



## Gary L. Halling

Partner

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### PRACTICE AREAS

- International Practice
- Antitrust and Trade Regulation
- Litigation

### OVERVIEW

Gary Halling is the Practice Group Leader for the firm's Antitrust and Trade Regulation Practice Group. Mr. Halling was formerly with the U.S. Department of Justice, Antitrust Division, where he was a trial attorney in the General Litigation Section from 1976-1981.

### Areas of Practice

Mr. Halling specializes in complex business litigation with emphasis on antitrust and unfair competition matters. He has extensive experience in civil and criminal antitrust matters involving both federal and state enforcement agencies.

### Practice History

1975-1976 Law Clerk to United States District Judge William B. Enright (S.D. Cal.).  
1976-1981 Trial Attorney, Antitrust Division, U.S. Department of Justice, Washington, D.C.  
1981-1993 Partner, Broad, Shulz, Larson & Wineberg, San Francisco.  
1993 Partner, Sheppard, Mullin, Richter & Hampton, LLP, San Francisco.

### Litigation Experience Examples

Defend numerous DOJ Antitrust international cartel price fixing cases, including coordinating defense of related international investigations in the EC, Japan, Korea, Canada, Brazil and elsewhere, and defending related U.S. nationwide direct and indirect civil class actions (2002-2010).

Antitrust counsel for Samsung Electronics defending IP-related antitrust claims in multi-billion dollar litigation with Rambus, coordinating with patent counsel in worldwide related proceedings (2004-2010).

Co-counsel for the United States in the first successful felony price fixing case under the Sherman Act (real estate commissions). Convictions affirmed on appeal, United States v. Foley, 598 F.2d 1323 (4th Cir. 1979) cert. denied, 444 U.S. 1043 (1980).

Defend and resolve DOJ antitrust criminal price fixing action on behalf of industry leader Samsung Electronics involving DRAM memory chips, and related national MDL direct and indirect civil class actions and suits by over 40 state attorneys general, and coordinate worldwide defense. In Re DRAM Antitrust Litigation (MDL) (N.D. Cal. 2002-present), et al.

Defend nationwide TFT-LCD DOJ grand jury and foreign enforcement investigations and related direct and indirect class action price fixing actions (over 70 cases) on behalf of Samsung Electronics (2007-2010).

Defend SDI America, Inc. and related Samsung SDI Co., Ltd. entities in DOJ Antitrust Division grand jury criminal price fixing and foreign enforcement investigations involving cathode ray tubes and over 30 civil direct and indirect antitrust class actions (2008-2011).

Defend Samsung companies in over 60 direct and indirect civil class actions alleging price fixing of SRAM and FLASH memory chips, and related U.S. DOJ and foreign enforcement agency proceedings (2007-2010).

Defend senior executives in DOJ antitrust grand jury investigations, auto parts and real estate foreclosure auctions (2011).

Defend DOJ Antitrust Division grand jury criminal price fixing investigations representing European multinational corporation (shipping) and NYSE traded U.S. corporation (road construction) (2007-2008).

Represent MediaNews Group and California Newspapers Partnership defending billion dollar acquisition of San Francisco Bay Area newspapers and corporate investment, private litigation with related DOJ proceedings. Reilly v. MediaNews Group et al. (N.D. Cal, 2006-07).

Tried federal court antitrust case for The Hearst Corporation which resulted in the consummation of Hearst's \$660 million acquisition of the San Francisco Chronicle. Reilly v. The Hearst Corporation 107 F.Supp.2d 1192 (N.D. Cal. 2000).

Co-lead trial counsel defending MasterCard International Incorporated in a representative action challenging foreign currency exchange practices under California's Unfair Competition statute, Schwartz v. Visa and MasterCard, Alameda Superior Court (2002). Defense ruling of dismissal in favor of MasterCard and Visa on appeal, 132 Cal. App. 4th 1452 (2005).

As co-counsel tried a federal court antitrust case against Exxon in 1992 on behalf of the City of Long Beach as trustee for the State of California. Case was part of related litigation involving major oil companies which resulted in settlements to the State of over \$300 million. Successfully argued Ninth Circuit appeals in these cases, People of the State of California v. Chevron, et al., 872 F.2d 1410 (9th Cir. 1989), cert. denied, 493 U.S. 1076 (1990).

As lead counsel, tried federal court jury case to dedicate Texaco's California crude oil transportation system to common carrier use and public utility status (E.D. Cal., July, 1994). Unpublished Ninth Circuit decision, Mission Resources v. Texaco Trading and Transportation, (9th Cir. 1995).

Represented DHL as lead counsel in federal court action to enforce terms of DHL Shareholder Agreement permitting the Company to purchase outstanding shares from the Saipan estate of a deceased shareholder, which resulted in successful acquisition of a controlling interest in the Company. DHL v. Estate of Larry Hillblom (N.D. Cal., 1998).

While at the Antitrust Division of the United States Department of Justice, tried various administrative evidentiary hearings, under the Newspaper Preservation Act (15 U.S.C.

1803), including involving mergers of newspaper business operations in Cincinnati (1977) and Seattle (1981); and counsel for the United States in Section 7 Clayton Act litigation challenging book publishing acquisition by CBS. United States v. CBS Inc., 1982-1 Trade Cases (CCH) 64,478 (S.D.N.Y. 1981).

### Honors

- Top Antitrust Lawyers, Chambers & Partners', 2009, 2010, 2011
- PLC Which Lawyer, 2007, 2008, 2009, 2010, 2011
- Best Lawyers in America, 2008, 2009, 2010, 2011, 2012
- Litigation Star, *Benchmark Litigation*, 2009, 2010, 2011, 2012
- Northern California Super Lawyers, *San Francisco Magazine*, 2007-2011

### Memberships

- Member, Antitrust Law Section, American Bar Association
- Member, Antitrust Section, State Bar Association of California

### Publications

- United States Antitrust Laws (2011) (English, Chinese, Korean, and Japanese versions)
- Confronting Cartels Proactively, September 10, 2004
- Antitrust Mergers and Acquisitions (2003)

### Speeches

Mr. Halling has been a frequent speaker before the Antitrust Section of the American Bar Association. In addition, Mr. Halling presents to major national corporations on antitrust topics.

- ABA International Antitrust Cartel Conference, faculty speaker, (Paris, 2010)
- China Society for WTO Studies, China Antitrust Professional Committee, sponsor and keynote speaker (2009)
- Beijing Antitrust Conference, China's New Anti-Monopoly Law, sponsor and keynote speaker (2007)
- Mergers and Acquisitions in China, Shanghai Conference, speaker (Shanghai, 2007)

### EDUCATION

- J.D., University of San Francisco, 1975, Articles Editor, *Law Review*
- B.A., University of California, Los Angeles, 1972, *cum laude* in Philosophy
- Externship: Law Clerk, Justice Louis H. Burke, California Supreme Court, 1974

### ADMISSIONS

- California
- District of Columbia