



## Karin Garvey

Partner

New York

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### Overview

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Karin E. Garvey is a partner in the New York office of DiCello Levitt and a member of the Antitrust and Competition practice group. With more than twenty-five years of litigation experience, Karin focuses on representing businesses and public pension funds in complex antitrust class actions.

Having spent 18 years on the defense side, Karin is uniquely able to deploy the knowledge she gained as defense counsel to the strategic advantage of her clients on the plaintiffs' side. Karin brings significant experience to managing complex, multi-jurisdictional cases from initial case development through resolution and appeal and has engaged in all phases of trial preparation and trial and has briefed and argued appeals.

Karin has been appointed lead or co-lead counsel in multiple antitrust class actions, including *Fusion Elite All Stars v. Varsity Brands, LLC* (W.D. Tenn.) (representing a proposed class of direct purchasers in a case alleging monopolization and conspiracy to monopolize against the largest producer of All Star Cheerleading events and the sport's governing body); *In re Sensipar (Cinacalcet HCl) Antitrust Litigation* (D. Del.) (representing a proposed class of indirect purchasers of the drug Sensipar in a case alleging that defendants conspired to delay the entry of generic competition for that drug); and *In re Surescripts Antitrust Litigation* (N.D. Ill.) (representing a proposed class of pharmacies who have charged the largest provider of e-prescription services of anticompetitive conduct). Karin was also appointed to the Plaintiff's Steering Committee in *In re Xyrem (Sodium Oxybate) Antitrust Litigation* (N.D. Cal.) and *In re Crop Inputs Antitrust Litigation* (E.D. Mo.). Karin recently tried a case to verdict on behalf of the end-payor plaintiff class in *In re Opana ER Antitrust Litigation* (N.D. Ill.), playing a large role at the jury trial, including delivering significant portions of the plaintiffs' opening statement and closing argument. While on the defense side, Karin led the defense of a branded pharmaceutical company in *In re Skelaxin (Metaxalone) Antitrust Litigation* (E.D. Tenn.) up

through a jury verdict in a pay-for-delay case.

Karin is recommended by *Chambers & Partners USA*, Band 2 for Antitrust Mainly Plaintiff in New York, and *The Legal 500* for excellence in the antitrust practice. She has been described as “an experienced and thoughtful litigator. She has been in the trenches and knows how to work through complex issues.” She has also been recognized by *Lawdragon* as one of the “Leading Plaintiff Financial Lawyers in America.” Karin is regularly asked to participate on panels at class action and antitrust conferences, and she serves as an adjunct faculty member in the trial advocacy program at Northwestern University Pritzker School of Law.

## Practice Areas

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ANTITRUST AND COMPETITION LITIGATION

CLASS ACTION LITIGATION

COMMERCIAL LITIGATION

PRODUCT LIABILITY

## Education

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Northwestern Pritzker School of Law, J.D., *cum laude*

Harvard University, A.B., *cum laude*

## Representative Matters

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### Antitrust:

Karin was recently appointed lead or co-lead counsel in the following antitrust class actions:

*Fusion Elite All Stars v. Varsity Brands, LLC* (W.D. Tenn.) – alleging monopolization and conspiracy to monopolize against the largest competition producer and apparel manufacturer in the market for All Star Cheer and the sport’s allegedly independent governing body.

*In re Humira (Adalimumab) Antitrust Litigation* (N.D. Ill.) – alleging that a brand drugmaker colluded with a group of global rivals to divide the market for the blockbuster drug Humira between the U.S. and Europe and that it used a “patent thicket” to illegally maintain its monopoly.

*In re Sensipar (Cinacalcet HCl) Antitrust Litigation* (D. Del.) – alleging that a brand and a generic drug company entered into an anticompetitive agreement to eliminate competition for sales of Sensipar.

*In re Surescripts Antitrust Litigation* (N.D. Ill.) – alleging that health information technology company Surescripts, which provides e-prescription routing and eligibility services, monopolized the market for e-prescription services and, along with two other defendants, conspired to monopolize the market.

Karin was also appointed to the Plaintiff's Steering Committee in *In re Xyrem (Sodium Oxybate) Antitrust Litigation* (N.D. Cal.) a class action alleging, *inter alia*, that a brand drugmaker entered into anticompetitive pay-for-delay agreements with generic competitors and *In re Crop Inputs Antitrust Litigation* (E.D. Mo.) a class action alleging, *inter alia*, that major manufacturers of crop inputs (e.g., seeds and pesticides) conspired to suppress competition and to fix prices.

### **Commercial:**

*UBS Capital Americas, LLC v. Flextronics* (arbitration presided over by former D.N.J. Chief Judge) Managed arbitration seeking millions of dollars in tax refunds in a breach of contract case. Experience included devising all aspects of legal strategy both pre-arbitration and at the hearing.

*Solow Building Co., LLC v. Morgan Guaranty Trust Co. of New York* (N.Y. Sup. Ct. N.Y. Cty.) Participated in all aspects of case brought by landlord against bank alleging breach of contract and related claims. Experience included drafting dispositive motions; managing discovery; preparing and defending witnesses for deposition and trial; taking depositions; and examining witnesses at trial.

### **Awards & Honors**

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Antitrust: Mainly Plaintiff – New York (Band 2), **Chambers USA** (2021-2023)

Recommended, **The Legal 500** (2021)

500 Leading Plaintiff Financial Lawyers, **Lawdragon** (2022-2023)

### **Publications & Presentations**

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"Developments in Antitrust Law & Regulation 2023," Practising Law Institute, 2023

American Antitrust Institute, 16<sup>th</sup> Annual Private Antitrust Enforcement Conference: Class Action Ethics: How Courts Adapt the Ethical Rules to Antitrust and Other Class Actions (November 9, 2022)

American Antitrust Institute, 16<sup>th</sup> Annual Private Antitrust Enforcement Conference: Taking Antitrust Class Actions to Trial: New Developments and Strategies (November 9, 2022)

American Bar Association, 26<sup>th</sup> Annual National Institute on Class Actions: Ethics Rodeo! Time to Round Up Ethics Credits (November 11, 2022)

“Recent Developments in Antitrust Law,” *3rd Annual Class Action Law Forum*, Western Alliance Bank (April 2021)

“1st Circ. Generic-Delay Ruling Isn’t Popular with Lower Courts,” *Law360* (June 2020)

“Antitrust: Class Actions & Emerging Issues Panel,” *Class Action Law Forum*, Western Alliance Bank (May 2020)

“Antitrust,” *Class Action Mastery Forum*, Western Alliance Bank (January 2019)

“A Turning of the Tide: Victim Redress Through Private Antitrust Litigation,” *Competition Policy International* (July 18, 2016)

## **Admissions & Memberships**

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### **Bar Admissions**

New York

### **Court Admissions**

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

### **Memberships**

American Bar Association Antitrust Section, member

Northwestern Pritzker School of Law’s Law Board, member

Northwestern Pritzker School of Law’s Law School Fund Board, member

Scarsdale Advisory Council on Parks and Recreation, member