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### Practice Areas

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

## John D. Harkrider

### PARTNER

*"Brings to the table impressive economic knowledge - an important dimension that you don't always find elsewhere." From Chambers USA/2006*

*"has the best understanding of not only how to build a case but also how to break it" From Chambers USA/2007*

*"incredibly bright mind and intellectual capacity." From Chambers USA/2008*

John Harkrider is co-chair of Axinn, Veltrop & Harkrider's antitrust practice. His practice concentrates on mergers, counseling and litigation. In the past 20 years, he has worked on some of the largest mergers in history, including the largest all-cash merger (Cingular's acquisition of AT&T wireless), the largest attempted merger (WorldCom's attempted acquisition of Sprint), one of the largest technology LBO (SunGard), and the largest IPO of 2006 (MasterCard). In addition, Mr. Harkrider has worked on a number of other notable transactions, including representing: Bemis in its \$1.2 billion acquisition of the Food Americas' Assets of Alcan, Ball in its \$577 million acquisition of the MCC Assets from Anheuser-Busch InBev, BellSouth in its \$67 billion acquisition by AT&T, Harcourt General in its \$5.6 billion sale to Reed Elsevier and Thomson, Omnicare in its \$1.9 billion acquisition of NeighborCare, Candle Corporation in its sale to IBM, Wolters Kluwer in its \$382 million acquisition of NDCHealth Information Management, representing SunGard in its \$850 million acquisition of the business recovery assets of Comdisco, as well as in its \$159 million acquisition of Caminus, and its \$190 million sale of Brut to NASDAQ.

Mr. Harkrider has significant counseling experience in both merger and non-merger contexts, including, most notably, advising MasterCard's Global Board of Directors with regard to its 2006 IPO as well as advising the Board of Directors of a major European Air Cargo

## John D. Harkrider (continued)

company in connection with a price fixing investigation by the Department of Justice.

Mr. Harkrider has significant Clayton Act litigation experience, particularly in the context of hostile mergers, representing SunGard in its hostile acquisition of the business recovery assets of Comdisco, Vantico in both the Southern District of New York and the Second Circuit against a hostile takeover by Apollo Advisors, and The Stanley Works against a hostile acquisition by Newell.

Mr. Harkrider also has significant Sherman Act litigation experience, representing: Omnicare in both the Northern District of Illinois and the Seventh Circuit in connection with conspiracy claims brought against United Health, United Technologies in connection with monopolization claims brought by USI in the Northern District of Illinois, and the District of Maryland, Harcourt's Bar/Bri subsidiary in monopolization and tying claims brought in the Ninth and Tenth Circuit, as well as in the District of Minnesota. In addition, Mr. Harkrider represented IBP in the Middle District of Alabama in the class certification proceeding in a billion-dollar antitrust claim.

Mr. Harkrider has also represented companies in non-merger investigations under Section 5 of the FTC Act, including The Stanley Works in a matter regarding its "Made in USA" claims on its mechanics tools.

Mr. Harkrider has also written and spoken extensively on antitrust, as the lead editor of a handbook on Econometrics in Antitrust, published by the ABA, and as the author of a number of articles, including an empirical examination of risk shifting clauses in merger agreements published in Antitrust, as well as a number of articles published in Global Competition Review and Columbia Business Law Review. He has also regularly appeared as an antitrust commentator on CNBC, Fox and BBC America.

Mr. Harkrider joined The Hon. John D. Bates, U.S. District Court for the District of Columbia, Thomas O. Barnett, Deputy Assistant Attorney General, Antitrust Division, and Margaret Guerin-Calvert, former Assistant Chief of the Economic Regulatory Section at the Antitrust Division, in 2004 in delivering remarks at the prestigious Milton Handler Annual Antitrust Review sponsored by the Association of the Bar of the City of New York.

Mr. Harkrider is recommended by Chambers USA as well as Global Competition as a leading antitrust lawyer.

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## Bar & Court Admissions

- » District of Columbia
- » New York
- » U.S. Court of Appeals for the Sixth Circuit
- » U.S. Court of Appeals for the Seventh Circuit
- » U.S. District Court Southern District of New York

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## Education

- » University of California, Hastings College of the Law, San Francisco, California, 1991 J.D. cum laude. Honors: Order of the Coif; Thurston Society, 1991.
- » University of Michigan, Ann Arbor, Michigan, 1988 B.A. Honors: Highest Honors.

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## Publications

- » Lessons from the Great Depression, ANTITRUST, Spring 2009
- » Antitrust Enforcement During the Bush Administration, ANTITRUST, Summer 2008
- » Exporting Antitrust Law to China, Global Competition Review, February 2006
- » Operationalizing the Hypothetical Monopolist Test
- » Risk-Shifting Provisions and Antitrust Risk: An Empirical Examination, ANTITRUST, a publication of ABA Section of Antitrust Law, Fall 2005
- » Sophistication Snag, The Deal, January 17, 2005
- » Proving Anticompetitive Impact: Moving Past Merger Guidelines Presumptions, 2004 Milton Handler Antitrust Review, 2005 Colum. Bus. L. Rev. 317, 2005
- » Resolving Complex Antitrust Cases Promptly, Icarus, a publication of ABA Section of Antitrust Law, Summer 2002

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## Professional Activities

- » Editorial Board, ANTITRUST, 2007 - present
- » American Bar Association, Vice-Chair, Economics Committee of Antitrust Section, 2003 - 2006

- » New York State Bar Association
- » New York City Bar Association

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### **Recent News**

- » The International Legal Alliance Recognizes Axinn Veltrop & Harkrider LLP as One of the Top Antitrust Firms in the U.S.
- » AV&H Attorneys Named to Super Lawyers Corporate Counsel Edition - January/February 2010
- » The Antitrust Review of the Americas
- » John Harkrider Discusses White House Announcement of Revised Antitrust Laws with The Wall Street Journal
- » AV&H Attorneys Named New York Super Lawyers 2008
- » John Harkrider Featured in Competition Law 360
- » Chambers USA Ranks Axinn, Veltrop & Harkrider LLP Among Top New York Law Firms
- » AV&H Obtains Antitrust Clearance for Omnicare's Acquisition of Rival Neighborcare
- » John D. Harkrider Speaks at Milton Handler Annual Antitrust Review
- » AV&H Counsels BellSouth and Cingular in Acquisition of AT&T Wireless
- » 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.
- » AV&H Attorneys Named New York Super Lawyers 2007- Metro Edition