



Robert L. Magielnicki

Partner

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PRACTICE AREAS

- Antitrust and Trade Regulation
- Corporate
- Litigation
- International Practice

INDUSTRIES

- Aerospace and Defense
- Food and Beverage
- Healthcare
- Life Sciences

OVERVIEW

Robert L. Magielnicki is a partner in the Antitrust and Trade Regulation Practice Group. He has a multi-disciplinary practice and engages in a diverse commercial practice with emphasis on antitrust, domestic and international business transactions, and complex civil and criminal litigation.

Areas of Practice

Mr. Magielnicki has more than 35 years of experience in the fields of antitrust and trade regulation, and business law, both domestically and internationally, including having served as General Electric Company's Associate Litigation and Antitrust Counsel. In addition, Mr. Magielnicki also served as the Division General Counsel of GE's Factory Automation Products Division in Charlottesville, Virginia and was counsel to GE at its corporate headquarters in Fairfield, Connecticut.

Mr. Magielnicki provides antitrust counseling on a broad spectrum of business matters including mergers and acquisitions, joint ventures, licensing, distribution systems, trade association and standard development issues, Robinson-Patman Act issues, physician-hospital arrangements, teaming agreements, and joint buying arrangements. His experience includes counseling clients on the requirements of and numerous filings under the Hart-Scott-Rodino Act, as well as Exon-Florio and Office of Foreign Assets Control matters.

Mr. Magielnicki represents a broad range of clients in corporate and commercial matters, including companies engaged in manufacturing, telecommunications, aerospace and defense, semiconductors, consumer goods, commercial and industrial products, pharmaceuticals and health care. He also has represented a diverse array of clients in acquisitions, dispositions and joint ventures, both domestic and international, as well as in numerous complex contracting and licensing matters. His clients range from privately-owned to Fortune 100 companies and include both domestic and foreign corporations.

On the international front, Mr. Magielnicki has represented clients in numerous transactions including acquisitions, dispositions, joint ventures, distribution arrangements and licensing agreements. He also has represented clients in investigations by the Competition Directorate of the European Union, as well as the national competition authorities of a number of European and South American countries, and the Japan Fair Trade Commission.

Mr. Magielnicki's litigation experience includes representing corporations and individuals in both civil and criminal investigations and litigation, including class actions, involving Sherman Act and Clayton Act claims, securities fraud claims and contract claims. He also represents clients before the Antitrust Division and the Federal Trade Commission.

EDUCATION

- J.D., Cornell Law School, 1970, *with distinction, Order of the Coif*
- A.B., Rutgers University, 1967, *with honors, Phi Beta Kappa*

ADMISSIONS

- New York
- District of Columbia

LANGUAGES

- Spanish

EXPERIENCE

Examples of Mr. Magielnicki's representations include:

Key negotiator and principal draftsman of joint venture agreement and implementing agreements forming a joint venture in industrial systems between a Fortune 10 client and a Latin American company.

Lead counsel in \$295 million sale of a consumer products subsidiary. Key participant in formulating disposition strategy and negotiating with the buyer. Principal draftsman of sale agreement, as well as earlier agreements "spinning off" certain of the subsidiary's operations.

Lead counsel in \$289 million sale of unwanted product lines by a high technology company. Key negotiator and draftsman of numerous agreements disposing of assets and foreign subsidiaries.

Principal negotiator and principal draftsman of joint venture agreement and implementing agreements forming a four-company worldwide joint venture in automation controls between a Fortune 10 client and a leading Japanese controls manufacturer.

Lead counsel in asset sale of a cemented-carbide business to a major European company, including arranging critical supply and purchase agreements.

Lead counsel for an agreement "swapping" client's minority interest in money-losing, privately-held joint venture for stock and warrants of a publicly-traded company. A special warrant provision yielded an additional \$1.3 million upon the subsequent takeover of the purchaser.

Assisted clients in the commercial and consumer product fields in formulating and implementing international distribution programs.

Successfully represented the Division President of a Fortune 100 company in a major criminal antitrust case charging a nationwide conspiracy to fix prices. After a three-week trial, the jury returned a verdict of not guilty in less than two hours.

Provided antitrust counseling and representation in numerous domestic and international

transactions including a worldwide joint venture in the industrial sector, the disposition of manufacturing operations by an international telecommunications company, the sale of an aerospace defense company, the sale of a beverage company and the purchase of a pharmaceutical company.

Represented an international telecommunications equipment company in arbitrations with Korean and Taiwanese government agencies.

Successfully challenged a proposed telecommunications standard on behalf of an international equipment supplier.

MEMBERSHIPS

- Member, Antitrust and International Law Sections, American Bar Association
- Member, New York State Bar Association
- Member, District of Columbia Bar Association

ARTICLES

Ad Briefs Law Blog Articles

- "Will The Revised "Green Guides" Do More Harm Than Good?," October 14, 2010

Antitrust Law Blog Articles

- "New Amendments To Hart-Scott-Rodino Premerger Notification Rules", July 11, 2011
- "Antitrust Division "Hogties" Smithfield Foods with a \$900,000 Civil Penalty for Gun-Jumping", April 28, 2010
- "FTC Chair Calls for Ban to Pay-For-Delay Settlements", January 25, 2010
- "Antitrust Enforcement in the Obama Era: Back to Basics -- Vigorously", June 12, 2009
- "Penalties for Failing to File Under the HSR Act Can Be Stiff", November 7, 2005

Corporate & Securities Law Blog Articles

- "New HSR Thresholds Announced", January 30, 2008

EVENTS

- The 2010 UK Bribery Act (FCPA On Steroids) V. The Reinvigorated FCPA -- Who Has the Bigger Stick!
- Managing a Cartel Investigation
- How to Avoid Global Antitrust and Intellectual Property Risks