

Eamon O'Kelly | Of Counsel

Business Litigation

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Eamon O'Kelly is an experienced litigator and advisor who focuses his practice on antitrust, trade regulation, and complex commercial litigation matters. He represents Fortune 100 companies and European and Asian multinationals.

Eamon's experience includes representing parties in shareholder and partnership disputes, breach of contract lawsuits, and other commercial litigation and arbitration matters; defending publicly traded companies in significant "bet the company" litigation across a range of legal matters, including the Sherman Act, Federal Trade Commission Act, the Robinson-Patman Act, and the Racketeer Influenced and Corrupt Organizations Act; representing plaintiffs in major antitrust class actions; and advising clients in antitrust premerger matters under the Clayton Act and Hart-Scott-Rodino Act.

Select Engagements

Commercial Litigation

- Defending a Texas local government risk pooling alliance against breach of contract claims arising out of Hurricane Harvey reconstruction work.
- Representing a real estate investor and entrepreneur in partnership disputes involving multiple limited liability companies.
- Represented a celebrity/entrepreneur in an action involving commercial misappropriation of his name and image. The matter was settled after initial discovery.
- Represented a privately held corporation and its shareholders in a dispute with a family member regarding corporate ownership. The matter was settled before trial.

- Defended an operator of thoroughbred racetracks against a professional jockey agents' challenge to the operator's rule for jockey representation. Obtained a dismissal of all claims with prejudice; the trial court's judgment was affirmed by an intermediate-level appellate court and the New York Court of Appeals. Also obtained a dismissal with prejudice of a companion case in federal court.

Antitrust

- Represented a coal mining company in a lawsuit claiming that railroad companies conspired to fix rail freight surcharges and to monopolize rail freight markets.
- Co-lead counsel for a class of consumers who claimed that contact lens manufacturers and a wholesale distributor conspired to fix prices of disposable contact lenses. All five defendants settled with the class before trial.
- Lead counsel for a class of persons and entities that paid for oncology services in Southwest Florida. The plaintiffs claimed that the defendants conspired to restrain competition and raise prices for oncology services. Secured a settlement on behalf of the class.
- Trial counsel for the plaintiff in a Robinson-Patman Act price discrimination lawsuit in the food distribution industry. The trial court entered a verdict for the plaintiff following a two-week bench trial, but the Third Circuit later reversed the trial court's judgment.
- Antitrust counsel for an anesthesiology services provider in a lawsuit involving restraint of trade and monopolization claims. Following a court-ordered mediation, the client secured a settlement.
- Defended a pharmacy services provider against Sherman Act and California state law claims brought on behalf of a class of nursing home residents who alleged collusion as to the pricing of pharmaceutical products. Obtained a dismissal of all claims with prejudice.
- Defended a Russian mining company against cartel claims in a multidistrict class action. The client secured a settlement.
- Obtained settlements on behalf of a British multinational oil and gas company in private lawsuits arising out of a European Commission cartel investigation into the synthetic rubber industry.
- Defended an affiliate of a Japanese multinational conglomerate corporation in a Sherman Act Section 2 (predatory pricing) case involving in-flight entertainment systems. The trial court granted summary judgment to the client.
- Defended a leading generic pharmaceutical company in an FTC investigation and multidistrict antitrust litigation arising out of a so-called "reverse payment" settlement of a Hatch-Waxman Act patent dispute. The Eleventh Circuit ruled for the defendants on appeal from a grant of partial summary judgment.
- Trial counsel for a leading multinational pharmaceutical corporation in a landmark Sherman Act jury trial. The court awarded judgment as a matter of law to defendants after a 12-week trial; the judgment was affirmed by the

Seventh Circuit.

- Represented and advised numerous clients in antitrust premerger matters under the Clayton Act and Hart-Scott-Rodino Act.

Alternative Dispute Resolution

- Representing a digital marketing company and its members in a valuation dispute with a former member.
- Represented an investment company in mediating a malpractice dispute with a former law firm; obtained a settlement for the client.
- Represented an Armenian telecommunications company in International Chamber of Commerce arbitrations of disputes with the Republic of Armenia arising out of the construction of a telephony infrastructure.
- Represented a Romanian telecommunications company in International Chamber of Commerce arbitrations of disputes with contractors arising out of the construction of a telephony infrastructure.

Admissions

- Supreme Court of the United States
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Ninth Circuit
- New York
- U.S. Circuit Court - District of Columbia
- U.S. District Court - Eastern District of New York
- U.S. District Court - Southern District of New York
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Seventh Circuit

Memberships

- American Bar Association
- New York State Bar Association

Education

- Fordham University, BA, summa cum laude
- New York University School of Law, JD, magna cum laude

Recognitions

- 2010–2024, Antitrust Law and Litigation - Antitrust in New York, listed in *Best Lawyers in America*©
- 2023, New York Metro “Super Lawyer” in Antitrust Litigation, listed in *Super Lawyers*

Professional Activities

Eamon is a member of the Antitrust Section of the American Bar Association.