



**John H. Bogart**

Partner

John Bogart is a Partner in Howrey's Salt Lake City office, and a member of the Global Litigation and Antitrust practice groups. He focuses on private antitrust actions and other complex litigation, including securities and accountant liability, class actions, MDL proceedings, and commercial litigation. In recent years, he has represented clients in the healthcare, transportation, and credit and information management services industries. He also represented the largest master planned community development in Utah in commercial and real property litigation. *Benchmark Litigation 2010* named Mr. Bogart as the leading antitrust litigator for Utah, and he was named as a legal leader in antitrust and complex commercial litigation by *Utah Business*.

Prior to entering private practice in 1993, Mr. Bogart held post-graduate research appointments in philosophy at a number of universities, including Stanford and New York University.

**John H. Bogart**

170 South Main St.  
Suite 400  
Salt Lake City, UT 84101-3636  
t. +1 801.350.7853  
f. +1 801.531.1486

BogartJ@howrey.com

**ADMISSIONS**

California  
Utah

**EDUCATION**

Stanford Law School (JD, 1993)

*Stanford Law Review*, Articles & Development Editor

University of Illinois - Chicago (PhD, 1985)

University of California - Santa Cruz (BA, 1978). with Honors in Major and College Honors

**REPRESENTATIVE MATTERS**

- *Abraham v. Intermountain Health Care, et al.* Successfully defended IHC (an integrated healthcare organization and the largest provider in the intermountain region) against attempted monopolization, boycott and illegal tying claims before both the trial and appellate courts, vindicating the right of IHC to select its providers and manage relations between its hospital system and preferred providers.
- *Flying J v. Comdata.* Successfully defended of Comdata against charges that it had a duty under a settlement to force its customers to accept a competitor's credit card. Obtained an opinion from the Tenth Circuit reversing the trial court decision and finding that Comdata had fully performed under the agreement.
- *Yeargin v. Tax Commission.* Defended a taxpayer against improper assessments, establishing a leading case in Utah law on the import of stipulations for trial and pre-trial proceedings.

**COURTS & ADJUDICATIVE BODIES**

- United States Supreme Court
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Tenth Circuit
- United States District Court for the District of Arizona
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California

## John H. Bogart

170 South Main St.  
Suite 400  
Salt Lake City, UT 84101-3636  
t. +1 801.350.7853  
f. +1 801.531.1486

BogartJ@howrey.com

- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- United States District Court for the District of Utah

### PROFESSIONAL AFFILIATIONS

- Chair, Publications, ABA, Section of Litigation, Antitrust Committee
- Website Co-Editor, ABA, Section of Litigation, Expert Witness Committee
- Executive Committee Member and Past Chair, Utah Bar, Antitrust and Unfair Competition Section
- Executive Committee Member and Secretary, Utah Bar, Appellate Practice Section
- Member, Utah Bar, Governmental Relations Committee

### COMMUNITY SERVICE

- Chair, Board of Directors, Repertory Dance Theater, 2000 to 2008
- Member, Land Use Appeals Board for Salt Lake City, 2004 to 2008

### PUBLICATIONS & SPEAKING ENGAGEMENTS

#### ARTICLES

"Interpreting Rules and Constitutional Provisions." *Utah Bar Journal* Vol. 21, No. 2 (March 2009). ed. of panel remarks for publication.

"Living With Twombly." *Utah Bar Journal* Vol. 22, No. 2 (March 2009).

"The Supreme Court Decision in Twombly: A New Federal Pleading Standard?" *Utah Bar Journal* Vol. 20, No. 5 (September - October, 2007).

"Twombly: A New Standard for Conspiracy Claims." *Antitrust Litigator* Vol. 6, No. 2 (Summer 2007).

"Unsworn Declarations in Lieu of Affidavits: Increasing Efficiency of Practice Under the Utah Rules of Criminal and Civil Procedure and Rules of Evidence." *Utah Bar Journal* Vol. 20, No. 4 (July - August, 2007). Co-authored with Scott D. McCoy.

#### BOOKS

*Circuit Conflicts in Antitrust Litigation.* Antitrust Committee of the Litigation Section of the ABA (2009). Editor and Contributor.

*2009 Annual Review of Antitrust Law Developments.* Antitrust Committee of the Litigation Section of the ABA (2009).

#### SPEECHES

[John H. Bogart](#)

170 South Main St.  
Suite 400  
Salt Lake City, UT 84101-3636  
t. +1 801.350.7853  
f. +1 801.531.1486

BogartJ@howrey.com

"New Rules and New Practices for Utah Appellate Courts." Southern Utah Bar Association (December 4, 2009).

"Appellate Courts: Clarifications and Changes in Utah Law." Utah Bar Annual Convention (July 17, 2009). Moderator.

"Law, Politics, and Religion." Utah Bar Annual Convention (July 16, 2009).

"Antitrust Developments – New Directions with a New Administration." American Chemical Society (March 26, 2009).

"The *Twombly* Effect." Utah Bar Mid-Year Convention (March 13, 2009).