



David H. Evans

Partner

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About

For large, established companies and growing and scaling businesses alike, David Evans is a key advisor and advocate on the antitrust and anticompetitive issues that all successful enterprises must address.

David understands how to achieve business imperatives in a complex legal landscape, whether providing proactive compliance counseling, navigating thorny issues in strategic transactions, or parrying regulatory and competitive threats in investigations and disputes.

Also serving as outside general counsel for local, national, and global trade associations, David complements his subject matter knowledge with an ability to distill the nuances of the law into clear, actionable guidance.

Hyper-responsive, personable, and candid, he is a consummate problem solver who appreciates what business owners and in-house legal teams need from their outside counsel and knows how and why investigators and regulators make the decisions that impact the trajectory of his clients' businesses.

Focusing his practice on antitrust and competition law, including mergers and acquisitions, civil litigation, government investigations, and counseling, David represents clients in a range of industries, including electronic commerce, computer hardware and software, private equity, automotive, publishing, chemicals, pharmaceuticals and generic drug manufacturing, and medical devices.

David has facilitated countless domestic and international transactions, from mid-cap companies engaging in their first major strategic acquisition to large funds acquiring a portfolio company's closest competitor.

He has extensive experience with the Hart-Scott-Rodino pre-merger notification regime, the second request process, and international premerger notification clearance.

Whether serving as global lead counsel or as local American counsel, David delivers sound guidance and valuable insights not only on the substantive aspects of transactions but also on transaction planning and negotiation.

A skilled litigator and a savvy negotiator, David represents companies and funds in civil antitrust suits ranging from motions to dismiss through trial, as well as offers honed, and has proven experience in responding aggressively to subpoenas and other third-party discovery. David's effective advocacy has served clients facing investigations, administrative actions, or litigation involving the Federal Trade Commission, the Department of Justice/Antitrust, the Federal Communications Commission, and others.

He is also skilled in advising companies that face competition investigations by foreign competition enforcers not only in the West but also in the Middle East and Latin America.

Experience

Highlights

Essential Facilities: A competitor demanded free access to our client's network. Won a motion to dismiss with prejudice in the U.S. District Court, and the appeal to U.S. Circuit Court and petitions for cert. to the Supreme Court.

Private Equity Bid Rigging: Private plaintiffs alleged that private equity firms engaged in a bid rigging conspiracy to depress acquisition price of the target in a contest for control. Won on two motions to dismiss, the last with prejudice, and shut down the DOJ investigation.

Network Provider Merger: Merger of two large network providers. Represented the acquiring person through an arduous second request in the United States and before several foreign agencies with local counsel.

Litigation

Federal Trade Commission v. Sysco (third party)

Loren Data v. GXS (essential facilities)

Puerto Rico Telephone Co. v. San Juan Cable (Noerr-Pennington)

Pennsylvania Avenue Funds v. Borey (private equity bid rigging)

Federal Trade Commission v. Whole Foods (third party)

Mayer Labs v. Church & Dwight (monopolization, third party)

United States v. SKW Metals & Alloys (criminal price fixing)

In re Ferrosilicon Antitrust Litigation (civil price fixing)

In re Brand Name Prescription Drugs (civil price fixing)

KCI v. Hillenbrand (monopolization)

Mergers, Acquisitions and Joint Ventures

Akorn Pharmaceuticals/HiTech Pharmacal (generic drugs)

GXS/OpenText (electronic commerce)

GXS/Inovis (electronic commerce; States, U.K.)

GXS/IBM (electronic commerce; States, U.K.)

GXS (various)

GDF Suez/International Paper (Abu Dhabi)

Avid Technology (various)

TUI AG (various)

Francisco Partners (various)

Toyota/General Motors–NUMMI

Toyota/General Motors–Hydrogen Vehicle Joint Venture

Toyota (various)

World Fuel (various)

Rheinmetall AG/Alliant TechSystems (joint venture)

Bayer AG/Sybron Chemicals

Bayer AG/Sun Chemicals

Federal Mogul/FelPro

Counseling/Markets

Private equity (deals, organization, minority interests, investigations): medical devices; generic and branded pharmaceuticals; automotive manufacturing and distribution; automotive supply; electronic commerce; software; specialty audio/visual products; banking; steel additives; dental supply; logistics; heavy industry; postal services; transportation; trade associations; travel and leisure; chemicals; books and electronic books; project finance; cosmetics; and petroleum products sales and distribution.

Pro Bono

Team Rubicon (Emergency response NGO founded by former Marines). Corporate formation; tax exempt status; general corporate and counseling; litigation.

Honors

The Best Lawyers in America® (Woodward/White, Inc.), Antitrust Law, 2021-2023.

Affiliations

American Bar Association, Section of Antitrust Law Council (2005–2008)

American Bar Association, Section of Antitrust Law Computer and Internet Committee (2002–2005)

American Bar Association, Section of Antitrust Law chair of the Internet Committee, co-chair (1999–

2002)

American Bar Association, Section of Antitrust Law Consumer Protection Conference, co-chair (2007)

American Bar Association, Section of Antitrust Law Consumer Protection, coordinator (2006–2008)

Stanford University School of Law's Center for Internet and Society, nonresident fellow (2004–2007)

American Bar Foundation, life fellow

CompLaw360, editorial board member

Antitrust Council of the United States Chamber of Commerce, member

Related Services

Antitrust

Trade Associations

White Collar, Investigations and Compliance

Mergers and Acquisitions

Education

Northwestern University Pritzker School of Law, J.D.

Northwestern University, B.A.

Admissions

District of Columbia

Courts

U.S. Court of Appeals–District of Columbia

U.S. Court of Appeals–Fourth Circuit

U.S. District Court–District of Columbia

U.S. District Court–District of Maryland