



Peter A. Barile III

Senior Associate

Peter A. Barile III is a Senior Associate, resident in the firm’s Washington office. He is member of the bars of the District of Columbia, New York and Connecticut. He is admitted to practice before numerous federal district and appeals courts, as well as the United States Supreme Court. Mr. Barile is experienced in complex litigation, appeals, government investigations and counseling, in the fields of antitrust, consumer protection, business torts and related areas of constitutional law.

Peter A. Barile III

1299 Pennsylvania Ave NW
Washington, DC 20004
t. +1 202.383.6941
f. +1 202.383.6610

BarileP@howrey.com

ADMISSIONS

Connecticut
District of Columbia
New York

EDUCATION

University of Connecticut School of Law (JD, 1999), *Dean's Scholar, with high honors*. William H. Hastie Moot Court Competition, First Place and Best Brief; Aspen Law and Business Award; Lexis Law Publishing Award; Milton Sorokin First Amendment Award; Four CALI Awards for the highest grades in Antitrust, Evidence, Freedom of Speech and Legal Ethics

Connecticut Law Review, Symposium Editor (1999)

University of Connecticut (BA, 1991)

As a litigator, Mr. Barile has represented both defendants and plaintiffs in complex matters of national and international scope and significance in federal and state courts throughout the country. The primary focus of his practice is multidistrict class action antitrust litigation. Mr. Barile has defended numerous corporate clients involved in such cases and also has prosecuted such cases on behalf of businesses and consumers alike. As an appellate advocate, Mr. Barile recently has served as lead counsel in three United States Supreme Court cases, including representing the Consumer Federation of America in the landmark case, *Leegin v. PSKS*, concerning the standards by which the legality of resale price fixing is adjudged. He also has been involved in a number of leading cases concerning the application of the Foreign Trade Antitrust Improvements Act, a law central to the limits of the global reach of US antitrust law. In addition, Mr. Barile has represented numerous clients in government investigations conducted by the United States Department of Justice and the Federal Trade Commission, as well as by international antitrust authorities.

Mr. Barile is active in the antitrust bar as a speaker and writer. His works have been cited by the Federal Trade Commission, the Antitrust Modernization Commission and in Congressional testimony, as well as in a number of law review articles and historical works.

REPRESENTATIVE MATTERS

- *In re Rail Freight Fuel Surcharge Antitrust Litigation*. Obtained dismissal, affirmance of dismissal, and denial of *certiorari* in indirect purchaser multidistrict price fixing case brought against largest US railroad companies on federal preemption grounds; ongoing representation in direct purchaser cases.
- *In re Online DVD Rental Antitrust Litigation*. Ongoing representation of proposed classes of more than 20 million subscribers to online DVD rental subscription services of Netflix and Blockbuster alleging

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violations of the antitrust laws by Netflix and Wal-Mart; preliminary approval of \$40 million partial settlement pending.

- *In re LTL Shipping Services Antitrust Litigation*. Obtained dismissal of price fixing claims on behalf of leading trucking and logistics company in consolidated multidistrict price fixing class actions.
- *In re Medical Residents Antitrust Litigation*. Representation of prominent teaching hospital in nationwide price fixing class action; successfully obtained dismissal and affirmances by DC Circuit.
- *Digene v. Third Wave Technologies*. Representation of genetic testing company in patent-antitrust dispute; obtained summary judgment on antitrust counterclaims and affirmation by federal circuit.
- *In re Southeastern Milk Antitrust Litigation*. Ongoing representation of classes of dairy farmers in multidistrict consolidated class actions; successfully defeated motions to dismiss.
- *Empagran S.A. v. F. Hoffmann-LaRoche, Ltd.* Successfully represented amicus curiae in appeal on remand from the United States Supreme Court concerning the domestic nexus required for jurisdiction under the Foreign Trade Antitrust Improvements Act.

COURTS & ADJUDICATIVE BODIES

- United States Supreme Court
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the District of Columbia
- United States District Court for the Southern District of New York
- United States District Court for the District of Connecticut

PROFESSIONAL AFFILIATIONS

- American Bar Association
- District of Columbia Bar Association
- New York State Bar Association
- Association of the Bar of the City of New York
- Connecticut State Bar Association

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- International Bar Association

PRO BONO

- *Leegin Creative Leather Products v. PSKS*. Counsel of Record for amicus curiae Consumer Federation of America in a landmark United States Supreme Court case concerning resale price fixing.
- *Giles v. State of California*. Counsel of Record for amicus curiae Battered Women's Justice Project and fifteen other prominent domestic violence organizations in the United States Supreme Court in a case concerning the Confrontation Clause of the US Constitution.

COMMUNITY SERVICE

- Institute for Consumer Antitrust Studies, Loyola University Chicago School of Law, Advisory Board Member, 2007 to present

PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"Milton Handler." *Yale Biographical Dictionary of American Law* (2010). Co-authored with David Klingsberg.

"There Must Be A Pattern Here Somewhere: A Review of the Pattern Exception to Noerr-Pennington Sham Litigation Rule." *ABA E & I Update* (2009).

"Private Right of Action for Pre-Merger Gun Jumping Recognized." *ABA Antitrust Litigator* (2008).

"Scheme Liability Revisited: Recovering Antitrust Damages Resulting from Meritorious Patent Litigation." *ABA E & I Update* (2008).

"Supreme Court Confirms Viability of Predatory Bidding Claims." *Business Law Today* (2007).

"Antitrust's New Big Brother: Feds Can Now Wiretap Suspected Offenders." *Business Law Today* (2006).

"Antitrust in Wartime." *Antitrust* (2002). Co-authored with Richard Steuer.

"Ongoing Lessons from Poughkeepsie." *Antitrust Report* (2000). Co-authored with Robert Langer.

"Can the King's Physician (Also) Do No Wrong? Health Care Providers and a Market Participation Exception to the State Action Immunity Doctrine." *Antitrust Report* (1999). Co-authored with Robert Langer.

SPEECHES

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"Fundamentals of Exemptions and Immunities." ABA Section of Antitrust Law, Washington, DC (January 2010).

"Antitrust's New Big Brother: Now the Feds Can Wiretap Suspected Offenders." ABA Section of Business Law, New York, NY (August 2006).

"The Microsoft Case." Connecticut Law Review Symposium, Hartford, CT (April 1999).

IN THE NEWS

"Supreme Court Prods Price Hikes." *CNBC Power Lunch* (June 2007).

"Will the Nation's Highest Court Force Higher Prices?" *Consumer Reports* (March 2007).