



Nicholas E.O. Gaglio

Partner | New York

Practice Areas

Antitrust

Intellectual Property

Litigation & Trials

Contact

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Drawing on more than twenty years of experience, Nick counsels clients on a full range of antitrust issues, including litigation, mergers, civil non-merger and criminal cartel investigations, internal investigations, and counseling. A skilled listener, Nick has helped clients to resolve antitrust problems in diverse industries ranging from aerospace defense to data analytics, recycled paper to beverage packaging, sports equipment to sports entertainment.

Nick's broad antitrust litigation experience spans from conception through decision, and has included strategic assessment and crafting of claims and defenses, effective e-discovery management, tactical briefing and advocacy at various critical pre-trial stages, settlement evaluation and execution at trial. Nick is also a veteran of follow-on class action multidistrict litigation. His recent experience includes defending Tyson Foods in multiple class action and arbitration matters relating to animal proteins, and advising multiple parties regarding the sprawling real estate agent commission cases, including acting as lead counsel to Florida Association of Realtors[®], the largest state association of Realtors[®] in the United States.

Nick frequently assists clients analyze potential antitrust risks associated with large and complex strategic mergers, and to develop strategies to minimize deal risk and regulatory delay. Recently, Nick served as lead antitrust counsel to Ball Corporation in its successful \$5.6B sale of its aerospace business to BAE Systems, helping to secure the fastest

clearance of a defense deal in which a U.S. antitrust agency investigated and issued a Second Request. Importantly, Ball did not have to incur the burden of substantially complying with the Second Request in order for the Antitrust Division to resolve its investigation.

Nick has particular experience advising and acting on behalf of private equity funds and their portfolio companies. Representative experience includes securing clearance without a Second Request for Sagard Capital and Fairfax Financial portfolio company Peak Athletic's sale of Easton Diamond Sports to Rawlings Sporting Goods, and representing H.I.G. Capital portfolio company, recycled paperboard manufacturer Caraustar Industries, Inc., before the DOJ in 6+-month investigation of its \$362.5 million acquisition of The Newark Group, which was closed without remedy or enforcement action.

Nick routinely advises on HSR reportability and helps to shepherd deals through an increasingly volatile initial waiting period, including often working closely with co-counsel from Europe, Asia and South America on multi-jurisdictional deals. Recent experience includes deals in the iLottery, e-gaming, fintech, consumer data analytics, and IT industries. He served as global coordinating counsel to Ball Corporation in its \$6.85 billion acquisition of Rexam PLC, which required filings in several international jurisdictions. Nick oversaw, in particular, securing of antitrust approval from Brazil's CADE.

Nick has represented clients in federal and state attorneys general investigations, including assisting a Japanese auto-parts company to negotiate a significant fine reduction. He twice guided a major sports entertainment company through federal investigation, in both instances securing the closure of the investigation without a remedy or penalty being imposed. He has also assisted clients in conducting internal investigations.

Nick has counseled corporations on antitrust compliance and in a variety of commercial contexts, including vertical distribution and e-commerce arrangements. Representative engagements include advising a major sporting goods brand regarding its national roll-out of a minimum advertised price policy and helping a European manufacturer structure an exclusive distribution system.

Nick is a former Chair of the Antitrust Section of the New York State Bar Association. A member of the Section's selective Executive Committee since 2009, he has served as Vice Chair, Secretary, Diversity Chair, Finance Officer, Membership Chair and a member of the Nominations Committee. He is also a member of the American Bar Association, Antitrust Section.

Nick is Axinn's pro bono coordinating partner. In that role, he oversees Axinn's significant pro bono contributions, ensures alignment of Axinn's pro bono efforts with the firm's social justice focus, and supervises several matters in conjunction with Axinn's pro bono partner organizations. He also sits on the Board of Directors of Volunteer Lawyers for the Arts NYC ("VLA"). His personal pro bono matters have included acting on behalf of indigent artists in partnership with VLA, representing indigent women seeking divorce and child support, assisting with a successful petition for permanent status under the Violence Against Women Act and assisting the Orange Giraffe Project ("OGP"), a tax-exempt organization dedicated to providing support to women cancer survivors, to obtain 501(c)(3) status. He has also been for many years an active supporter of the Practicing Attorneys for Law Students ("PALS")

Program, which enhances the skills and careers of minority law students and junior attorneys.

Experience

Litigation

- Lead counsel to Florida Association of Realtors® in sprawling real estate agent commission cases.
- Successful defense of Tyson Foods in multiple class action and arbitration matters related to animal proteins.
- Representation of multiple defendants in the Auto Parts class-action MDL in Detroit, Michigan.
- Representation of a food care device manufacturer in Sherman Act Section 2 litigation in the District of New Jersey.
- Defeated a motion for preliminary injunction in a pharmaceutical industry dispute in the District Court for the District of Columbia. Within less than a week, the Axinn team successfully moved to intervene and submitted opposition papers, and Nick argued before U.S. District Judge Ellen Huvelle at the preliminary injunction hearing. The Court denied the motion three days later, allowing Axinn client Alvogen's valuable generic version of the antibiotic Vancocin® to remain on the market.
- Completed a bench trial in a federal breach of contract action in the Southern District of New York, in which the Axinn team secured a judgment that defendant breached the contract at issue.
- Obtained dismissal of Sherman Act claims on behalf of a major building products manufacturer in the Eastern District of Pennsylvania.
- Represented a film exhibition industry client seeking damages and injunctive relief in a Sherman Act and Clayton Act matter in the Southern District of New York, ultimately securing several beneficial settlements.
- Worked on teams representing a pharmaceutical industry client in obtaining a temporary restraining order and seeking preliminary injunction in a Hatch-Waxman matter; defending a major retailer from patent and trademark infringement claims; seeking preliminary injunction on behalf of a specialty chemicals client in a Sherman Act and Clayton Act matter; and appealing a trade secrets matter in the United States Court of Appeals for the Federal Circuit.

Merger

- Lead antitrust counsel to Ball Corporation in its \$5.6B sale of its aerospace business to BAE, helping to secure the fastest clearance of a defense deal in which a U.S. antitrust agency investigated and issued a Second Request. Importantly, Ball did not have to incur

the burden of substantially complying with the Second Request in order for the Antitrust Division to resolve its investigation.

- Counseled and represented Centerbridge Partners and KIK Custom Products in the DOJ review and clearance of the sale of KIK Personal Care to its competitor, Voyant Beauty, a portfolio company of Wind Point Partners.
- Counseled and represented Sagard Holdings, Fairfax Financial Holdings, and Peak Achievement Athletics in the DOJ review and clearance of the acquisition of Easton Diamond Sports by Rawlings Sporting Goods.
- Counseled and represented Stone Point Capital and Mitchell | Genex in DOJ review and clearance of the acquisition of Coventry's Workers' Comp Services.
- Served as global coordinating counsel to Ball Corporation in its \$6.85 billion acquisition of Rexam PLC, which required filings in several international jurisdictions, including in particular, overseeing securing of antitrust approval by Brazil's CADE. Also represented Ball in its \$577 million acquisition of MCC assets from InBev.
- Represented H.I.G. Capital and its holding company, recycled paperboard manufacturer Caraustar Industries, Inc., before the DOJ in 6+-month investigation of their \$362.5 million acquisition of The Newark Group, which was closed without remedy or enforcement action. Also represented Caraustar in its acquisition of industrial product manufacturer Summer Industries.
- Represented SunGard in DOJ's litigated challenge to its acquisition of Comdisco in the District Court for the District of Columbia, in which the Court ruled for the merging parties, denying the DOJ's preliminary injunction request.
- Represented Bauer Performance Sports, Ltd. as U.S. antitrust counsel in its \$330 million asset acquisition of the Easton baseball, softball and lacrosse businesses from Easton-Bell Sports.
- Represented Bemis Company in its \$1.2 billion acquisition of the Food Packaging America assets of Rio Tinto.
- Represented A&P in its acquisition of Pathmark Stores.
- Represented GameStop in its acquisition of Electronics Boutique.
- Represented Ecolab in its proposed acquisition of Permian Mud LLC and Optical Distributor Group in its acquisition by ABB Concise.
- Represented Matlin Paterson in private litigation in the Southern District of New York to prevent hostile acquisition of a holding company by a rival fund.
- Represented BellSouth in its \$67 billion acquisition by AT&T.
- Represented Cingular in its \$41 billion acquisition of AT&T wireless.

Government Investigations

- Represented a Japanese auto-parts company in connection with cartel investigations by the DOJ, the European Commission, and the Canadian Competition Bureau. Axinn negotiated significant reductions in the scope of the U.S. investigation and prevented any adverse action by foreign governmental authorities.
- Successfully represented the owner of the Ultimate Fighting Championship in connection with multiple investigations by the Federal Trade Commission, all of which were terminated without enforcement action taken.
- Guiding a major manufacturer through an internal investigation of a potential Sherman Act violation.
- Successfully represented an e-commerce provider in a state attorney general investigation, securing termination of the investigation with only an assurance of discontinuance that caused minimal business disruption.

Counseling

- Corporate compliance program design and training and analyzing commercial arrangements, such as vertical distribution, pricing practices and internet retail.
- Advised a major sporting goods brand regarding the design, roll-out and enforcement of its national minimum advertised price policy.

Honors

- Winner - *Concurrences* 2025 Antitrust Writing Award for "A Year of Antitrust Challenges Within U.S. Organised Sports"
- *Chambers USA* – New York: Antitrust (2020 – 2024)
- *The Legal 500 United States* – Antitrust: Merger Control (2024)
- *Lawdragon*, "500 Leading Antitrust & Global Competition Lawyers" (2025)
- *Lawdragon*, 500 Leading Dealmakers in America (2024 – 2025)
- *Lawdragon*, 500 Leading Litigators in America (2023 – 2025)
- *Crain's New York Business*, Notable Litigators & Trial Attorneys (2025)
- Axinn won *Global Competition Review* "Law Firm of the Year" (Americas) (2021 and 2016)
- *Who's Who Legal: Competition* (2022 – 2024)
- *Who's Who Legal: Competition* Future Leaders (2017 – 2021)
- Fellow, Litigation Counsel of America (2021 - present)

- In February of 2018, Axinn was nominated for Global Competition Review “Litigation of the Year – Cartel Defence” for its work on behalf of Nishikawa Rubber Company in the Auto Parts litigation. This award recognizes “creative, strategic and innovative litigation on behalf of a defendant in a private action for cartel damages.”
- Axinn’s New York Antitrust Group was featured as “Elite” in *Global Competition Review’s* “New York’s Competition Bar” rankings
- Winner, 2021 Concurrences Antitrust Writing Award (Business Article, Cross-border Issues subcategory), “Do You Have to Put Up With That? Legal Protections in the Context of Antitrust Law Investigations in the U.S. and E.U.” (English publication pending)
- Empire State Counsel Honoree for pro bono service (2022)
- InMotion (now called HerJustice) “Commitment to Justice Award” for “outstanding commitment to the ideal of access to justice for all individuals” (2013)
- First George Washington University Law School Student Team Member to Win Two Separate Moot Court Competitions
- Recipient, The Jacob Burns Award; Best Overall Competitor, Van Vleck Constitutional Law Moot Court Competition
- Winning Team, Van Vleck Constitutional Law Moot Court Competition
- Winning Team, McKenna and Cuneo Government Contracts Moot Court Competition
- Member, Moot Court Board. The George Washington Law Review, (1999 – 2000)

Education

JD, with Honors – The George Washington University Law School (2001)

BA – Duke University (1994)

Admissions

- New York
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court Eastern District of Michigan
- U.S. District Court Southern District of New York
- U.S. Court of Appeals for the District of Columbia Circuit

Quotes

“Nicholas is wicked smart, hard-working and creative.”

— *Chambers USA*

“He’s responsive, he makes himself available day or night.”

— *Chambers USA*

“Nick is amazing [and] goes above and beyond to make himself available.”

— *Chambers USA*

“Incredibly practical lawyer” who is able to “navigate difficult spaces with a real grace”

— *Who's Who Legal*

“Very strong merger lawyer”...“extremely technical”

— *Who's Who Legal*