



**Ethan E. Litwin**

Partner

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LitwinE@howrey.com

**ADMISSIONS**

New York

**EDUCATION**

Georgetown University Law Center (JD, 1998), *cum laude*.  
 National Champion in the National White Collar Crime Mock Trial Invitational

*Georgetown Law Journal*, CPP Editor in Chief

Duke University (BA, 1992)

Ethan Litwin is a Partner in Howrey's Antitrust Group in New York where he specializes in international antitrust law and complex commercial litigation. Mr. Litwin has litigated antitrust and other high profile cases in federal and state courts across the US and has successfully represented companies in criminal and civil investigations before antitrust regulators in the US, the European Union and elsewhere. Clients have frequently called upon Mr. Litwin to counsel them on a wide range of antitrust issues, including issues arising from information exchanges in joint venture settings and merger negotiations, dealing with competitors in trade associations, standard-setting endeavors and vertical distribution agreements. He has designed antitrust compliance programs and drafted guidelines for his clients on many of these issues.

Mr. Litwin also has substantial experience in guiding companies through the international merger control process, where he has assisted clients in all phases of the transaction, from the negotiation and drafting of acquisition agreements to compliance with Second Requests in the US. He also has represented transacting parties in numerous investigations conducted by the European Commission, including in multiple Phase II proceedings. Internationally, Mr. Litwin has represented companies and coordinated merger control compliance in more than 35 jurisdictions worldwide.

Mr. Litwin has represented clients in a wide range of industries, including the pharmaceutical, transportation, media and entertainment, electronics, petrochemicals, agriculture, wine and spirits, and container manufacturing. He has also provided antitrust advice to many of the leading international private equity firms and others in the financial sector on numerous transactions.

Mr. Litwin has been named as one of "America's Leading Antitrust Lawyers" by *Chambers USA* (2009).

**REPRESENTATIVE MATTERS**

- *Criminal grand jury investigations.* Currently represents multiple Fortune 500 companies in various grand jury investigations regarding alleged criminal violations of US antitrust laws.
- *In re Cathode Ray Tube Antitrust Litigation.* Currently represents Koninklijke Philips Electronics and Philips Electronics North America in multidistrict class action lawsuits currently pending in the Northern District of California regarding alleged collusion in the cathode ray

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tube industry.

- *Precision Associates, Inc et al. v. Panalpina World Transport (Holding) LTD. et al.* Currently represents Expeditors International of Washington in a class action lawsuit currently pending in the Eastern District of New York regarding alleged collusion in the freight forwarding industry.
- *All Star Carts et al. v. BFI Canada Income Fund et al.* Represented Waste Management in a class action lawsuit currently pending in the Eastern District of New York regarding alleged collusion in the waste hauling industry.
- *In re Air Cargo Antitrust Litigation.* Represented International Air Transport Association in multidistrict class action lawsuits currently pending in the Eastern District of New York regarding alleged price-fixing of fuel surcharges.
- *Universal Studios.* Represented Universal Studios in connection with the European Commission's civil investigation into contracts between film studios and pay-TV providers.
- *Schering-Plough.* Represented Schering-Plough before the Federal Trade Commission in connection with its \$14.4 billion acquisition of Organon Biosciences from Akzo Nobel (various human and animal health products).
- *Celanese.* Represented Celanese before the European Commission and other foreign antitrust authorities in connection with its \$492 million acquisition of Acetex Corporation (petrochemicals).
- *Smithfield Foods.* Represented Smithfield Foods before the Department of Justice in connection with its \$260 million acquisition of the Cook's ham business from ConAgra Foods (pork products) and Smithfield Beef Group in connection with its joint venture with ContiGroup Companies (cattle feedyards).
- *Private Equity Representation.* Represented The Blackstone Group in multiple transactions before more than a dozen antitrust regulators worldwide, including in connection with its acquisitions of Celanese (industrial chemicals), TRW Automotive (automotive parts), the SULO Group (waste management), and Nycomed (pharmaceuticals). Represented KKR in multiple transactions before more than a dozen antitrust regulators worldwide, including in connection with its acquisitions of MTU Aero Engines (jet engines), Jostens Holding (educational memorabilia), Von Hoffmann (textbooks), ARCADE Marketing (sampling products), Legrand (electrical equipment), and the Siemens' Mannesmann Plastics Machinery, Demag Cranes and Components, Gottwald Port Technology, Stabilus, Network Systems, Metering, and Ceramics businesses (injection molding and extrusion

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machinery, cranes and crane accessories, harbor logistics solutions, gas springs and hydraulic dampers, network integration services, electricity and heat meters, and technical ceramics). Represented Lehman Brothers before various antitrust regulators worldwide in connection with its \$1 billion sale of CP Kelco to J.M. Huber (food additives).

## COURTS & ADJUDICATIVE BODIES

- United States District Court for the Southern District of New York
- United States Supreme Court
- United States District Court for the Eastern District of New York
- Supreme Court of England & Wales (Solicitor)

## PROFESSIONAL AFFILIATIONS

- Member, ABA Section of Antitrust Law
- Steering Group, ABA Section of International Law, International Antitrust Law Committee
- Member, Law Society of England and Wales
- Member, Bar Association of the City of New York, Antitrust Law Committee

## COMMUNITY SERVICE

- Apollo Circle, Metropolitan Museum of Art
- Young Patron, Metropolitan Opera

## PUBLICATIONS & SPEAKING ENGAGEMENTS

### ARTICLES

"New Tools to Fight Bid Rigging in Public Procurement Issued by Organization of Major World Governments." *Construction WebLinks* (March 30, 2009).

"Recent Enforcement Activities of the US Antitrust Agencies." *Global Competition Review: The Antitrust Review of the Americas* (2008, 2009, 2010).

"Antitrust Developments in the Media and Entertainment Industries." *Global Competition Review: The Antitrust Review of the Americas* (2007).

"Introduction: Recent Developments in International Cartel Enforcement." *Getting the Deal Through: Cartel Regulation* (2005, 2006, 2007).

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"International Merger Control." *Getting the Deal Through: Mergers and Acquisitions* (2003, 2004).

"Courts and Agencies Refine US Antitrust Law." *International Financial Law Review: Competition & Antitrust* (2004).

"International Antitrust: Obstacles on the Road to Convergence." *International Financial Law Review: Competition & Antitrust 2003* (September 2003).

"Merger Remedies." *Global Competition Review: The Antitrust Review of The Americas* (2001, 2002).

#### **BOOKS**

*Indirect Purchaser Litigation Handbook*. ABA Section of Antitrust Law (2007). Co-author.

#### **SPEECHES**

"Comity in Practice: Resolving Conflicting Notions of Privilege, Privacy and Jurisdiction in an Era of Global Cartel Enforcement." ABA Section of International Law Spring Meeting, Washington DC (April 14, 2009). Moderator and Panelist.

"Antitrust Litigation: Managing a Complex, High Stakes Litigation to a Successful Conclusion." Howrey Antitrust Fundamentals Seminar, Washington DC (February 26, 2009). Panelist.

"Responding to Government Inquiries in Antitrust M&A Situations." ReedLogic Video Leadership Seminar (August 7, 2007).

"Merger Control Notification and Review Procedures." Presented to the Delegation of the National People's Congress of China, US Department of Commerce (May 9, 2007).

"Multi-Jurisdictional Premerger Notification: Where to Start and How to Avoid Pitfalls." Presented to the Washington DC Bar Association (February 13, 2007). Panelist.

#### **IN THE NEWS**

"Uncertainty Swirls Around China's New Antitrust Law." *Competition Law360* (July 29, 2008).

"New DVD to Deal with Responding to Government Inquiries in Antitrust M&A Situations." *Business Wire, et al.* (February 28, 2008).