

**Eric S. Hochstadt**

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Eric S. Hochstadt is an associate in the Litigation department of Weil, Gotshal & Manges. His practice focuses on civil antitrust litigation in a broad range of industries, criminal cartel investigations, and antitrust counseling for transactional matters.

From 2006-2007, Mr. Hochstadt served as a judicial clerk for the Honorable Loretta A. Preska in the United States District Court for the Southern District of New York.

Mr. Hochstadt began his career with the Firm in 2003, following the receipt of his J.D. degree, *magna cum laude* and Order of the Coif, from the Benjamin N. Cardozo School of Law, where he was a Notes Editor on the *Cardozo Law Review*. He received his B.A. degree in Political Science, High Distinction, from the University of Michigan in 2000.

Mr. Hochstadt is a Vice-Chair of the ABA Section of Antitrust Law's Membership & Equal Opportunity Committee and an active member of the International Committee. He also serves as an appointed Member of the Benjamin N. Cardozo School of Law Alumni Association's Executive Committee. He is admitted to the New York and New Jersey State Bars, the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern District of New York, Eastern District of New York, and District of New Jersey.

EducationCardozo Law School, JD
University of Michigan, BA**Representative Litigation Matters**

Dahl, et al. v. Bain Capital LLC, et al., No. 1:07-cv-12388 (D. Mass.) – Representing Thomas H. Lee Partners, L.P. in a putative treble damage class action lawsuit against private equity firms and investment banks on behalf of shareholders in certain leveraged buyouts involving joint bidding by private equity firms. Mr. Hochstadt was involved in drafting the joint opposition to a motion to expand the scope and time frame of discovery which was summarily denied.

Precision Associates, Inc., et al. v. Panalpina World Transport (Holding) Ltd., et al., No. 1:08-cv-00042 (E.D.N.Y.) – Representing Vantec in a putative treble damage class action lawsuit alleging that numerous air cargo freight forwarders conspired to fix or pass-on certain charges to customers. Mr. Hochstadt has been involved in the drafting of joint motions to dismiss that are pending.

In re Short Sale Antitrust Litig., No. 08-0420-cv (2d Cir.) – Representing CIBC World Markets Corp. in a putative treble damage class action lawsuit against twelve financial institutions that allegedly charged inflated borrowing fees by agreeing on which securities to designate arbitrarily as "hard-to-borrow" in short sale transactions, and setting minimum borrowing fees for these securities. Mr. Hochstadt was involved in the drafting of the joint opposition brief on appeal that resulted in the successful affirmance of the dismissal with prejudice on the ground that the securities laws impliedly preclude application of the antitrust laws in the short sale context at issue.

Montano Cigarette, Candy & Tobacco, Inc. v. Core-Mark Mid-Continent, Inc., No. 3:08-cv-426 (D. Conn.) – Represented Core-Mark Midcontinent, Inc. in a competitor lawsuit seeking damages and injunctive relief for allegedly unlawful pricing practices in connection with the sale of cigarettes under Connecticut law. Mr. Hochstadt was a primary drafter of the motion to dismiss that resulted in the dismissal of the below cost claim and he was involved in facilitating a successful resolution of this matter.

Sanofi-Aventis U.S. LLC, et al. v. Sandoz, Nos. 3:07-cv-02762 and 3:08-cv-02693 (D.N.J.) – Representing patent holder and exclusive licensee in defending antitrust counterclaims asserted by generic drug maker in patent infringement litigation involving Eloxatin®. Mr. Hochstadt was a lead drafter of the successful motion to bifurcate and stay discovery of the antitrust counterclaims pending resolution of the underlying patent case.

In re Currency Conversion Fee Antitrust Litig., MDL No. 1409 (S.D.N.Y.) – Representing MasterCard in defending against nationwide class action claims for allegedly conspiring with Visa and leading U.S. banks to charge a price-fixed currency conversion “fee.” Mr. Hochstadt was a primary drafter of the global settlement agreement and related papers in the federal MDL, as well as the settlement agreements in related actions in state and federal court. He has also been a lead drafter of submissions resulting in the grant of final approval at the district court and to keep the related actions stayed and enjoined pending final judicial approval of the global settlement.

Salkin v. MasterCard Int’l Inc., No. 1741 EDA 2005 (Pa. Super. Ct.) – Representing MasterCard in defending against putative statewide class action claims for unjust enrichment for allegedly failing to disclose the currency conversion “fee.” Mr. Hochstadt was a primary drafter of MasterCard’s motion to compel arbitration of plaintiff’s claims on an individual basis, MasterCard’s opposition to the motion to dismiss its interlocutory appeal, and MasterCard’s motion for a stay of proceedings pending appeal, which resulted in the litigation being stayed and ultimately settled in connection with a nationwide settlement in the federal MDL.

Denomme v. MasterCard Int’l Inc., No. 04-424795-CZ (Wayne Cty., Mich.) – Represented MasterCard in defending against putative statewide class action claims under the Michigan Consumer Protection Act and for unjust enrichment for allegedly failing to disclose the currency conversion “fee.” Mr. Hochstadt was a lead drafter of the motion to dismiss which resulted in the dismissal with prejudice of the complaint in its entirety.

The McGraw-Hill Companies v. U.S. Bank Nat’l Ass’n ND, No. 05-Civ. 9924 (S.D.N.Y.) – Represented McGraw-Hill in a breach of contract litigation involving the rebate provision in its corporate card program with U.S. Bank and facilitated a successful resolution. Mr. Hochstadt was responsible for drafting the complaint and he was involved in the resolution of this matter.

Representative Transactional Matters

Olympus Corporation – Advised Olympus Corporation, a maker of imaging systems, medical systems (including endoscopes), and life science products, in its \$1.9 billion purchase of Gyrus Group Plc, a manufacturer of endoscopes and other medical devices.

Providence Equity Partners, Inc.; Madison Dearborn Partners LLC; Saban Capital Group, Inc.; TPG Capital; Thomas H. Lee Partners, L.P. – Advised the investor group in connection with the \$13.7 billion acquisition of Univision Communications Inc., the leading Spanish language media company in the US.

Publications

- ABA Antitrust Law Developments, Annual Update, Ch. 13 (2008, 2009)
- Two Second Circuit Rulings Address Enforcement of Class Arbitration Waivers in Antitrust Cases (Spring 2009, Antitrust Update, Weil Gotshal)

- Professional Sports League Licensing Arrangements Survive Antitrust Scrutiny But Under Different Analytical Frameworks (Fall 2008, Antitrust Update, Weil Gotshal)
- Recent Sixth Circuit Decision Adds to the Antitrust Jurisprudence Involving Sports Organizations (Summer 2008, Antitrust Update, Weil Gotshal)
- Ninth Circuit Applies *Twombly* and *Illinois Brick* to Uphold Dismissal of Conspiracy Claims Challenging Payment Card Network Interchange and Merchant Discount Fees (Spring 2008, Antitrust Update, Weil Gotshal)
- The European Commission Proposes Concrete Measures to Facilitate Private Damage Actions for Violations of EC Antitrust Rules (Spring 2008, Antitrust Update, Weil Gotshal)
- Antitrust 201: The Role of Arbitration Agreements in Antitrust Class Action Cases (Feb. 2008, ABA Young Lawyers Division's Antitrust Committee)
- Ninth Circuit Applies Copperweld's Single Entity Doctrine to a National Dog Club Organization's Exclusive Membership Policy (September 2005, Antitrust Update, Weil Gotshal)

Professional Activities

- Session Chair and Moderator, "Resources for Class Action Litigation: A Demonstration of Critical Issues and Techniques to Deal With Them," ABA Section of Antitrust Law, March 2009
- Panelist, "Why Antitrust?," NYSBA Antitrust Section, July 2008