

PRACTICE FOCUS

Paul Kaplan concentrates his practice on business litigation and dispute resolution, antitrust litigation and counseling, class action defense, and white-collar defense and criminal and civil investigations. Mr. Kaplan represents domestic and foreign financial institutions and corporations and their Directors and Officers in federal and state litigation and regulatory matters and has advised them on the antitrust aspects of mergers and acquisitions, as well as a broad range of industries on general antitrust matters. He counsels corporations on the antitrust ramifications of business transactions with a view to avoiding or minimizing exposure to antitrust claims in litigation and represents financial institutions and corporations facing regulatory or court enforcement actions. He has represented corporations and executives in federal and state government investigations involving both criminal and civil matters. He has represented clients in the following industries: financial services, telecommunications, health care and medical devices, consumer goods and electronics, college and amateur sports, automotive parts, university book stores and natural resources.

Mr. Kaplan has practiced law for more than 30 years with major law firms and corporations in the United States and Europe. He began his legal career in London, England where he was an associate with an Anglo-American law firm. Following a clerkship in Boston with the late Honorable R. Ammi Cutter, a justice of the Massachusetts Supreme Judicial Court, Mr. Kaplan joined the legal department of AT&T in New York, then involved in a complex business reorganization and divestiture, pursuant to a federal court antitrust decree. He also held the title of vice president at Citibank, NA (Citigroup) in the General Counsel's Office and at J.P. Morgan Chase (Chemical Bank), where he was group counsel in the bank's Middle Market/Financial Services Group.

Mr. Kaplan has been an adjunct professor of law at Fordham Law School, where he taught an advanced antitrust course from 1991 to 2011. In February 2006, he organized, on behalf of the government of Israel, a financial services delegation to Israel led by the late Honorable Jack Kemp (former U.S. Representative from New York, Secretary of Housing and Urban Development and Republican Party nominee for Vice President in 1996).

POINTS OF DISTINCTION

He is a four-time finisher of the New York City Marathon, with a best time of 3:48:31.

Mr. Kaplan has an AV Preeminent rating from Martindale-Hubbell®, its highest rating for legal ability and ethical standards.

**For ranking methodology, please see www.martindale.com.*

ACTIVITIES

- Member, American Bar Association
- Member, Association of the Bar of the City of New York
- Executive Committee, America-Israel Friendship League (AIFL) - a 501(c)(3) not-for-profit organization dedicated to enhancing the political, social and economic ties between America and Israel
- Member, Boston University College of Arts & Sciences Dean's Advisory Board
- Member, Board of the American Friends of Hebrew University of Jerusalem
- Member, The London School of Economics' New York Development Committee
- Member, Board of the American Fund, The London School of Economics

REPRESENTATIVE MATTERS

- Japanese Auto Parts Investigation by the Department of Justice, Antitrust Division. Price fixing and bid rigging criminal antitrust investigation represented a senior executive employed by a foreign auto parts manufacturer in a federal, criminal antitrust investigation. The investigation involved allegations that the company participated in a conspiracy with competitors to fix prices and rig bids for auto parts sold in the U.S. The Plea Agreement and Judgment are public documents. Mr. Kaplan secured a "carve in" status for the client resulting in his non-prosecution and grant of immunity. Twenty-Six Japanese executives have received jail sentences as a result of the Japanese Auto Parts Investigation, the largest investigation in the history of the Department of Justice. Over \$4 billion in criminal, antitrust fines have been secured against all of the auto parts manufacturers since 2013.
- Darush v. Revision and Lovely Skin. U.S. District for the Central District of California (Judge Gary Feess). Represented Defendant, Lovely Skin, in a price-fixing claim under California's Antitrust statute, the Cartwright Act. After having secured our first Motion to Dismiss, the Plaintiff was given leave to amend his claim which he did. The case was then settled for a nominal amount.



Paul Kaplan
Principal, New York Office

PRACTICE AREAS

- Commercial Litigation

EDUCATION & ADMISSIONS

- LL.M., London School of Economics, University of London
- J.D., Northeastern University School of Law
- A.B., cum Laude with distinction, Boston University
- New York
- Massachusetts
- U.S. Supreme Court
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, District of Massachusetts
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Tenth Circuit

REPRESENTATIVE MATTERS CONTINUED

- In Re Polyurethane Antitrust Litigation (MDL Docket No. 2196), U.S. District Court for the Northern District of Ohio (2010-) (Judge Jack Zouhary). Representing Defendant, Hickory Springs Manufacturing Co., in a price-fixing and allocation of customer case: Two class actions, involving the direct and indirect plaintiffs, along with the opt-out and direct plaintiffs. Ongoing litigation.
- Genesis Corp. v. Solomon-Page (2011-2012). Actions in New York State Supreme Court and U.S. District Court for the Southern District of New York involving a business dispute between two competitors: Claims under the Lanham Act, and in contract and tort. Case was settled.
- Macquarie Group Ltd, v. Pacific Corporate Group, LLC 2009 WL 539928 (2009) U.S. District Court for the Southern District of California (Judge Irma Gonzalez). Defended Macquarie Chairman, CEO and the five most senior officers in a business dispute with a former joint venture partner. Plaintiff's claims were as high as \$100 million, but after Defendants' four counterclaims survived Plaintiffs' MTD, the parties settled the case. This was a significant victory for the client in federal and state civil litigations in California. In order to counter claims against the Plaintiffs, four separate claims were asserted, which survived an Iqbal/Twombly Motion to Dismiss. This motion requires a heightened pleading standard as determined by the U.S. Supreme Court.
- Acquisition of Dialysis Corp. of America by US Renal Care. Represented Dialysis Corp. of America in a \$120 million transaction in 2010. The transaction was approved by the U.S. Federal Trade Commission within 20 days.
- Mountain West Football Conference. Presented testimony to the U.S. Senate Judiciary Committee on the Antitrust violations of the college football structure, the BCS (Bowl Championship Series), in 2009.
- The Book Exchange v. Barnes & Noble College Booksellers (2008), In the Circuit Court of Monongalia County, West Virginia. Defended Barnes & Noble Booksellers in a price-fixing and a consumer protection case that resulted in our Motion to Dismiss being granted with prejudice.
- Credit Suisse Securities (USA) LLC, et al. v. Glen Billing, U.S. Supreme Court (2007). Submitted Amicus Curiae Brief in support of Petitioner for W.R. Hambrecht + Co., LLC arguing for antitrust immunity from permissible underwriting conduct.