediated on behalf of a *Fortune* 200 chemical manufacturer a challenge to the enforceability of a mineral contract valued in excess of \$125 million.

Defended a major New York hospital against antitrust charges arising out of its alleged participation in a conspiracy to restrict the board certification of emergency medicine practitioners.

Negotiated a favorable resolution of price-fixing charges against a leading manufacturer of specialty papers, its foreign parent and certain executives in the first joint sovereign, international criminal antitrust investigation. In related civil class actions, obtained dismissal of the foreign parent on jurisdictional grounds, and defeated class certification in two state indirect purchaser cases.

Resolved trade secret litigation against a former supervisor of a *Fortune* 200 food products corporation and settled for a nominal amount a breach of contract claim by a consultant against the same company, following a motion for summary judgment.

Obtained the first known award in New York of attorneys' fees under the

Health Care Quality Improvement Act, after summary dismissal of antitrust claims against a hospital and seven administrators and physicians.

Obtained pre-discovery dismissals of antitrust, tort and employment charges in separate actions against two New York area hospitals brought by terminated physicians and/or practice groups; one of the dismissals was affirmed on appeal.

Obtained a series of restraining orders and injunctions against disruptive activity for a famous New York City church, including quashing a subpoena of a senior church leader.

Litigated and settled tort and restraint of trade claims against a *Fortune* 500 publisher and its subsidiary involving exclusive contracts with magazine publishers in the school fundraising industry.

Honors and Awards:

Mentioned in the 2009 edition of *US Legal 500* for his work with the New York antitrust practice.

Listed in "New York Super Lawyers," 2009

Ranked in the 2008 and 2009 editions of *Chambers USA* as a leading antitrust attorney.

Pro Bono:

Handled several pro bono matters through Volunteer Lawyers for the Arts and for the Reeves-Reed Arboretum in Summit, New Jersey.

Professional Activities:

American Bar Association, Litigation Section, Antitrust Section

Federal Bar Council

The Association of the Bar of the City of New York, Professional & Judicial Ethics Committee (1996-1999)

Association of the Federal Bar of New Jersey

Publications:

"DOJ Antitrust Division Answers Questions Under Leniency Program," *The Corporate Counselor* (March 2009)

"Supreme Court's *Twombly* Decision Should Benefit Defendants In Many Commercial Cases," *Metropolitan Corporate Counsel* (July 2007)

"The HP Scandal: What Went Wrong and How to Learn from Those Mistakes," *The Corporate Governance Advisor* (May 2007)

"Watching the Detectives," *Corporate Counsel* (January 2007)

"US Antitrust Investigations: Issues For Asian Companies," *AsiaLaw* (December 2006/January 2007)

"Antitrust Laws Amended," *Metropolitan Corporate Counsel* (August 2004)

"Explaining the U.S. Commercial Litigation System to Foreign Executives and Lawyers," *Metropolitan Corporate Counsel* (February 2004)

"Judicial Attention to Electronic Discovery Heats Up," *Metropolitan Corporate Counsel* (September 2003) (co-author)

"Alternative Billing Practices" in *Successful Partnering Between Inside and Outside Counsel* (West 2000) (co-author)

"Torts of Competition," chapter in treatise *Business and Commercial Litigation in Federal Courts* (2d ed. West 2005) (with John M. Callagy)

Client Advisories:

"DOJ Approves Ticketmaster-Live Nation Merger, With Conditions," February 08, 2010

"*U.S. V. Ruehle*: Ninth Circuit Revisits the "Tracherous Path" of Internal Investigations by Public Companies," October 05, 2009

"President Obama Plans to Appoint Jon Leibowitz Chairman of the FTC," February 27, 2009

"Observations on Holder Confirmation Hearings," January 21, 2009

"Supreme Court Strikes Down Ban on Minimum Resale Price Maintenance," June 28, 2007

"Supreme Court Clarifies Pleading Standards for Antitrust and Other Claims," May 22, 2007

"McNulty Memorandum Released by the Department of Justice," December 19, 2006

"The HP Scandal: Lessons for Corporate Counsel in Hiring Investigators and Other Outside Service Providers," October 19, 2006

"Antitrust Laws Amended," June 24, 2004

"U.S. Supreme Court Limits Application of U.S. Antitrust Laws to Foreign Corporations," June 23, 2004

"New Enforcement Developments Regarding Pre-Merger Coordination ("Gun-Jumping")," April 30, 2002

Speaking Engagements:

Presenter, "An Introduction to Electronic Discovery," NYSBA IP Section Annual Meeting (January 27, 2004)

Presenter, "Spoliation of Evidence: How to Spot - and Avoid - the Pitfalls,"
Kelley Drye CLE Series (July 16, 2002)

Presenter, "The 2000 Antitrust Conference: Antitrust Issues in Today's
Economy," The Conference Board (March 2000)

Bar Admissions:

New York, 1978

New Jersey, 1985

Courts:

U.S. Supreme Court

U.S. Court of Appeals - Second Circuit

U.S. Court of Appeals - Fifth Circuit

U.S. District Court – Southern and Eastern Districts of New York

U.S. District Court – New Jersey

Education:

Rutgers School of Law, J.D., 1977

University of Notre Dame, B.S., 1974

Office Location:

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