



Zhao Liu

Counsel

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Zhao Liu is a highly skilled commercial litigator who represents clients across an array of industries, including healthcare, technology, and financial services. Zhao works diligently and strategically to guide his clients through their litigation and other legal matters by thinking out-of-the-box when applying legal doctrines and regulatory guidance to his clients' businesses and by providing sensible legal solutions to meet their business goals.

Zhao has extensive experience in antitrust and healthcare matters. His antitrust experience includes defending US and international clients in government antitrust investigations, price-fixing class actions, and merger challenges brought by the government. On the healthcare side, he regularly counsels clients on contract negotiations and new business proposals, including their compliance with federal and state healthcare regulations. He also represents healthcare clients in False Claims Act litigation and payer-provider litigation and arbitration.

Leveraging on this unique combination of experience, Zhao has developed an expertise in the intersection of antitrust and healthcare. He is knowledgeable about the application of antitrust doctrines in the healthcare industry, and has advised healthcare clients on antitrust regulatory compliance and antitrust litigation options.

In addition to antitrust and healthcare matters, Zhao has represented clients in a wide array of complex commercial disputes and across a variety of forums, including securities class actions, contract disputes in court proceedings and arbitrations, product liability cases, government investigations of financial services companies, and self-regulatory actions. An engineer by

Admissions

Bar Admissions

California
District of Columbia

Court Admissions

US Court of Appeals, Sixth Circuit

Education

George Washington University, J.D.:
Highest Honors; Order of the Coif;
Online Articles Editor, *The George
Washington Law Review*

City University of Hong Kong, B.Eng,
Electronic and Communications
Engineering: First Class Honors

training, Zhao has a solid background in electronics, computer science, and mathematics, which makes him well-equipped to work with expert witnesses. He is also one of the few Chinese-born Mandarin-speaking litigators in the US who are familiar with both Asian and Western culture and is uniquely situated to represent Asian and Chinese clients in cross-border litigation, arbitration, and investigations.

Experience

Antitrust and Competition

- One of the principal drafters of a motion to dismiss that was granted by a federal district court in *United American Corp. v. Bitmain, Inc. et al.* (S.D. Fla. 2018), the first antitrust case involving crypto currency
- One of the core members of the trial team that defended AT&T and Time Warner in the biggest merger case in decades, defeating an attempt by the Department of Justice to block the \$85.4 billion merger between the telecom and media giants
- Represented Samsung and coordinated expert work in *In Re: Optical Disk Drive Products Antitrust Litigation*, a multidistrict cartel class action where the plaintiffs sought \$3 billion in treble damages—the O'Melveny team helped Samsung secure a win on summary judgment
- Represented Sysco Corporation in litigation against the Federal Trade Commission in its proposed merger with US Foods
- Represented US Airways in litigation against the Department of Justice in its merger with American Airlines

Healthcare

- Defend national managed care organizations in *qui tam* False Claims Act lawsuits
- Represent managed care payers in arbitrations in connection with disputes under provider participation agreements
- Represent managed care payers to provide regulatory advice in contract negotiations with providers
- Represent health insurance company to provide regulatory advice amid COVID-19
- Represent a Chinese health care company to provide advice on government investigation and litigation options

General Commercial Litigation and Investigation

- Represent a government-sponsored enterprise in a multidistrict shareholder suit
- Represent financial services companies in investigations conducted by federal and state government agencies, including the Consumer Financial Protection Bureau and New York Department of Financial Services
- Represented a company in a self-regulatory action before the National Advertising Division
- Represented a Chinese corporation to provide advice related to potential product liability litigation in the US
- Defended a government-sponsored enterprise in securities class actions

Securities Regulation

- Advise a private equity firm on compliance with US and international securities laws and regulations

- Advised a foreign-incorporated investment adviser on compliance with the Investment Advisers Act of 1940
- Represented underwriters in obtaining clearance from the Financial Industry Regulatory Authority for initial public offerings

Pro Bono Practice

- Secured a victory for a domestic-abuse survivor whose ex-spouse abuser exploited the legal system to saddle her with a massive jury verdict essentially for reporting his abuse and seeking to protect herself
- Co-authored amicus briefs in federal appeals courts on behalf of constitutional law scholars in connection with restrictive abortion laws passed by states
- Represented an LGBT individual in her asylum application
- Represented the District of Columbia Public Charter School Board in charter revocation proceeding and judicial review actions related to the revocation proceeding
- Represented civil rights groups in a lawsuit concerning voting rights under the Americans with Disabilities Act and the Fourteenth Amendment

Professional Activities

Member

- American Bar Association, Section of Antitrust Law

Author

- “Section 230 Reform in the Era of “Big Tech”: What Does That Mean for Antitrust?”, *Competition Policy International* (May 25, 2021)

Co-Author

- “Regulation Crowdfunding: What You Need To Know,” *The Recorder*, co-authored with Robert Plesnarski, Eric Sibbitt, and James Harrigan (June 1, 2016)

Contributing Author

- “New Client Relationships,” *Investment Adviser Regulation*, co-authored with Heather Traeger, James Harrigan, and McAllister Jimbo (2014)

Assistant Editor

- *The International Dispute News* (a publication of the International Litigation Committee, International Arbitration Committee, and International Mediation Committee of the Section of International Law, American Bar Association)

Internship

- Division of Enforcement, US Securities and Exchange Commission

Languages

- Mandarin
- Cantonese

- Shanghainese