

James H. Weingarten

Partner

— VCARD

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James H. Weingarten is a partner in the Washington, DC office of Milbank and a member of the firm's Litigation & Arbitration Group.

Primary Focus & Experience

Mr. Weingarten is a seasoned trial lawyer who has served as first chair trial counsel and lead counsel in federal courts and federal agency administrative proceedings. He has significant experience in antitrust matters, both conduct and merger related, including most recently serving as first chair trial counsel representing the Federal Trade Commission (FTC) in federal court and administrative proceedings challenging anticompetitive mergers and conduct. He also has experience litigating competition matters across industries, with a focus on the healthcare, pharmaceutical and technology sectors.

Representative matters include serving as lead attorney/first chair in:

- *FTC v. Microsoft Corp. & Activision Blizzard, Inc.* (N.D. Cal. and FTC administrative proceeding) (Merger control)*
- *FTC v. The Kroger Co. & Albertsons Cos., Inc.* (D. Or. and admin proceeding) (Merger control)*
- *FTC v. Syngenta Corp.* (M.D.N.C.) (Sherman & Clayton Act claims)*
- *FTC v. 7-Eleven* (D.D.C.) (Consent Order violation)*
- *FTC v. Sanofi* (D. Mass.) (Merger control)*
- *FTC v. HCA Healthcare & Steward Health Care Systems* (D. Utah and admin proceeding) (Merger control)*
- *FTC v. RWJ Barnabas Health & Saint Peter's Healthcare System* (D.N.J. and admin proceeding) (Merger control)*
- *In re Nvidia Corp., Softbank Group Corp., Arm Ltd.* (FTC admin proceeding) (Merger control)*

Representative matters in pharmaceuticals, hospitals and chemicals/industrials:

- *FTC v. Vyera Pharmaceuticals, LLC, Kevin Mulleady, and Martin Shkreli* (S.D.N.Y.) (Sherman Act claims)*
- *FTC v. Thomas Jefferson University* (E.D. Pa. and admin proceeding) (Merger control)*
- *FTC v. RAG-Stiftung* (D.D.C. and admin proceeding) (Merger control)*

Representative trial matters with a focus on the pharmaceutical industry:

- *FTC v. AbbVie, Inc.*, four-week bench trial in the US District Court for the Eastern District of Pennsylvania, resulting in \$450M+ judgment in favor of FTC. Role included cross-examining opposing expert and fact witnesses. Recipient of FTC's Janet D. Steiger Award for outstanding contributions in connection with this trial.*
- *In re Impax Labs.*, administrative trial in FTC Part III administrative hearing. Role included cross-examining opposing expert and fact witnesses.*

Representative matters in antitrust and consumer protection:

- Represented pharmaceutical manufacturer in the first class action antitrust trial involving claims of pay-for-delay after Supreme Court's decision in *FTC v. Actavis*, resulting in a jury verdict in favor of the manufacturer.*
- Represented leading global technology company in federal and state antitrust investigations, resulting in no charges or claims being filed.*
- First chair trial counsel in jury trial representing a criminal defendant charged with conspiracy and felony and misdemeanor theft offenses, resulting in not guilty verdict on all felony charges.*
- Lead counsel for defendant in lawsuit alleging that client fraudulently induced investment in business venture, resulting in grant of summary judgment for client.*
- Represented leading global technology company in lawsuit brought by a proposed class of individuals who had made purchases in applications downloaded from the client's app store, resulting in the court granting a motion to deny class certification and voluntary dismissal of the lawsuit.*
- Represented pharmaceutical manufacturer in multi-state proceedings regarding Average Wholesale Price (AWP), including at trial involving claims brought by Kentucky State Attorney General.*
- Represented officers and directors of banks in civil suits brought by FDIC arising out of the banks' failures.*

*Representation occurred prior to joining Milbank

Recognition & Accomplishments

Prior to joining Milbank, James served as Chief Trial Counsel at the Federal Trade Commission. He held various other positions at the FTC after joining the agency in 2017. In those roles, he investigated and litigated significant merger and non-merger matters on behalf of the government. He litigated with state attorneys general and coordinated with foreign regulators. These experiences equip him not only to litigate on behalf of clients, but also to advise them on government merger and business practice investigations.

Before joining the FTC, James spent eight years as a litigation associate at Williams & Connolly LLP.

James graduated from Harvard Law School, *magna cum laude*, in 2007, and from Yale College, *magna cum laude*, in 2001. After law school, he clerked with Judge Danny Boggs on the US Court of Appeals for the Sixth Circuit.

ADDITIONAL DETAILS

EDUCATION

Harvard Law School, J.D.

Yale University, B.A.

ADMISSIONS

New York

District of Columbia

U.S. District Court for the District of Columbia

Supreme Court of the United States

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the Southern District of New York

EXPERIENCE

Antitrust

Litigation & Arbitration

United States

FEATURED NEWS

FTC Chief Trial Counsel James Weingarten Joins Milbank's Antitrust and Competition Group

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