AXINN

Kail J. Jethmalani

Partner

New York

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SPOTLIGHT

"Kail Jethmalani is 'one of the best lawyers of his generation' who impresses with 'his ability to quickly understand complicated issues and develop big picture strategies'" – *Who's Who Legal* Future Leaders 2021

PRACTICE AREAS

Antitrust

Litigation

EDUCATION

JD, magna cum laude – University of Michigan Law School (2014) Order of the Coif

BA – Skidmore College (2009)

ADMISSIONS

New York

U.S. District Court District of Colorado

U.S. District Court District of Connecticut

U.S. District Court District of Maryland

U.S. District Court Eastern District of Michigan

U.S. District Court Eastern District of

PROFILE

Kail Jethmalani represents clients across industries in all areas of antitrust law, including high-stakes litigation, domestic and cross-border mergers, and investigations.

As one of only three attorneys named "most highly regarded" Future Leaders in Competition in North America" by *Who's Who Legal* in 2021 and 2022, clients rely on Kail's pragmatic approach to advancing cohesive defense strategies as coordinating counsel in multidistrict litigation. His recent litigation experience includes multiple treble-damage class actions and State Attorney General litigations alleging industrywide conspiracies to raise the prices of broiler chicken and pork, and to suppress compensation to broiler chicken farmers.

Kail serves as Vice Chair of the American Bar Association Section of Antitrust Law's Marketing Administrative Committee. His diverse pro bono practice includes helping immigrants obtain asylum in the U.S., representing a prison inmate in a civil rights case against government officials, and representing a class of restaurant workers to recover unpaid wages.

Prior to joining Axinn, Kail interned at the Civil Division of the U.S. Attorney's Office for the Eastern District of New York. He earned his JD from the University of Michigan Law School.

PROFESSIONAL ACTIVITIES

- American Bar Association, Section of Antitrust Law, Marketing Administrative Committee, Vice Chair (2022-2024)

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New York

U.S. District Court Southern District of New York

- American Bar Association, Section of Antitrust Law, Integrated Marketing Initiative Task Force (2021-2022)
- American Bar Association, Section of Antitrust Law, Special Operations Team: Integrated Marketing Initiative (2019-2021)
- American Bar Association, Section of Antitrust Law, Corporate Counseling Committee, Young Lawyer Representative (2017-2019)
- South Asian Bar Association of North America, Antitrust Committee, Co-chair (2021-23)

EXPERIENCE

- Representing Tyson Foods Inc. in multiple major treble-damage class actions and state attorney general litigations alleging industrywide conspiracies to raise the prices of broiler chicken and pork, as well as a conspiracy to depress broiler grower pay.
- Antitrust counsel to Choice Hotels International Inc. in the proposed acquisition of Wyndham Hotels & Resorts.
- Representing Axinn's longstanding client, Independence Blue Cross of Pennsylvania (IBX), in a class action MDL against the Blue Cross Blue Shield Association and individual Blue Cross and Blue Shield plans. The lawsuit, which alleges that the plans' designated service areas are anti-competitive, is the most significant challenge to the Blue System in its 80-year history.
- Represented Nishikawa Rubber Company in an auto parts criminal investigation and automotive parts class action MDL in the U.S. District Court for the Eastern District of Michigan.
- Represented Dell Inc. in its $67 billion acquisition of EMC Corporation.
- Represented Interactive Data Corporation in its $5.2 billion acquisition by Intercontinental Exchange Inc.
- Representing Accelera, a zero-emissions business unit of Cummins Inc., in its proposed $3 billion joint venture with Daimler Truck North America and PACCAR.
- Represented Tyson Foods Inc. in its $2.6 billion acquisition of Keystone Foods' leading international chicken business.
- Represented Tyson Foods Inc. in its $850 million acquisition of American Proteins.

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- Obtained clearance for Charles River Laboratories' $585 million acquisition of WIL Research Laboratories.

More

- Represented Thermo Fisher Scientific Inc. in its $1.3 billion acquisition of Affymetrix and multiple other transactions.
- Represented H.I.G. Capital and recycled paperboard manufacturer Caraustar Industries, Inc. before the DOJ in 6+-month investigation of their $362.5 million acquisition of The Newark Group.

HONORS

- *Best Lawyers*, Ones to Watch (2021- 2022; 2024)
- *Who's Who Legal*: Competition, Future Leaders (2020-2023)
- *Who's Who Legal*: Thought Leaders - Global Elite (2023)
- U.S. District Court for the District of Connecticut, Pro Bono Honor Roll (2023)
- New York State Bar Association, Empire State Counsel Honoree for Pro Bono Service (2017, 2018, 2021, 2022)
- *Global Competition Review*, on the team shortlisted for "Litigation of the Year – Cartel Defence" for its work on behalf of Nishikawa Rubber Company in the Auto Parts litigation (2018)

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