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New York

Practice Areas

- » Antitrust & Trade Regulation
- » Antitrust Counseling
- » Antitrust Litigation
- » BioMedical Practice Group
- » Complex Litigation
- » Litigation
- » Mergers and Acquisitions/Hart-Scott Rodino

Michael L. Keeley

PARTNER

Michael Keeley is active in the firm's Antitrust and Litigation practices, as well as the firm's BioMedical Practice Group.

Mr. Keeley's antitrust practice is broad-based and includes representing clients seeking antitrust clearance for strategic mergers and acquisitions before the antitrust agencies, representing plaintiffs and defendants in civil antitrust actions in the federal courts, and counseling companies, hedge funds and other private investment funds in complying with the antitrust laws in their day to day business activities. Mr. Keeley's strong antitrust practice was recognized in the 2007, 2008, 2009, and 2010 editions of Chambers USA.

Mr. Keeley has represented numerous acquiring and acquired companies before the Antitrust Division of the Department of Justice and the Federal Trade Commission, including:

- » Takeda Pharmaceuticals in its \$8 billion acquisition of Millennium Pharmaceuticals;
- » Supermarket operator The Great Atlantic & Pacific Tea Company (A&P) in its acquisition of rival Pathmark Stores;
- » Take-Two Interactive Software in the FTC's investigation of rival Electronic Arts' hostile bid for Take-Two;
- » GameStop Corp.'s acquisition of its rival, Electronics Boutique, obtaining unconditional clearance (without a Second Request);
- » Harcourt, Inc.'s acquisition of rival medical textbook publisher Mosby, and Harcourt's eventual acquisition by Reed Elsevier and Thomson Corp.;
- » SunGard Data Systems' acquisition of rival disaster recovery provider Comdisco Inc. (and as a member of the trial team that overcame the court challenge by the Antitrust Division);
- » SunGard in the sale of Brut LLC to The Nasdaq Stock Exchange;
- » SunGard in its acquisition of Caminus Corp.

Michael L. Keeley (continued)

In addition to these transactions, Mr. Keeley has experience with transactions in the entertainment, aerospace, newspaper, textbook and journals publishing, supermarket, software, securities, academic and professional testing, industrial cable, and computer chip industries.

Mr. Keeley has represented companies and other organizations in lawsuits involving claims of monopolization and attempted monopolization under Section 2 of the Sherman Act, unreasonable restraints of trade under Section 1 of the Sherman Act, unlawful mergers and acquisitions under Section 7 of the Clayton Act, and unlawful interlocking boards of directors under Section 8 of the Clayton Act, as well as state antitrust and unfair competition laws. Mr. Keeley has significant experience litigating claims in the motion picture distribution and exhibition, airline, pharmaceutical, health care, computer software, financial services, and other industries. Mr. Keeley also has prosecuted and defended antitrust counterclaims in patent litigations.

Mr. Keeley also provides advice to clients regarding application of the antitrust laws to day to day business relationships with competitors, suppliers and customers. Mr. Keeley provides advice relating to joint ventures, exclusive dealing, resale price maintenance, price discrimination (including under the Robinson-Patman Act), and the HSR Act.

Mr. Keeley also counsels the firm's BioMedical Practice Group clients on the application of the antitrust laws to the prosecution, defense and settlement of patent claims between competing pharmaceutical companies.

Bar & Court Admissions

- » New York
- » U.S. Court of Appeals for the Second Circuit
- » U.S. District Court for the Southern District of New York

Education

- » Fordham University School of Law, New York, New York, 1995 J.D. cum laude. Honors: Order of the Coif. Notes and Articles Editor, Fordham Law Review.
- » Fordham University, New York, New York, 1992 B.S. Economics. Honors: In Cursu Honorum.

Publications

- » Antitrust Issues in IP Licensing, NY, NY, November 13, 2007
- » Club Dues, The Deal, October 10, 2006
- » Freedom from Filing: The FTC Should Reconsider Investor Activism under the Hart-Scott-Rodino Act, The Deal, February 6, 2006
- » "Schering" Overruled: Risk of Settling Patent Suits Reduced?, N.Y.L.J., April 7, 2005
- » Merger Review and Litigation Involving the Acquisition of Bankrupt Companies, ANTITRUST, a publication of ABA Section of Antitrust Law, Summer 2002
- » Resolving Complex Antitrust Cases Promptly, Icarus, a publication of ABA Section of Antitrust Law, Summer 2002
- » Understand Foreign Pre-Merger Filings, 221 N.Y.L.J. 9, 1999

Professional Activities

- » American Bar Association, Antitrust Section (including Committees on Clayton Act Section 7 and Sherman Act Section 1).
- » Association of the Bar of the City of New York, Member of Committee on Antitrust and Trade Regulation.
- » American Bar Association, Business Law Section (including Committee on Federal Regulation of Securities and Subcommittee on Private Investment Entities).

Recent News

- » The International Legal Alliance Recognizes Axinn Veltrop & Harkrider LLP as One of the Top Antitrust Firms in the U.S.
- » AV&H Wins Summary Judgment in The City of New York v. Group Health Incorporated and the HIP Foundation
- » Axinn, Veltrop & Harkrider LLP Ranked Among Top New York Law Firms by Chambers USA
- » Michael Keeley and Chad Landmon discuss FDA's recent 180-day exclusivity decisions with FDAnews
- » FDAnews Audioconference -- Navigating the FDA's New 180-Day Generic Marketing

Exclusivity Rulings

- » Mike Keeley in Reuters: "Most presidential hopefuls antitrust moderates"
- » Global Competition Review ranks AV&H's antitrust practice among best in New York
- » Chambers USA Ranks Axinn, Veltrop & Harkrider LLP Among Top New York Law Firms
- » AV&H Obtains Antitrust Clearance for Rent-Way, Inc.'s \$567 Million Acquisition by Rent-A-Center
- » AV&H Makes Top 20 U.S. Deal Firms by The Deal
- » AV&H Wins Dismissal of Yeshiva University from Antitrust Conspiracy Class Action
- » AV&H Represents Purepac Pharmaceutical Company in Metformin Launch
- » AV&H Represents Harcourt General in Sale to Reed Elsevier and Thomson Corporation
- » AV&H Represents Sungard Data Systems Inc. in Acquisition of Availability Solutions Business of Comdisco Inc.
- » New York State Attorney General's Office Retains AV&H