

## Justin W. Bernick

Partner

Washington, D.C.

### Biography

Justin Bernick defends clients in antitrust lawsuits in state and federal courts throughout the United States. He helps clients resolve the most challenging antitrust and competition issues, from large class actions to government investigations.

Justin leverages his knowledge of economics and the law to achieve success at the motion to dismiss, summary judgment, and class certification stages. He has won major victories at trial, including defeating DOJ in a 2022 trial challenging the \$13 billion merger of UnitedHealth Group and Change Healthcare. He defeated the FTC in a 2020 trial challenging Thomas Jefferson University's acquisition of Albert Einstein Healthcare Network--the FTC's first hospital merger loss in decades.

Justin litigates a wide range of antitrust issues, including mergers and acquisitions, price fixing, market allocation, vertical and horizontal agreements, and monopolization, as well as related contract, business tort, and intellectual property claims. He has litigated some of the largest class actions in the country, including litigation following criminal and civil government investigations.

Justin represents companies in DOJ, FTC, and state antitrust inquiries, including both merger and conduct investigations. He assists clients in responding to subpoenas, civil investigative demands, second requests, and other government requests for information.



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### Practices

Antitrust and Competition

Commercial Litigation

Litigation Services

Investigations, White Collar, and Fraud

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### Industries

Life Sciences and Health Care

Consumer

Financial Institutions

Technology and Telecoms

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### Areas of focus

Antitrust and Competition Litigation

Justin's expertise spans various industries, including pharmaceuticals, health care, financial services, food and agriculture, hospitality, and tech. He counsels clients regarding compliance with the antitrust laws, and is co-author of an Antitrust Compliance treatise published by *Bloomberg BNA*.

Dedicated to pro bono, Justin led a team in 2018 that successfully restored asylum rights to a nationwide class of migrant children separated at the southern border.

Justin began his career as a law clerk to the Honorable Robert G. Doumar of the U.S. District Court for the Eastern District of Virginia.

## Representative experience

Trial counsel for UnitedHealth Group in DOJ lawsuit seeking to block acquisition of Change Healthcare.

Trial counsel for Albert Einstein Healthcare Network in FTC lawsuit seeking to block merger with Thomas Jefferson University.

Represent Agri Stats, a data benchmarking company, in nationwide class actions alleging price-fixing in the chicken, pork, and turkey industries.

Represent multiple Blue Cross Blue Shield health insurance companies in multi-district class action alleging nationwide market-allocation and price-fixing conspiracies.

Represent Choice Hotels in consumer class action and distributor lawsuit alleging a conspiracy regarding online paid search advertising.

Represent global pharmaceutical company in government investigations and class actions alleging price-fixing and unlawful "pay for delay" patent settlements.

Represent Anschutz Entertainment Group and the Coachella Music Festival in antitrust lawsuit challenging radius clauses in artist contracts.

Class Actions and Group Litigation

Competition Compliance

Abuse of Dominance and Restrictive Practices

Agency Investigations

State Attorneys General

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## Education and admissions

### Education

J.D., University of Virginia School of Law, 2007

B.A., University of Virginia, with distinction, 2004

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## Memberships

Member, Antitrust Section,  
American Bar Association

Member, Litigation Section,  
American Bar Association

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## Bar admissions and qualifications

District of Columbia

Virginia

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## Court admissions

District of Columbia Court of Appeals

Supreme Court of Virginia

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Fifth Circuit

Represent PPG in antitrust claims brought by unauthorized repackager of aerospace sealant and trademark infringement counterclaims.

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, District of Columbia

Represent Blue Cross Blue Shield of Rhode Island in lawsuit alleging antitrust conspiracy to prevent hospital system from entering Rhode Island.

U.S. District Court, Eastern District of Virginia

U.S. District Court, Western District of Virginia

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Represent trade associations of fertility clinics in class action alleging nationwide conspiracy to fix the price of donated oocytes.

Represent Credit Suisse in multi-district class action alleging antitrust conspiracy to increase the price of credit default swaps.

Represent Daimler Trucks (Freightliner) in multi-district class action alleging antitrust conspiracy to increase the price of truck transmissions.

Represent LabCorp in FTC investigation and subsequent lawsuit seeking to block acquisition of clinical laboratory.

Pro bono representation of putative nationwide classes of asylum seekers in successful lawsuits challenging bars on asylum eligibility for separated children and central American refugees.

Represent S1 in DOJ investigation of US\$520m acquisition by ACI.

Represent Verizon in DOJ investigation of US\$3.6bn acquisition of spectrum from, and joint sales and research agreements with, cable companies.

Represent AdMob in FTC investigation of US\$750m acquisition by Google.

## Awards and rankings

- Litigator of the Week, *The American Lawyer*, 2020
- Rising Star Under 40, Competition, *Law360*, 2020
- Antitrust: Civil Litigation/Class Actions Defense, *Legal 500 US*, 2018-2022
- Antitrust: Cartel, *Legal 500 US*, 2018
- Washington, D.C. Rising Star, *Super Lawyers*, 2014-2022

## Latest thinking and events

- News
  - U.S. Department of Justice rescinds longstanding policy governing information exchanges
- News
  - FTC's proposed ban of employer non-competes: Are non-profits exempt?
- News
  - FTC expands its interpretation of its Competition Enforcement Mandate
- Press Releases
  - Hogan Lovells notches antitrust trial win, helps defeat DOJ challenge to UnitedHealth–Change Healthcare merger
- News
  - A survey of President Biden's Executive Order on promoting competition in the American economy
- Press Releases
  - RAICES, Hogan Lovells, and Lewis Roca file suit against the U.S. government on behalf of families seeking damages for separation at the border