

# Webcast: Antitrust Merger Trials – Lessons Learned and Strategies for Success

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Trying a merger case against a government enforcement agency, state or federal, presents unique challenges. Drawing on their experiences in the recent AT&T/Time Warner and Sprint/T-Mobile merger trials, Gibson Dunn trial and appellate lawyers will discuss cases where the government did and did not have the benefit of a presumption of competitive harm, as well as the role of fact witnesses, party documents, and experts. The panel will also discuss how to involve trial counsel in the merger-clearance phase and how the merging parties' strategy during the clearance phase can affect the eventual litigation strategy.

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## Related People

[Kristen C. Limarzi](#)

[Mike Raiff](#)

[Robert C. Walters](#)

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## PANELISTS:

**Kristen Limarzi** is a partner in the Washington, D.C. office of Gibson Dunn, where her practice focuses on investigations, litigation, and counseling on antitrust merger and conduct matters, as well as appellate and civil litigation. Ms. Limarzi previously served as the Chief of the Appellate Section of the U.S. Department of Justice's Antitrust Division, where she led a team of more than a dozen professionals litigating appeals in the Division's civil and criminal enforcement actions and participating as amicus curiae in private antitrust actions. While at the Antitrust Division, she litigated appeals of merger challenges in *United States v. AT&T* and *United States v. Anthem*. She also advised Division leadership and investigative teams on merger matters involving novel antitrust issues across a variety of industries.

**Richard Parker** is a partner in the Washington, D.C. office of Gibson Dunn and a member of the firm's Antitrust and Competition Practice Group. Mr. Parker is a leading antitrust lawyer who has successfully represented clients before both enforcement agencies and the courts. As an experienced antitrust trial and regulatory lawyer, Mr. Parker has been involved in many major antitrust representations, including merger clearance cases, cartel matters, class actions, and government civil investigations. He has extensive experience representing clients in matters before the Federal Trade Commission (FTC) and the U.S. Department of Justice Antitrust Division. His experience in high-profile merger trials has earned him high honors, including being recognized by Chambers USA as a first-tier ranked "Leading Lawyer" in Antitrust, and included on Benchmark Litigation's "Top 100 Trial Lawyers in America" list.

**Mike Raiff** is a Gibson Dunn partner in Texas. He has a wide range of litigation experience and has tried numerous cases (jury trials, bench trials, and arbitrations), including helping try the AT&T/Time Warner merger trial in D.C. federal court. In addition to his trial and arbitration practice, Mr. Raiff has argued numerous cases before appellate courts, including Texas appellate courts and several United States Circuit courts. In

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addition to his antitrust matters, Mr. Raiff has represented clients in various cases involving class actions, shareholder derivative actions, securities fraud, merger and acquisition litigation, contract disputes, environmental disputes, tortious interference claims, infrastructure and public finance disputes, partnership disputes, commercial fraud, and civil conspiracy.

**Brian Robison** is a partner in Gibson Dunn's Dallas office. He is a member of the firm's Antitrust and Competition, Class Actions, and White Collar Defense and Investigations Practice Groups, and he was a member of the team representing Deutsche Telekom in the recent Sprint/T-Mobile merger trial in federal court in New York. Mr. Robison has experience in a wide range of business litigation and antitrust matters in both state and federal courts. He has handled antitrust cases involving claims of monopolization, predatory pricing, price-fixing, supply control, bid rigging, bid rotation, and immunity under the Capper-Volstead Act, the McCarran-Ferguson Act, and the act of state doctrine. He also has counseled clients on the antitrust implications of proposed business transactions, and he has represented clients in civil and criminal antitrust investigations conducted by both state and federal authorities. Mr. Robison has taken both civil and criminal cases to trial, served as a prosecutor for Dallas County, and argued before state courts of appeals. He has been recognized by numerous publications for his work including Chambers USA: America's Leading Lawyers for Business, The Best Lawyers in America®, and America's Top 100 High-Stakes Litigators.

**Rob Walters** is a nationally recognized trial and antitrust lawyer. He has served as lead trial counsel in a wide array of antitrust trials and cases, including as lead trial counsel to AT&T in the DOJ's 2018 challenge to its \$106 billion acquisition of Time Warner, Inc. He also counsels clients in government investigations and the antitrust aspects of mergers and acquisitions. Mr. Walters serves as Partner-in-Charge of the firm's Dallas office and as a member of the firm's worldwide Executive Committee. Mr. Walters served as Executive Vice President and General Counsel of Energy Future Holdings, a \$60 billion market-cap power, distribution, and energy retail company, from 2008 until 2011. Mr. Walters lectures on the antitrust laws and trial of complex litigation, including as an adjunct professor at Southern Methodist University School of Law in trial advocacy and at the University of Texas School of Law on energy policy and law.

**Chris Wilson** is Of Counsel in the Washington, D.C. office of Gibson Dunn. He is a member of the firm's Antitrust and Competition Practice Group. Mr. Wilson assists clients in navigating DOJ, FTC, and international competition authority investigations as well as private party litigation involving complex antitrust and consumer protection issues, including matters implicating the Sherman Act, the Clayton Act, the FTC Act, the Hart-Scott-Rodino (HSR) merger review process, as well as international and state competition statutes. His experience crosses multiple industries, including health insurance, transportation, telecommunications, technology, energy, agriculture, and biotechnology, and his particular areas of focus include merger enforcement, interlocking directorates, joint ventures, compliance programs, and employee "no-poach" agreements.

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