



## D. JARRETT ARP

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D. Jarrett Arp is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher and a member of the firm's Antitrust Practice Group, where his practice focuses on domestic and international antitrust law counseling and litigation.

Mr. Arp has significant experience in a wide range of private and government antitrust litigation matters. He has appeared on behalf of domestic and international clients before U.S. federal, state and various appellate courts, as well as before the American antitrust enforcement agencies. Mr. Arp has extensive experience in advising and representing international companies responding to price fixing or other cartel-type allegations, including coordinating legal strategy across multiple jurisdictions.

In addition, he regularly advises companies with respect to antitrust law aspects of proposed mergers and acquisitions, joint ventures, information sharing activities, pricing conduct, vertical restraints, franchising, and other competition law matters. His experience includes a variety of industries, including publishing, chemicals, pharmaceuticals, petroleum, microprocessors, air transportation, music, software, Internet, and retail food services.

Mr. Arp is recognized in independent publications that list leading antitrust lawyers, including Chambers USA's **AMERICA'S LEADING BUSINESS LAWYERS**; Practical Law Company's **COMPETITION: THE LAW AND LEADING LAWYERS WORLD**, Global Competition Review's **THE INTERNATIONAL WHO'S WHO OF COMPETITION LAWYERS**, and the IFLR **GUIDE TO THE WORLD'S LEADING COMPETITION & ANTITRUST LAWYERS**.

Mr. Arp's representative matters include the following:

- ▶ The representation of multiple domestic and international companies in connection with an array of international cartel investigations and antitrust-related U.S. grand jury investigations – including plea negotiations and/or amnesty applications in the United States, Canada, and the EU. Recent highlights include the following:

- ▶ Representing international air cargo carrier Martinair Holland NV in connection with a Department of Justice investigation of alleged price fixing, including negotiating a favorable antitrust plea agreement in 2008.
  - ▶ Persuading U.S. enforcement authorities to close without prosecution or other action a decade-long criminal antitrust investigation of a major wholesale magazine distributor.
  - ▶ Persuading the U.S. Department of Justice to close without prosecution or other action a long-standing grand jury investigation of an accounting firm and its clients.
  - ▶ Representing a senior executive in connection with securing immunity and responding to civil litigation.
- ▶ The defense of U.S. and international companies in a variety of civil antitrust lawsuits, including class actions involving allegations of price fixing and related claims before state and federal courts throughout the United States. Illustrative matters include the following:
- ▶ Arguing and obtaining a dismissal with prejudice in *Latinoquimica v. Akzo Nobel et al.*, 2005-2 Trade Cases ¶ 74,974, 2005 U.S. Dist. LEXIS 19788 (S.D.N.Y. Sept. 7, 2005), a class action alleging price fixing and filed in the United States District Court for the Southern District of New York on behalf of a putative class of worldwide foreign purchasers of MCAA, an industrial chemical.
  - ▶ Arguing and obtaining a unanimous reversal and dismissal by the South Dakota Supreme Court in *Frankenfeld v. Crompton Corp. et al.*, 2005 S.D. 55 (2005), an indirect purchaser class action asserting price-fixing claims under state law against certain manufacturers of rubber-processing chemicals. Mr. Arp was involved in defending Flexsys N.V. in similar lawsuits in 19 other states, obtaining dismissals (or, in one case, denial of class certification) in 16 other cases.
  - ▶ Arguing and securing an important victory for international antitrust defendants in May 2007, persuading a U.S. District Court to apply principles of international comity to protect from discovery in U.S. litigation confidential correspondence between a European client and the European Commission.
  - ▶ Securing a summary judgment victory for McDonald's Corporation before a U.S. District Court and, upon appeal, before the U.S. Court of Appeals for the Ninth Circuit in a case involving allegations of federal antitrust and Washington state law violations. Among other things, the plaintiff alleged that McDonald's engaged in a conspiracy to rig bids and exclude the plaintiff from the market in violation of Section 1 of the Sherman Act.
- ▶ Serving as counsel in connection with wide-ranging antitrust counseling, government matters and other representations for McDonald's Corporation in the United States and Europe.

- ▶ Serving as antitrust counsel to Hudson News Company, including with respect to counseling matters, antitrust aspects of mergers & acquisitions, government investigations and ongoing antitrust litigation in U.S. federal court.
- ▶ The representation of American Airlines in *United States v. AMR Corp.*, 140 F. Supp. 2d 1141 (D. Kan. 2001), *aff'd*, 335 F.3d 1109 (10th Cir. 2003), where American obtained summary judgment in a predatory pricing case brought by the U.S. Department of Justice.
- ▶ The representation of Atlantic Coast Airlines in *Atlantic Coast Airlines Holdings, Inc. v. Mesa Air Group, Inc.*, 295 F. Supp. 2d 75 (D.D.C. 2003), its federal lawsuit to block a hostile takeover attempt in 2003, leading to a preliminary injunction that preserved Atlantic Coast's independence.
- ▶ The defense of Intel Corporation against Federal Trade Commission charges of monopolization (FTC Docket No. 9288).

Mr. Arp is the Editor-in-Chief of **ANTITRUST REPORT**, the quarterly U.S. law periodical published by Mathew Bender and Lexis/Nexis. Previously he served as Associate Editor of the ABA's **ANTITRUST** magazine, on the Board of Editors for the ABA treatise **COMPETITION LAWS OUTSIDE THE UNITED STATES**, and as a contributor to the ABA treatise **ANTITRUST LAW DEVELOPMENTS**.

In addition, Mr. Arp serves on the faculty of the 2010 **ABA/IBA INTERNATIONAL CARTEL WORKSHOP**. He also serves on the faculty of the Practising Law Institute's **ANNUAL ADVANCED ANTITRUST SEMINAR**, served as an Adjunct Professor of Law at Washington & Lee University Law School during 2002-2005 (teaching antitrust), and has written articles and delivered speeches in the United States and Europe addressing a variety of antitrust subjects, including predatory pricing and cartel enforcement policy and practice.

Mr. Arp also served previously as an officer with the 101st Airborne Division of the United States Army and as a Special Assistant United States Attorney for the Middle District of Tennessee. A member of the Virginia and the District of Columbia Bars, Mr. Arp received his law degree in 1991 from William and Mary, where he served as an Executive Editor of the *William and Mary Law Review*. He earned a Bachelor of Arts degree in Political Science from Wheaton College in 1988.

Mr. Arp lives in Alexandria, Virginia with his three sons (14, 12, and 8). He serves on the Board of Trustees and the Diversity Committee of the Burgundy Farm Country Day School. In addition, he is a member of Wheaton College's Board of Visitors and active in the Vienna International School (Vienna, Austria) alumni network.