



John DeQ. Briggs

Partner

Washington, DC

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SPOTLIGHT

A highly experienced antitrust lawyer who is described by sources as "incredibly smart," "very articulate," and a "Leader in his Field."
– *Chambers USA*

Featured by *GCR* as one of a small number of antitrust lawyers enjoying "A Decade at the Top"

Recipient of BTI Client Services "All Star" Award based on repeat nominations by Fortune 1000 Chief Legal Officers for "client focus, delivery of results, and exceptional understanding of clients' business"

Recently awarded a Lifetime Achievement Award by Marquis for "Career Longevity and Demonstrated Unwavering Excellence."

PRACTICE AREAS

Antitrust

Litigation

EDUCATION

JD – Georgetown University

Officer, United States Navy

AB – Harvard College

PROFILE

John DeQ. Briggs is one of the most accomplished competition lawyers of his generation. Since 1973, Mr. Briggs has been antitrust and litigation counsel of choice for dozens of major companies in the United States, Asia, Europe and Scandinavia. Client demand for his work has mainly focused on antitrust, M&A and complex civil litigation, including especially matters implicating shareholder liability and jurisdiction based on principles of veil piercing, agency and alter ego. Prior to joining Axinn, Mr. Briggs served for more than 10 years as the Chair of the antitrust practice for Howrey LLP, during his tenure the largest private antitrust practice in the world. From 2009 until 2019 he was an adjunct Professor of International Competition Law at George Washington University.

Mr. Briggs is also a past Chair of the American Bar Association's ten-thousand-member Section of Antitrust Law; a Senior Fellow in the Litigation Counsel of America, The Trial lawyer Honorary Society; and was also recently elected a Fellow of the American Bar Foundation.

He has been a prolific writer, having published some 50 articles and edited an edition of the ABA Antitrust Section's flagship publication *Antitrust Law Developments*. He is now in the final throes of publishing his first major non-legal book with a working title of *America in Turmoil: Essays on Politics, the Economy, Society, and the Future*. Publication will be early summer of 2023.

In addition:

- Mr. Briggs has served as an expert witness on U.S. antitrust law at the behest of companies and law firms in proceedings around the world, including Australia, Canada, Switzerland, the United

ADMISSIONS

District of Columbia

U.S. Supreme Court

U.S. Court of Appeals for the District of Columbia Circuit, the Federal Circuit, and the Second, Third, Fourth, Fifth, Sixth, Ninth and Eleventh Circuits

Kingdom and the United States.

- Mr. Briggs has represented one or both merging parties in fully litigated successful merger cases against both the FTC and the DOJ and was engaged as Special Trial Counsel by the Comptroller of the Currency to defend at trial a bank merger approved by the Comptroller yet challenged by the DOJ.
- Mr. Briggs has been lead counsel for antitrust non-merger and other complex business disputes in the federal or state courts of some twenty-five states, and has been lead counsel on appellate matters in the Supreme Court and in the Second, Third, Fourth, Fifth, Sixth, Ninth, Eleventh, and Federal Circuits.

Mr. Briggs has been recognized by his peers and by numerous publications as at the top of his field. For example:

- He is classified by Chambers and Partners as “incredibly smart,” “very articulate,” and a “Leader in his Field”
- He is a repeat recipient of the BTI Client Services “All-Star” Award based on nominations by Fortune 1000 Chief Legal Officers for “client focus, delivery of results, and exceptional understanding of clients’ business”
- *Global Competition Review* featured him as one of a small number of antitrust lawyers enjoying “A Decade at the Top” and otherwise characterized him as a “Great Courtroom Lawyer”
- He has been recognized for more than a decade as a “Washington, DC *Super Lawyer*” and has been named among the “*Best Lawyers in America*” each year since at least 2005.
- He has recently been awarded a Lifetime Achievement Award by Marquis for “Career Longevity and Demonstrated Unwavering Excellence.”

PROFESSIONAL ACTIVITIES

- American Bar Association, Section of Antitrust Law: Chair (1995-1996); Program Officer (1993-1994); Secretary (1991-1992); Chairman of Editorial Board of Antitrust Law Developments (1984-1989)
- Member, MLex Advisory Board, (2016-2020)
- Member, Advisory Board, Bureau of National Affairs’ Antitrust and Trade Regulation Report (1994-2015)

- Member, Law360 Advisory Board, (2010-2015)
- Member, Trial Law Institute
- Member, Diversity Law Institute
- Barrister, Order of Veritas, Diversity Law Institute
- Advocate, Order of Certus, Diversity Law Institute
- Fellow, American Bar Foundation
- Board of Trustees, Legal Aid Society of the District of Columbia (1996-2010)

EXPERIENCE

Representative Matters as Lead Counsel: 2001-2023

Affinia Group and its affiliate *Wix Filtration* in a multidistrict price fixing class actions in the U.S. and Canada, as well as in transactional matters.

Checkpoint Systems in vacating an \$80 million adverse antitrust jury verdict procured by a rival and in defending that outcome on appeal to the third circuit.

Confidential Chinese and Japanese clients in connection with U.S. antitrust matters, criminal and civil.

Dana Corporation in a variety of matters, including: (1) its successful antitrust defense to the hostile cash tender offer mounted by ArvinMeritor; (2) a series of veil piercing and contract litigations arising out of the company's ownership of a long-defunct producer of asbestos products; (3) the successful defense of a RICO class action case; and a variety of acquisitions and joint ventures.

Harris Holdings plc in litigation brought against it and affiliates by the FTC and certain States.

Hexcel in its defense of a large contract claim by Hercules in the New York Supreme Court and in its pursuit of a price fixing claim against BP in California federal court, among other matters, including in connection with several mergers and acquisitions.

Independence Blue Cross in connection with an ongoing multidistrict class action pending in Birmingham, Alabama; in its defense of a claim for monopolization and monopolization brought by a local hospital; and in

connection with several transactional matters and advisory matters.

Louisiana Health Services Inc. in the defense and mediated settlement of a claim under Section 2 of the Sherman Act brought by a consortium of HCA-owned hospitals in Louisiana.

Medco in connection with a confidential class arbitration matter as well as other matters.

Merck in connection with the defense of antitrust claims made against it by plaintiffs claiming to have been injured by the company's assertion of legitimate patent rights and in related counseling matters.

Rockwell Automation in a cluster of nine (9) very substantial and interrelated patent/antitrust cases in Illinois and Wisconsin.

Rockwell Collins in connection with the defense of a monopolization claim brought against it by an avionics rival and defending the favorable judgment in the federal court of appeals.

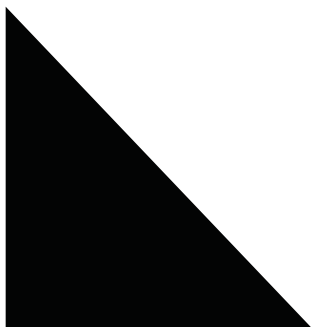
Rockwell International in its successful and controversial opposition to the combination of GE and Honeywell before the European Commission, as well as in several merger/acquisition matters.

Quantum in connection with complex private litigations and class actions against it arising out of certain IP licensing programs as well as in its acquisition of Certance and others.

Shintech Incorporated and its Japanese shareholder Shin-Etsu Chemical Co. in an ongoing private treble damage class-action cartel proceeding pending in Buffalo New York Ltd. the shareholder Shin-Etsu has been dismissed from the case for want of personal jurisdiction after extensive briefing and a considerable amount of jurisdictional discovery.

Tomkins plc in a cartel proceeding in Europe and associated successful appeals to the General Court and the European Court of Justice and in the defense of a price discrimination case in federal court in New York brought by nearly one hundred plaintiffs.

Representative Matters as Lead Counsel: 1991-2000



Ameristeel, Cargill and some nineteen other steel companies in the prosecution and settlement of a treble damage price fixing case brought against the members of a worldwide cartel of graphite electrode producers, achieving settlements in the area of two hundred million dollars.

Dana Corporation in several litigated matters, including: (1) a substantial veil piercing case brought by the creditors of an insolvent captive reinsurance subsidiary; (2) the successful pursuit of a RICO and contract claim against a health insurance company; and (3) multiple litigations involving the alleged liability of Dana (as shareholder) to building owners and certain individuals arising out of the production and sale of asbestos products by a long-defunct and dissolved former subsidiary of the company.

Gates Corporation in its defense of antitrust counterclaims brought by Bando in response to a suit for patent infringement.

Rockwell International in many litigated matters including: (1) a veil piercing case brought by the creditors of the company's captive Bermudian reinsurance subsidiary; (2) a successful patent misuse defense against Motorola's multi-billion dollar patent claims, and (3) antitrust litigation under the Cartwright Act.

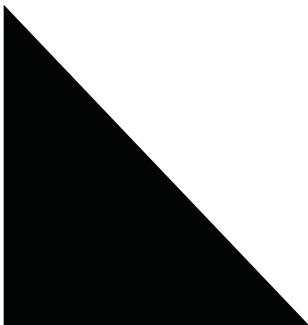
Prudential Reinsurance Co. in *Hartford Fire Ins. Co. v. California*, 509 U.S. 764 (1993), the leading case dealing with the limitations of the boycott exception to the insurance immunity provided under the McCarran-Ferguson Act as well as the extraterritorial reach of the Sherman Act. Acted as lead counsel in the district court and the Ninth Circuit Court of Appeals as well.

Uniroyal-Goodrich Tire Co. in private antitrust litigation as well as in various transactions, including the sale of the enterprise to Michelin.

Representative Matters as Lead/Trial Counsel: 1973-1990

Black & Decker in the successful litigated defense of the DOJ challenge to the company's acquisition of McCulloch, and in a variety of other matters.

Canadian Chamber of Commerce and Canadian Manufacturers' Association as *amici curiae* in the Supreme Court in *Copperweld v. Independence Tube Corporation*, 467 U.S. 752 (1984).



Caterpillar in Merican, Inc. v. Caterpillar Tractor Co. (1983) (a leading third circuit case on the standing of certain indirect purchasers to sue indirect suppliers for damages under the Sherman Act) and in a number of dealer termination proceedings.

Crompton Corporation (and its predecessor *Uniroyal Chemical Company*) in connection with various counseling and transactional matters.

Dana Corporation in a wide variety of litigated matters, government investigations and transactions.

Distilled Spirits Council of the U.S. (DISCUS) in Louisiana litigation brought against an entire industry by *Schwegmann Bros. Giant Super Markets* (as to DISCUS, the court found the council's attempts to influence public officials exempt from antitrust laws under the *Noerr-Pennington* doctrine).

McCulloch Corporation in California antitrust litigation brought under federal and state antitrust statutes.

Monroe Auto Equipment Company in the fully litigated merger litigation instituted by the FTC against Monroe and the purchaser of its shares, Tenneco, Inc.

Uniroyal, Inc. in various litigations and also in connection with transactional matters.

Special trial counsel for *The U.S. Comptroller of the Currency* in the successful defense of a fully litigated bank merger approved by the Comptroller and opposed by the Department of Justice.

HONORS

- *Chambers USA*: "America's Leading Lawyers for Business" recognized John Briggs as: "incredibly smart," "very articulate," and a "Leader in his Field"
- Repeat recipient of BTI Client Services "All Star" Award based on repeat nominations by Fortune 1000 Chief Legal Officers for "client focus, delivery of results, and exceptional understanding of clients' business" (2005-2007)
- Featured by *Global Competition Review* as one of a small number of antitrust lawyers enjoying "A Decade at the Top" (August 2007)

- In 2022, he was awarded a Lifetime Achievement Award by Marquis for "Career Longevity and Demonstrated Unwavering Excellence."
- *The Legal 500 United States* (2022 – 2023)
- "The Best of the Best" and a Washington, DC *Super Lawyer* (2004 – 2023)
- "Best Lawyers in America" each year since 2005
- His 2014 article, "*Schrödinger's Cat and Extraterritoriality*," Antitrust Magazine (Fall 2014), was awarded the Concurrences/George Washington University 2015 Writing Award for Best Antitrust Academic Article, Cross-Border Issues.
- His 2018 article, "*Re-designing the American Antitrust Machine- Part I: Treble Damages, Contribution and Claim reduction*," was nominated and short-listed for Best Academic Articles Category (published in "Douglas H. Ginsburg, an Antitrust Professor on the Bench," Liber Amicorum, by the Institute of Competition Law, 2018).
- His 2013 article "*Rethinking US Antitrust Policy and Administration: Joining the Rest of the World in the 21st Century*" (co-authored with Donald I. Baker) was nominated and short-listed for the Academic Articles category, General Antitrust (published in "William E. Kovacic - An Antitrust Tribute, Vol. II" by the Institute of Competition Law, 2014).
- *Super Lawyers* (2009 – 2024)
- *Who's Who Legal: Competition* (2019 – 2023)
- Senior Fellow, Litigation Counsel of America, the Trial Lawyer Honorary Society