



Sergei Zaslavsky

Counsel

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Sergei Zaslavsky is an antitrust attorney with broad experience in trials, regulatory merger reviews, conduct investigations, antitrust audits, and antitrust counseling. Sergei effectively represents his clients by being both detail-oriented and strategic, and by studying his clients' businesses to understand how legal questions intersect with marketplace realities. In doing this, he is able to synthesize antitrust doctrine, economics, and facts into advocacy that is both rigorous and intuitive.

Sergei is a veteran of three federal trials and one arbitration hearing. He has taken the testimony of executives, deposed numerous fact and expert witnesses, second-chaired direct and cross examinations of world-famous economists, and argued in court. In 2019, the *National Law Journal* named Sergei as a "DC Rising Star," an award recognizing "the Washington, DC, region's 40 most promising lawyers age 40 and under."

Sergei has a diverse and deep set of experience, having worked on both litigation and regulatory matters, represented both plaintiffs and defendants, and prepared both expert and fact witnesses. Within that broad set experience, however, there are areas where Sergei has developed particular expertise:

- **Merger Litigation.** Sergei has taken part in six merger litigations. His accomplishments in this area include:
 - Key member of the O'Melveny AT&T-Time Warner merger trial team that prevailed against the DOJ in what the press has dubbed "the antitrust trial of the century." The representation received *Global Competition Review's* 2018 "Merger Matter of the Year – Americas" award.

Admissions

Bar Admissions

District of Columbia

Maryland

Education

Harvard University, J.D.: *magna cum laude*

Dartmouth College, A.B., Economics: *summa cum laude*

- Represented US Airways in defending the merger with American Airlines against a DOJ challenge. The airlines settled the DOJ suit, allowing the merger to proceed and paving the way for the creation of the world's largest airline. The representation garnered *Global Competition Review's* 2014 "Matter of the Year" award.
- Played a pivotal part in Honeywell's challenge to Alarm.com-Icontrol merger, which resulted in favorable settlement for the client. Sergei was the principal drafter of the complaint and the briefing.
- **Two-sided markets.** Sergei played a pivotal role in developing, preparing, and presenting the expert case in the *US Airways v. Sabre* litigation. This was the first district court case where two-sided platform doctrine played a key role after the Second Circuit's *Amex* decision established the modern judicial approach to platform markets.
- **Economic Experts.** While Sergei has worked on virtually all aspects of antitrust litigation, he frequently focuses on the economic case. Sergei has second-chaired the expert presentations in a merger trial, a rule of reason trial on platform MFNs, and an ICC arbitration, and has deposed both economic and non-economic experts.

In addition to maintaining his busy and successful practice, Sergei is an active member of the antitrust bar and regularly contributes thought leadership on cutting edge competition topics. Sergei is a member of ABA Antitrust Law Section Leadership and a founding member of ABA's *Our Curious Amalgam* podcast, a weekly program featuring interviews with leading antitrust and consumer protection thinkers and practitioners.

Experience

- Defended AT&T and Time Warner against DOJ's challenge of their historic merger. The trial was characterized as a "sweeping victory for AT&T" by *The Wall Street Journal*. *United States v. AT&T Inc.*, 310 F. Supp. 3d 161, 164 (D.D.C. 2018), *aff'd sub nom. United States v. AT&T, Inc.*, 916 F.3d 1029 (D.C. Cir. 2019).
- Prepared key fact witnesses and second-chaired economic experts' direct and cross examinations in *US Airways v. Sabre*, an eight-week trial that resulted in a favorable jury verdict and garnered *Global Competition Review's* "Litigators of the Week" award for the O'Melveny trial team. *US Airways, Inc. v. Sabre Holdings Corp.*, No. 11 CIV. 2725, 2017 WL 1064709 (S.D.N.Y. Mar. 21, 2017), *remanded*, 938 F.3d 43 (2d Cir. 2019).
- Represented US Airways in litigation against the DOJ in its merger with American Airlines.
- Representing a major bank in a class action involving allegations of collusion to inflate interest rates on bonds.
- Representing Global Music Rights in antitrust litigation against the Radio Music Licensing Committee.
- Representing a major medical device manufacturer in lawsuit involving allegations of tying.
- Representing in cryptocurrency pioneer Roger Ver and software developers in *United American v. Bitmain*, the first federal antitrust case involving cryptocurrency.
- Represented Honeywell in its lawsuit to block competitors' merger.
- Represented Honeywell in its acquisition of Intermec.
- Represented a major electronics company in a high-stakes ICC arbitration, taking the testimony of high-ranking marketing executives and second-chairing expert examinations.

- Second-chaired economic experts' direct and cross examinations at D.D.C. merger trial.
- Represented Fortune 100 Company in FTC investigation relating to joint venture agreement and IP licensing issues.
- Counseled major clinical laboratory company on licensing issues.
- Conducted antitrust audit for Fortune 500 petrochemical company.
- Represented manufacturer of a weight loss product in an FTC Bureau of Consumer Protection investigation.

Professional Activities

Member

- ABA Antitrust Law Section Leadership
- ABA Antitrust Law Section *Our Curious Amalgam* Podcast

Author / Co-Author

- “Merger Control and Privacy: The Right Tool for the Job?” *The Deal* (October 12, 2020)
- “Chilling Tech M&A Could Hurt Competition,” *Law360* (June 23, 2020)
- “OpEd: M&A No Special Antitrust Concern During Downturns,” *The Deal* (May 13, 2020)
- “Blockchain and Antitrust: How Counsel Can Mitigate Risk,” *Bloomberg BNA* (January 9, 2019)
- “Deciding Between Bench and Jury Trial: Reflections After *US Airways v. Sabre*,” *Antitrust* (Fall 2017) (with Charles Diamond)
- “Price Discrimination Markets in Merger Cases: Practical Guidance from *FTC v. Sysco*,” *Antitrust* (Fall 2016) (with Ian Simmons)

Contributing Author

- Antitrust Law Developments Update, *ABA* (2019)
- Consumer Protection Law Developments, *ABA* (2016)

Podcasts

- Our Curious Amalgam, “All Bundled Up? Making Antitrust Sense of Product Bundles and Clusters,” Co-Host, *ABA* (2020)
- Our Curious Amalgam, “What is the Relationship Between Privacy and Competition? A Conversation with Commissioner Noah Phillips” Co-Host, *ABA* (2020)
- Our Curious Amalgam, “Breaking News Special: Draft Vertical Merger Guidelines,” Co-Host, *ABA* (2020)
- Our Curious Amalgam, “Why Does it Matter? The Role of Big Data in Antitrust” (interview with Daniel Sokol), Co-Host, *ABA* (2020)
- Our Curious Amalgam, “Why the Techlash? Antitrust Policy and Big Tech” (interview with Hal Varian), Co-Host, *ABA* (2019)
- Our Curious Amalgam, “What’s The State of Things: 3 Things I Keep, 3 Things I Change” (interview with Josh Wright), Co-Host, *ABA* (2019)

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- Our Curious Amalgam, “What is the Secret Sauce Behind Developing a Complaint” (interview with Melinda Coolidge) Co-Host, *ABA* (2019)
 - Our Curious Amalgam, “Can We Have Mergers Without Tears: Understanding the Basics of Merger Review” (interview with Mike Keeley), Co-Host, *ABA* (2019)

Speaker

- *ABA Fundamentals of Antitrust Economics Series: Statistical Significance* (November 2018)
- *ABA Consumer Protection Update* (October 2015)

Honors & Awards

- Selected as one of *The National Law Journal's* 2019 “DC Rising Stars”