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Practice Areas

- » Antitrust & Competition
- » Antitrust Counseling
- » Antitrust Litigation
- » Mergers and Acquisitions/Premerger Notification

Speaking Engagements & Seminars

- » Adjunct Professor of Law
- » Lecturer in Law

Stephen M. Axinn

PARTNER

Stephen M. Axinn is the firm's senior partner. Over the course of his career spanning almost 50 years, he has represented many of this country's leading corporate and individual clients in a wide variety of precedent-setting cases in trial and appellate courts throughout the nation. He also has counseled clients as to the antitrust aspects of many of the most significant merger and acquisition transactions in the past thirty years. Mr. Axinn is also an experienced antitrust criminal defense attorney.

For many years prior to forming AVH, Mr. Axinn headed the antitrust and trade regulation department at Skadden, Arps, Slate, Meagher & Flom LLP. He is the author of a number of scholarly articles on antitrust subjects. He is coauthor of the definitive treatise on the Hart-Scott-Rodino Antitrust Improvements Act published by Law Journal Seminars Press.

He served as lead counsel to Bemis Company in connection with its acquisition of the assets of Rio Tinto's Alcan Packaging Food Americas' division. He successfully won affirmance in 2011 in the Second Circuit of the summary judgment in favor of his client the health insurer, GHI in connection with its merger with HIP to create EmblemHealth. In 2010, he was Bemis Corporation's lead counsel in its acquisition of the North American packaging assets of Rio Tinto. In 2009, he was lead counsel to Ball Corp. in its acquisition of certain Anheuser Busch Inbev aluminum can manufacturing assets. Other clients have included MasterCard International, McKesson Corp., Zuffa, LLC, Hollywood Media, Harcourt General and the Stanley Works. . In 2006, Mr. Axinn represented BellSouth in the merger with AT&T. In 2005, he successfully represented GameStop in its acquisition of Electronics Boutique and Movie Gallery in its acquisition of Hollywood Video. In 2004, Mr. Axinn successfully defended Albert Einstein College of Medicine in securing dismissal of a major national class action complaint against it in Federal Court in Washington, D.C. Mr. Axinn was lead trial counsel for SunGard in the

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landmark case of *United States v. SunGard (Comdisco)* (D.D.C. 2001) in which the Court held, after trial, that the Government had failed in its effort to block the SunGard-Comdisco acquisition. In 1999-2000, Mr. Axinn was retained as lead counsel to the Antitrust Division of the U.S. Department of Justice in connection with the investigation and successful challenge of the proposed merger of MCI-WorldCom and Sprint..

Earlier in his career, Mr. Axinn successfully represented the supermarket industry in the defense of the Beef Antitrust Multi-district Litigation at both the district court level and in the Fifth Circuit Court of Appeals. He represented the GAF Corporation in its monopolization case against Eastman Kodak, both in the district court and the Second Circuit. He was also Texaco's trial and appellate counsel in its successful defense against Pennzoil in connection with the acquisition of Getty Oil, both in the lower court and on appeal to the Tenth Circuit. In 1996, Mr. Axinn successfully represented Harcourt Brace at the post-trial and appellate stage in its Ninth Circuit victory in a monopolization case brought by a bar review competitor. He has also successfully argued on behalf of The Stanley Works in a patent and trade secret case in the Federal Circuit Court of Appeals in 1996.

Mr. Axinn has been an adjunct professor of law at both NYU and Columbia Law Schools and has frequently lectured on antitrust and litigation issues for PLI and other continuing legal education organizations. He has also served as an advisor to the United States Sentencing Commission. He was the monthly antitrust columnist for the New York Law Journal for ten years. He regularly appears on CNN and other television programs to discuss antitrust matters.

Bar & Court Admissions

- » District of Columbia
- » New York
- » U.S. Court of Appeals for the Second Circuit
- » U.S. Court of Appeals for the Fifth Circuit
- » U.S. Court of Appeals for the Seventh Circuit
- » U.S. Court of Appeals for the Ninth Circuit
- » U.S. Court of Appeals for the Tenth Circuit
- » U.S. District Court Eastern District of New York
- » U.S. District Court Southern District of New York

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- » U.S. Court of Federal Claims
- » U.S. Federal Courts
- » U.S. Supreme Court

Education

- » Columbia Law School, New York, New York, 1962 LL.B.
- » Syracuse University, Syracuse, New York, 1959 B.S.

Articles & Newsletters

- » Milton Handler Antitrust Review 2002: In Search of Congruence Between Legislative Purpose and Administrative Policy, 2003 Colum. Bus. L. Rev. 431, 2003
- » Merger Review and Litigation Involving the Acquisition of Bankrupt Companies, ANTITRUST, a publication of ABA Section of Antitrust Law, Summer 2002

Professional Activities

- » American Bar Association, Antitrust Section, 1980 - 1983 Chair, Committee on Section 7 of the Clayton Act
- » New York State Bar Association, Antitrust Section, 1982 - 1985, Chair
- » Practising Law Institute, 1991; Co-Chair, White Collar Crime & the Federal Sentencing Guidelines

Recent News

- » AVH Partners Named New York Super Lawyers 2011 - Metro Edition
- » AVH Partners Named to Super Lawyers Business Edition 2011
- » AVH Wins in 2nd Circuit GHI HIP Merger
- » AVH Partners Again Ranked by Chambers
- » AVH Practice Groups, Attorneys Rank Highly in Chambers 2010 USA Release
- » Super Lawyers Names AVH Attorneys - New York Metro 2010

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- » AVH Recognized Among the Best Antitrust Practices in NY by Global Competition Review Magazine
- » AVH Partners Named New York Super Lawyers 2009 - Metro
- » Axinn, Veltrop & Harkrider LLP Ranked Among Top New York Law Firms by Chambers USA
- » Francis Morrison, William Rubenstein and Stephen Axinn included in the 25th anniversary edition of Best Lawyer in America
- » Steve Axinn on Channel 13's "The Open Mind"
- » AVH Attorneys Named New York Super Lawyers 2008
- » Chambers USA Ranks Axinn, Veltrop & Harkrider LLP Among Top New York Law Firms
- » AVH Represents INEOS in U.S. Litigation
- » Axinn, Veltrop & Harkrider LLP Successfully Defeats the City of New York's Motion for a Temporary Restraining Order Seeking to Enjoin the Affiliation Between Group Health Incorporated and the Health Insurance Plan of Greater New York
- » AVH Partners Named to New York Super Lawyers 2006 - Metro
- » AVH Obtains Antitrust Clearance for Rent-Way, Inc.'s \$567 Million Acquisition by Rent-A-Center
- » AVH Successfully Concludes Foreign Auction Bid Rigging Case
- » AVH Obtains Antitrust Clearance for Omnicare's Acquisition of Rival Neighborcare
- » AVH Wins Antitrust Clearance for Movie Gallery's Acquisition of Hollywood Video
- » Senior Partner Steve Axinn Named in Chambers USA 2005 Client's Guide
- » AVH Wins Dismissal of Yeshiva University from Antitrust Conspiracy Class Action
- » AVH Counsels BellSouth and Cingular in Acquisition of AT&T Wireless
- » AVH Represents Harcourt General in Sale to Reed Elsevier and Thomson Corporation
- » AVH Represents Sungard Data Systems Inc. in Acquisition of Availability Solutions Business of Comdisco Inc.
- » New York State Attorney General's Office Retains AV&H
- » AV&H Attorneys Named New York Super Lawyers 2007- Metro Edition