

Jeffrey S. Spigel (Jeff)

Partner
Antitrust

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Jeff Spigel focuses on advising clients on the antitrust issues related to the execution of their business strategy. As a partner and head of our Antitrust practice, clients routinely seek Jeff's counsel to guide them through strategic transactions, government investigations and litigation.

Jeff represents clients in responding to a range of civil and criminal antitrust investigations in the U.S. and abroad, obtaining Hart-Scott-Rodino clearance and coordinating approvals of proposed transactions in foreign jurisdictions. He also advises clients on pursuing or defending against antitrust claims, and counsels on strategic antitrust issues such as those arising from benchmarking, compliance and audits, competitor collaborations, exclusivity and foreclosure, resale price maintenance, Robinson-Patman price discrimination, refusals to deal, and tying and predatory bundling issues.

With significant experience in the healthcare sector, Jeff frequently advises healthcare clients on strategic transactions, messenger model networks, financially- and/or clinically-integrated networks, Group Purchasing Organizations and claims by commercial payors, competitors, or the government.

Jeff's antitrust experience also includes advising clients in a broad range of industries such as building materials, chemicals, communications, energy (oil, gas and power), entertainment, financial, metals, paper, pharmaceutical, retail and technology.

On behalf of his clients, Jeff appears regularly before the U.S. Department of Justice and the Federal Trade Commission, and he coordinates with foreign counsel in dealing with competition authorities in jurisdictions around the globe, including before the European Commission. In addition, he represent clients on unfair and deceptive trade practice matters before the Federal Trade Commission, Consumer Financial Protection Bureau and state attorneys general.

A regular author and speaker, *Chambers USA*, *Legal 500* and *Super Lawyers* have identified Jeff as a recognized practitioner and leading antitrust lawyer. In addition, *Nightingale Healthcare News* has named him one of the "Outstanding Healthcare Antitrust Lawyers" in the U.S.

Matters

Healthcare/Life Sciences

Representing **Ochsner Health System** in its formation of JOAs with CHRISTUS Louisiana, Lafayette General Health, St. Tammany Parish Hospital and Terrebonne General Medical Center.

Successfully defended **Houston Methodist** in an FTC and Texas AG investigation of its acquisition of two CHRISTUS hospitals in the metropolitan Houston area.

Successfully defended **St. Joseph's Health System** in an FTC investigation of its formation of a JOA with Emory Healthcare.

Successfully defended **University of Texas Southwestern Medical Center (UTSW)** in an FTC and Texas AG investigation of its formation of a JOA with Texas Health Resources.

Successfully defended **King's Daughter Hospital** in its acquisition by Scott & White Healthcare, which ultimately received clearance by the FTC under a failing firm defense.

Successfully defended a **1,000-plus member, exclusive clinically-integrated physician network** in an FTC price fixing investigation.

Successfully defended physician clients and their messenger model network in an FTC civil price fixing and concerted refusal to deal investigation.

Represented **Hospital Corporation of America** in a Sections 1 and 2 Sherman Act (tying) federal antitrust action against a competing hospital system. (*Palmyra Park Medical Center, Inc. v. Phoebe Putney Memorial Hospital, Inc., et al.*).

Successfully defended a **branded pharmaceutical manufacturer** in DOJ and FTC antitrust investigations of a proposed patent settlement and the use of authorized generics.

Energy

Representing **ConocoPhillips** on the sale of its Canadian oil, sand and gas assets to Cenovus in a \$13.3 billion transaction.

Successfully defended **one of the leading operators and builders of offshore supply vessels** in a DOJ investigation of an acquisition of a leading provider of repair services and construction of offshore and military vessels.

Successfully defended a **leading manufacturer of drill bits** used in mining and oil and gas exploration in a DOJ investigation of its acquisition by a competitor.

Successfully defended a **major global energy company** in a DOJ criminal antitrust investigation.

Successfully defended **one of the world's largest integrated petroleum companies** in an industry-wide investigation by the FTC and Congress of gasoline prices.

Successfully defended **Mirant Corporation** in a DOJ antitrust investigation of its merger with RRI Energy. The transaction closed without DOJ action.

Represented **Weatherford International** in the sale of its pipeline business to Baker Hughes for \$250 million.

Represented **Marubeni-Itochu Tubulars** on its \$600 million acquisition of the casing and tubing business of Oil States International.

Manufacturing/Chemical/Paper

Represented **Forterra Brick** on the combination of its brick business with Boral Brick as part of the formation of a new joint venture.

Represented **Forterra Building Products** in its acquisition of U.S. Pipe.

Advised **Lafarge** on numerous strategic transactions.

Successfully defended **WestRock (formerly RockTenn)**, which is a leading manufacturer of containerboard and paperboard, in DOJ and Canadian investigations of strategic acquisitions of competitors, including the \$16 billion merger with MeadWestvaco.

Defended **UCAR International (now GrafTech)** in a federal grand jury price fixing investigation. (*United States v. UCAR International Inc.*).

Financial Services

Successfully defended a **leading consumer credit reporting agency** in an FTC investigation of an acquisition of a competitor.

Successfully defended **John H. Harland** in a DOJ merger investigation of Harland's acquisition by Clarke American. The merger resulted in the consolidation of the number of national check printers from three to two.

Defended **Bank of America** in an FTC consumer protection investigation and litigation of Countrywide Financial Corporation related to Countrywide's mortgage loan servicing practices.

Entertainment

Represented **Carmike Cinemas** in a DOJ investigation of its merger with AMC Theatres. Successfully negotiated a settlement with the DOJ. (*United States of America v. AMC Entertainment Holdings, Inc.*).

Retail

Successfully defended a **leading branded-apparel company** in an FTC merger investigation of an acquisition of a competitor.

Successfully defended a **leading manufacturer and retailer of recreational boats** in an FTC investigation of the acquisition of a competitor.

Successfully defended **The Belk Stores** in an FTC merger investigations of its acquisitions of the Parisian, Proffitt's and McCrae's department store chains from Saks Fifth Avenue.

Successfully defended **McLane Company** in a Section 1 Sherman Act in an action in federal District Court in Connecticut. (*Loretta N. Bansavich D/B/A/ Lori's Mobil v. McLane Company, Inc.*).

Technology

Successfully defended **ChoicePoint** in an FTC merger investigation of ChoicePoint's acquisition by Reed Elsevier.

Successfully defended **Sprint** in a DOJ investigation of its \$35 billion merger with Nextel.

Credentials

EDUCATION

LL.M., Georgetown University

J.D., University of Miami

B.A., Emory University

ADMISSIONS

U.S. District Court for the District of Columbia

District of Columbia

Tennessee

ASSOCIATIONS

The District of Columbia Bar

American Health Lawyers Association

American Bar Association Section of Antitrust Law

Recognition

Recognized practitioner and leading antitrust lawyer

CHAMBERS USA, LEGAL 500 AND SUPER LAWYERS

Named one of the “Outstanding Healthcare Antitrust Lawyers” in the U.S.

NIGHTINGALE HEALTHCARE NEWS

Insights

CLIENT ALERT

July 13, 2021

Executive Order Restrains Use of No-Poach & Non-Compete Clauses

July 9, 2021

White House Issues Executive Order on Promoting Competition in the American Economy

NEWSLETTER

March 8, 2021

Health Headlines – March 8, 2021

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Events

CONFERENCE

November 12, 2019

12th Annual King & Spalding Pharmaceutical University

November 15, 2016

9th Annual King & Spalding Pharmaceutical University

March 16, 2015

24th Annual Health Law and Policy Forum

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News

CASES & DEALS

October 1, 2021

UPS Acquires Roadie

September 27, 2021

Kraton Corporation to be acquired by DL Chemical

IN THE NEWS

October 6, 2021 • Source: Global Legal Chronicle

K&S advises UPS on its acquisition of Roadie

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