



Jack E. Pace III

Partner, New York

T +1 212 819 8520

+1 212 819 8200

E jpace@whitecase.com

Bars and Courts

New York State Bar

US District Court for the Southern District of New York

US District Court for the Eastern District of New York

US Court of Appeals for the First Circuit

US Court of Appeals for the Second Circuit

US Court of Appeals for the Third Circuit

US Court of Appeals for the Fifth Circuit

US Court of Appeals for the Seventh Circuit

US Court of Appeals for the Eighth Circuit

Education

JD, Fordham University School of Law, cum laude, Stein Scholar, Order of the Coif, 1998

BA, Fordham University, summa cum laude, Phi Beta Kappa, 1995

Awards and Recognition

Jack Pace was named a "Litigator of the Week" by Global Competition Review for securing reversal of class certification in the Asacol® product-hopping litigation.

Practice Experience

Jack Pace is a core member of White & Case's leading global antitrust litigation practice, which is ranked by Chambers USA in Band 1 for cartel matters and has won the Competition Group of the Year award from *Law360* more than any other firm has, including for an unprecedented six years in a row. The Firm's antitrust litigation practice is ranked in the top 5 of the *Global Competition Review's* GCR 100 rankings and has been included in that publication's "Global Elite."

Jack is also Head of the Competition Section for the Firm's Americas Region.

Drawing upon energy and creativity well known to the Firm's clients, Jack has achieved major victories in many complex litigation matters, including jury verdicts (including antitrust, unfair competition, and RICO actions), appellate victories (Doryx antitrust litigation, Asacol antitrust litigation, GM seeds antitrust litigation), dismissals of antitrust claims on the pleadings and at summary judgment (numerous "reverse payment" and "product hopping" cases, *White v. JP Morgan Chase*, *VantageScore* antitrust litigation), and groundbreaking defeats of class certification (Asacol antitrust litigation, *Blades v. Monsanto*).

Jack successfully has represented clients in numerous trials and other litigation settings against private parties, federal prosecutors, and state attorneys general. He also has represented many leading global companies in class action litigation matters at the cutting edge of antitrust and intellectual property.

He has been recognized as a leading antitrust lawyer by several publications. Jack is ranked by Legal 500 in the Cartel and Antitrust Civil Litigation/Class Action categories and is a two-time "MVP" in *Law360*, winning the award in the Life Sciences category 2015 and in the Competition category in 2011. Jack also was named a "Rising Star under age 40" among US competition lawyers by *Law360* in 2013 and a "Rising Star" among all New York lawyers by the *New York Law Journal* in 2013.

Jack works with clients across a broad spectrum of industries, including pharmaceuticals, financial services, agriculture, energy, and insurance.

He has done extensive work on behalf of the Firm's pro bono clients, in cases involving domestic violence, criminal appeals, and special education. He is also the Chair of the Board of Reach Out and Read of Greater New York, a not-for-profit organization focused on school readiness and early literacy.

Jack regularly speaks and writes on antitrust, attorney-client privilege, and other complex litigation issues. He is an associate editor of *Antitrust Magazine* and regularly publishes articles on antitrust law, class

Legal 500, Recommended in Cartel Category and "Next Generation Lawyer" in Antitrust Civil Litigation/Class Action Category 2018, 2019

MVP, Life Sciences, Law 360, 2015

Co-MVP, Antitrust Litigation – Competition, Law 360, 2011

Appointed as Fellow to American Bar Foundation, 2017

Benchmark Litigation, "Litigation Star" 2017

Named to Best Lawyers in America for Antitrust Law, 2015, 2016, 2017, 2018

New York City Bar's Antitrust & Trade Regulation Committee, 2014-2018

Rising Star, US Competition Lawyers aged 40 and under, Law 360, 2013

Rising Star aged 40 and under, New York Law Journal, 2013

Languages

English

Citizenship

United States

certification, and other subjects.

Representative cases include the following:

□ **Antitrust and innovation**

Successfully defended Allergan in nationwide antitrust class action litigation regarding the company's leading Botox® Cosmetic product. The plaintiffs sought to prevent competition by blocking an exclusive license agreement that would create new competition in the sale of injectable neurotoxins in the United States.

Successfully defended several leading pharmaceutical manufacturers against antitrust challenges to the launch of new products.

In a noteworthy recent example, represented Allergan/Warner Chilcott in litigation brought by competitor Mylan, challenging Warner Chilcott's transition to new versions of its Doryx acne treatment. Jack and the White & Case team obtained dismissal of all of Plaintiff's claims on summary judgment, representing the first-ever victory for a defendant on a full evidentiary record in a so-called pharmaceutical "product hopping" litigation. The Third Circuit Court Appeals affirmed the client's victory, creating the only appellate precedent in favor of a defendant in a "product hopping" case.

□ **Antitrust challenges to pharmaceutical settlement agreements**

National trial counsel for several leading innovator pharmaceutical manufacturers (including Allergan, Boehringer Ingelheim, and Pfizer) in antitrust challenges to settlement agreements and other business arrangements between innovators and generic manufacturers. Among other things, Jack is playing a leading role in the class certification and economic analyses involved in these cases.

□ **Consolidated price-fixing class actions**

Successfully defended a leading global potash supplier in consolidated class action litigation involving claims under antitrust and unfair competition laws.

□ **FDA regulatory approval of innovative pharmaceutical products**

Successfully defended a leading global pharmaceutical manufacturer in preliminary injunction proceedings that challenged Food and Drug Administration (FDA) approval of a biosimilar drug.

□ **Experian Information Solutions, Inc.**

Representing Experian, Jack and his colleagues obtained a jury verdict on all claims brought by Fair Isaac Corporation in an action concerning allegations of unfair competition and trademark infringement in the sale of credit risk scoring services. The jury also found in favor of Experian on its counterclaim that the plaintiff had

committed fraud on the US Patent and Trademark Office in obtaining its registration for the trademark-in-suit. Jack and his colleagues also obtained dismissal of all antitrust and false advertising claims on summary judgment. The trial victory and summary judgment victory were upheld by the 8th Circuit Court of Appeals.

- **Experian Information Solutions, Inc.**
Representing Experian, Jack and his colleagues obtained dismissal of all claims in a nationwide class action asserting antitrust claims against leading financial institutions, credit reporting companies, and credit scoring agencies.
- **Antitrust /intellectual property litigation**
Successfully represented several major pharmaceutical manufacturers in monopolization litigation involving allegations of fraud on the United States Patent and Trademark Office.
- **Defense against deceptive and unfair trade practice claims**
Represented a legal services support company in class action litigation asserting claims under state deceptive and unfair trade practice laws. Jack and his colleagues obtained denial of the class certification motion and dismissal of all claims against our client.
- **Employment class action litigation**
Represented a leading pharmaceutical company in putative class actions involving claims under Title VII and the wage and hour laws, respectively. Obtained the dismissal of all claims against our clients in both matters on grounds of corporate separateness and plaintiffs' failure to justify piercing the corporate veil.
- **RICO litigation**
Represented a coalition of insurance companies in a 10-week jury trial involving RICO and fraud claims. Obtained the first verdict against the tobacco industry by a third-party payer.

Publications

"Understanding and Un-Tying Product Hopping Litigation, Part II: A Reply to Carrier and Shadowen" *Antitrust*, Vol. 33, No. 2, Spring 2019 (co-author)

"Doryx, Namenda, and Coercion: Understanding and Un-Tying Product-Hopping Litigation," *Antitrust*, Vol. 32, No. 3, Summer 2018 (co-author)

"Looking for Sunlight in *Shady Grove*: The Fate of State Law in Federal Diversity Cases Remains Unclear," *Antitrust*, Volume 30, No. 2, Spring 2016 (co-author)

"Third Circuit Holds, 'Give Peace a Chance': The De Beers Litigation and the Potential Power of Settlement," *Antitrust*, Volume 27, No. 2,

Spring 2013 (co-author)

"E-discovery 'Worst Practices,'" 4 *The Senior Lawyer* 56, Spring 2012 (co-author)

Antitrust Law Developments (Seventh), 2012 (contributor to chapter on equitable and class action tolling)

The Monopolization and Dominance Handbook, American Bar Association, Antitrust Section, July 2011 (contributing editor)

"From Shady to Dark: One Year Later, Shady Grove's Meaning Remains Unclear," *Antitrust*, Volume 25, No. 2, Spring 2011 (co-author)

"E-discovery 'Worst Practices': Ten Sure-Fire Ways to Mismanage Document Review and Production," 14 N.Y. Bus. L.J. 62, Winter 2010 (co-author)

"E-discovery 'Worst Practices,'" 2 *The Senior Lawyer* 33, Fall 2010 (co-author)

"E-discovery 'Worst Practices': Ten Sure-Fire Ways to Mismanage a Litigation Hold," 13 N.Y. Bus. L.J. 48, Fall 2009 (co-author)

Annual Review of Antitrust Law Developments, 2008 (contributor to chapter on vertical non-price restraints)

"The Recent Wave, or Ripple, of Antitrust Class Certification Denials," *Antitrust Practitioner*, Volume 5, December 2006 (co-author)

"Testing the Security Blanket: An Analysis of Recent Challenges to Stipulated Blanket Protective Orders," *Antitrust*, Volume 19, No. 3, Summer 2005

"Conspiratologists at the Gate: The Scope of Expert Testimony on the Subject of Conspiracy in a Sherman Act Case, *Antitrust*," Volume 17, No. 2, Spring 2003, (co-author)

"Automatic Stays and Governmental Operations: How New York State Protects the Government from the Poor," 24 *Fordham Urban Law Journal*, Page 137, 1996

Professional Associations

American Bar Association, Litigation and Antitrust Sections
Antitrust Magazine, Editor
New York City Bar Association, Antitrust & Trade Regulation Committee

Panels/Speeches

"Pricing Issues In Pharma: Pay-For-Delay, Product Hopping" The Global Antitrust Economics Conference," Concurrences/NYU Stern

School of Business, May 31, 2019

"The Interplay of IP and Antitrust: What You Should Know in 2019,"
Webinar, April 3, 2019

American Lawyer Podcast, "The Modern Law Office: Can You Handle
It?," January 11, 2019

"Global Antitrust Pharma Webinar: Transatlantic Perspectives on Market
Definition," May 23, 2018

"Global Antitrust Pharma Webinar: A Transatlantic Perspective on
Product Hopping and Excessive Pricing," Nov. 30, 2017

"Recent Antitrust Developments: June, July and August 2013", ABA
Section of Antitrust Law, Health Care and Pharmaceuticals Committee,
September 13, 2013

"Class Actions in Federal Court after Shady Grove", sponsored by
Strafford Publications Inc., July 14, 2011

"U.S. Supreme Court's Decision in AT&T Mobility, LLC v. Concepcion,"
Bloomberg Radio, April 28, 2011

Guest Lecturer, "Antitrust Law," Fordham University School of Law,
2009, 2010 and 2012

Keynote speaker, Volunteer Lawyers for Justice (on private law firm
support for public interest legal work), April 8, 2009

"Hot Topics in E-Discovery: Attorney-Client Privilege, New FRE 502,
and Spoliation Sanctions," Bloomberg Litigation Seminar, June 5, 2008

"Managing Second Requests: Electronic Discovery," Antitrust Practicum
Brown Bag Series, ABA Section of Antitrust Law and Young Lawyers
Division Antitrust Committee, February 27, 2008

"Global Cartel Investigations and Recent Antitrust Law Developments:
Japan, the EU, the US, and China," Japan Machinery Center for Trade
and Investment, September 13, 2007

"Global Cartel Investigations and Recent Antitrust Law Developments:
Japan, the EU, the US, and China," White & Case Tokyo Special
Invitation Seminar, September 12, 2007