



Jack E. Pace III

Partner, New York

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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

MVP, Life Sciences, Law360, 2015

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

Benchmark Litigation, "Litigation Star"

Practice Experience

Jack Pace is a core member of White & Case's leading global antitrust litigation practice, which is ranked by Chambers in Band 1 for cartel matters and is the only practice at any firm to win Competition Group of the Year from *Law360* for six years in a row.

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

Jack has achieved major victories for his clients in many complex litigation matters, including jury verdicts (*Fair Isaac v. Experian*), appellate victories (*Doryx* "product hopping" 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 (*Blades v. Monsanto*).

Jack represents several leading global pharmaceutical companies (including Allergan, Pfizer, and Boehringer Ingelheim) 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 a two-time "MVP" by *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 certification, and other issues.

Representative cases include the following:

- **Antitrust and innovation**
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

2017

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

New York City Bar's Antitrust & Trade Regulation Committee, 2014, 2015, 2016

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

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 complex drug based on biological material.

□ **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**
Jack 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

"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

"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