



**TEL:** 212.728.2228

**FAX:** 212.728.2201

neog@avhlaw.com  
New York

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### Practice Areas

- » Antitrust Counseling
- » Antitrust Litigation
- » BioMedical Practice Group
- » Complex Litigation
- » Intellectual Property
- » Mergers and Acquisitions/Hart-Scott Rodino

## Nicholas E.O. Gaglio

### PARTNER

Nicholas E.O. Gaglio is a partner in the New York office. His practice has focused on litigation, merger counseling and antitrust counseling.

Mr. Gaglio's litigation experience spans from conception through decision, and has included strategic assessment and crafting of claims and defenses, effective e-discovery management, tactical briefing and advocacy at various critical pre-trial stages, settlement evaluation and execution at trial.

Representative litigation experience includes: completing a bench trial in a federal breach of contract action, in which the AVH team secured a judgment that defendant breached the contract at issue, successfully obtaining dismissal of Sherman Act claims on behalf of a major building products manufacturer, and representing a film exhibition industry client seeking damages and injunctive relief in a Sherman Act and Clayton Act matter, ultimately securing several beneficial settlements. Mr. Gaglio has also worked on teams representing a pharmaceutical industry client in obtaining a temporary restraining order and seeking preliminary injunction in a Hatch-Waxman matter, defending a major retailer from patent and trademark infringement claims, seeking preliminary injunction on behalf of a specialty chemicals client in a Sherman Act and Clayton Act matter, defending against a United States Department of Justice motion for preliminary injunction in a merger case, and appealing a trade secrets matter in the United States Court of Appeals for the Federal Circuit.

Mr. Gaglio's merger counseling practice has included responding to government investigations, including the premerger review process of the Hart-Scott-Rodino Act, and analyzing the competitive effects of proposed mergers and acquisitions. He was recently part of the AVH team that secured the approval of Bemis Company's \$1.2 billion acquisition of the Food Packaging America assets of Rio Tinto. He has participated in merger investigations and second requests

## Nicholas E.O. Gaglio (continued)

involving several industries, including pharmaceuticals, telecommunications, disaster recovery, beverage containers, flexible packaging, video games and books.

Mr. Gaglio's antitrust counseling practice has included responding to State Attorney General antitrust investigations, assisting with corporate compliance program design and training, and analyzing vertical arrangements in the retail sector, particularly in internet retail.

Mr. Gaglio's pro bono matters have included successfully representing indigent women seeking divorce and child support. He has also assisted with a successful petition for permanent status under the Violence Against Women Act. He counsels the Orange Giraffe Project, a tax-exempt organization dedicated to providing support to women cancer survivors, and assisted the OGP with obtaining its 501(c)(3) status.

Mr. Gaglio sits on the Board of Advisors of the Caribbean Education Foundation.

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### Bar & Court Admissions

- » New York
- » U.S. District Court Southern District of New York

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### Education

- » The George Washington University Law School, Washington, District of Columbia, 2001 J.D. with Honors. Honors: First George Washington University Law School Student Team Member to Win Two Separate Moot Court Competitions; Recipient, The Jacob Burns Award; Best Overall Competitor, Van Vleck Constitutional Law Moot Court Competition; Winning Team, Van Vleck Constitutional Law Moot Court Competition; Winning Team, McKenna and Cuneo Government Contracts Moot Court Competition; Member, Moot Court Board. The George Washington Law Review, 1999-2000.
- » Duke University, Durham, North Carolina, 1994 A.B. German and Comparative Area Studies.

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### Publications

- » Questions Unanswered in Work Product Protection, Law360, August 10, 2010

## Nicholas E.O. Gaglio (continued)

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### Professional Activities

- » American Bar Association, Antitrust Section
- » New York State Bar Association, Antitrust Section. Mr. Gaglio sits on the Executive Committee and is Membership Chair of the Antitrust Section.

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### Recent News

- » AV&H Represents INEOS in U.S. Litigation
- » AV&H Represents INEOS in Contract Actions