James Robertson Martin
Partner

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PRACTICE AREAS

- Antitrust and Unfair Competition
- Antitrust Counseling & Compliance
- Breach of Contract
- Class Actions
- Commercial Litigation
- Corporate Plaintiff Affirmative Recovery
- Financial Services Litigation
- Indirect and Direct Purchaser Class Actions
- International Competition
- Pandemic Claims and Litigation
- Securities/Securities Lending

BAR AND COURT ADMISSIONS

- State Courts: District of Columbia, California
- U.S. Supreme Court

EDUCATION

- Loyola Law School, Los Angeles, J.D., 1994, *Order of the Coif*

James Robertson Martin (Jim) is co-chair of the Firms Antitrust group and former member of Zelles Executive Committee.

Jim has experience in all aspects of complex antitrust, commercial, and financial services litigation on a national and international scale. He has represented corporations, financial institutions, and federal agencies in high-stakes litigation ranging from cartels to monopolization.

He and his partner, Jennifer Duncan Hackett, look for the challenging cases, the ones that present opportunities to extend the reach of the antitrust laws to unrepresented victims or to advocate novel theories of relief that will allow them to serve the role of private attorney general envisioned by Congress when it enacted laws creating a treble-damages right of action.

Together, Jim and Jen were at the forefront of the now accepted opt-out practice. They pursued novel monopolization claims to protect new and innovative challengers to the status quo, they have identified and pursued theories of relief in pay-for-delay cases that went beyond the standard script of causation and damages. They developed theories of fraud and collusion that set their clients apart in the LIBOR MDL and have helped those clients achieve significant recoveries through U.S. (and related English) litigation in a difficult environment. They went to trial on behalf of a surf wave manufacturer, pressing for an extension of the law ultimately rejected by the Ninth Circuit, but worth the battle. And they are part of a team of lawyers leading a charge to dismantle the junior hockey system that deprives youths aged 16-20 of the benefits of competition.

Despite the small size of their office, they routinely face the worlds best defense lawyers and consistently punch above their weight.

When the COVID pandemic hit, Jim shifted to defending insurers particularly through dozens of amicus briefs on behalf of trade associations to help forestall a rush to judgment and orient courts to the tremendous risks insurers face and the benefits they provide to commercial property owners around the country.

Jim is a frequent speaker and author. In 2015, he received the distinguished Burton Award as one of the nations top legal writers.

ZELLE LLP

James Robertson Martin

- University of Massachusetts Amherst, B.A., 1987

REPRESENTATIVE MATTERS

Represents Freddie Mac and the Federal Deposit Insurance Corporation as Receiver for 38 Closed Banks in the LIBOR antitrust litigation.

Represents a putative class of plaintiffs in *World Association of Icehockey Players Unions North America Division, et al. v. National Hockey League*, 24-cv-01066.

Represents, and has represented, United HealthCare Services, Inc. in opt-out actions against drug makers, including *In re Generic Pharmaceuticals Pricing Antitrust Litig.*, and several pay-for-delay schemes involving the drugs Provigil, Zetia, and Xyrem.

Represented 11 companies in a price-fixing case that opted out of a class action against The Dow Chemical Corporation, BASF. Jim handled th e*Daubert*hearing, presented plaintiffs expert to the jury, and cross-examined Dows liability expert before Dow agreed to pay $400 million to settle.

Appointed to Plaintiffs Steering Committee in*In re German Automotive Manufacturers Antitrust Litigation*on behalf of a putative class of direct purchaser plaintiffs.

Represented the maker of heavy-duty transmissions in a case alleging that the dominant manufacturer used market-share agreements with purchasers and engaged in other conduct to squeeze it out of the marketplace. That case settled for $500 million*(ZF Meritor, LLC v. Eaton Corp.).*

Represented the owners of WordPerfect in a case alleging unlawful monopolization*(Novell, Inc. v. Microsoft Corp.)*.

Represented several property insurers in defense of putative class actions alleging wrongful denial of coverage arising from COVID-19.

He also served as Counsel to a pharmaceutical company in a three-week international arbitration with claimed damages exceeding $1 billion in a licensing/breach of contract case.

Defended companies accused of antitrust violations, serving as defense

liaison counsel representing Dunlop in*In re Marine Hose Antitrust Litigation,*and brought companies before the Department of Justice to raise concerns about suspected collusion.

Represented Korean manufacturer accused of antitrust violations in market for LCD-TFT Panels, and obtained dismissals without having to file answers.

Represented a group of noted economic professors and scholars as*amici curiae*before the U.S. Supreme Court*(Empagran v. F. Hoffmann-La Roche Ltd.).*

Represented more than four dozen Fortune 500 companies that opted out of a class action alleging that manufacturers of corrugated boxes conspired to decrease output and increase prices. In total, settlements from the case,*In re Linerboard Antitrust Litigation*, exceeded $200 million.

Represented more than 125 companies, including Fortune 500 companies such as Tyson Foods, that opted out of a class action alleging that manufacturers of bulk vitamins (including F. Hoffman-La Roche Ltd., BASF, Takeda, and others) engaged in a decades-long cartel to artificially inflate prices.These companies collectively realized proceeds from settlements exceeding $1 billion.

Represented more than four dozen companies that opted out of a class action alleging that manufacturers of the animal feed additive methionine engaged in a cartel to artificially inflate prices.These companies obtained settlements that represented a multiple of what they would have received as class members.

ARTICLES & PRESENTATIONS

James Robertson Martin Quoted in Global Competition Review: Parler Alleges Amazon Cuts Access in Competitive Threat to Twitter, January 21, 2021

"Gimme a Break: Are ACPERA Benefits Obtainable?," American Bar Associations Section of Antitrust Law, June 10, 2020, panelist

"Square Peg/Round Hole Why COVID-19 Coverage Disputes Dont Fit the Template for Class Actions and MDLs," Zelle Webinar, April 28, 2020, co-presenter

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James Robertson Martin Quoted in Reuters: Race is on to lead business interruption insurance litigation, April 22, 2020

"Class Certification Issues in Coronavirus-Related Commercial Property Insurance Litigation," April 10, 2020, co-author

"Spotlight on Private Antitrust Enforcement at Seoul Forum," *Competition Law360*,November 5, 2018, author

"Implementation of Civil Means for Competition," 10th Seoul International Competition Forum, Seoul, Korea,September 13, 2018, panelist

"Gorsuchs Good, Wrong Opinion on Microsoft Antitrust Case," *Competition Law360*,February 1, 2017, author

"Questioning 2nd Circ. Analysis in Aluminum Antitrust Case," *Competition Law360*,August 26, 2016, author

Judge Posner Speaks on the FTAIA: Rejects Fermats Principle of Least Time, *CPI Antitrust Chronicle*, January 2015

Antitrust Scrutiny: Ways to Plan, Prepare, and Respond, National Constitution Center Webcast, December 17, 2014

Fermats Principle and the FTAIA: What Courts Can Learn From Optics (Recipient of 2015 Burton Distinguished Legal Writing Award), *CPI Antitrust Chronicle*, September 2014

Calculating the Risks and RewardsThe Basics of Antitrust Economics , Lawline Webcast - Managing Your Risk of Exposure Under U.S. Antitrust Law: A Five-Part Series Presented by Dickstein Shapiro LLP, May 2, 2014

Enforcement and Litigation Under Sherman Act 1, Lawline Webcast - Managing Your Risk of Exposure Under U.S. Antitrust Law: A Five-Part Series Presented by Dickstein Shapiro LLP, May 2, 2014

The International Reach of United States Antitrust Law, International Enforcement of Competition Law in the Age of Globalization Symposium, Waseda University, Tokyo, Japan,March 20, 2014

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Please Take A Seat - The FTAIA Is Not About Standing, *Law360*, January 29, 2014

PROFESSIONAL AFFILIATIONS

ABA Antitrust Law Section, member

NOTEWORTHY

Recognized as a Washington, DC Super Lawyer, 2023-2026

Named as a "Leading Lawyer" in*The Legal 500 US*in Civil Litigation/Class Actions: Plaintiff (2019-2026)

Named among the 2019-2026 *Lawdragon* "500 Leading Plaintiff Financial Lawyers."

Fellow, American Bar Foundation