

Justin W. Bernick

Partner

Washington, D.C.

Biography

Justin Bernick defends clients in antitrust lawsuits in state and federal courts throughout the United States. He helps clients resolve the most challenging antitrust and competition issues, from large class actions to government investigations.

Justin focuses his practice on antitrust litigation, leveraging his knowledge of economics and the law to achieve early success for clients at the motion to dismiss, summary judgment, and class certification stages. He has won major victories at trial, including defeating the FTC in both 2020 and 2012 in healthcare merger challenges. The latter of which was named 2012 Litigation of the Year by *Global Competition Review*.

Justin litigates a wide range of antitrust issues, including mergers and acquisitions, price fixing, market allocation, vertical and horizontal agreements, and monopolization, as well as related contract, business tort, and intellectual property claims. He has litigated some of the largest class actions in the country, including litigation following criminal and civil government investigations.

Justin represents companies in DOJ, FTC, and state antitrust inquiries, including both merger and conduct investigations. He assists clients in responding to subpoenas, civil investigative demands, second requests, and other government requests for information.



Phone

+1 202 637 5485

Fax

+1 202 637 5910

Email

justin.bernick@hoganlovells.com

Practices

Antitrust and Competition

Commercial Litigation

Litigation Services

Investigations, White Collar, and Fraud

Industries

Life Sciences and Health Care

Consumer

Financial Institutions

Technology and Telecoms

Areas of focus

Antitrust and Competition Litigation

Justin's expertise spans various industries, including pharmaceuticals, health care, financial services, food and agriculture, hospitality, and tech. He counsels clients regarding compliance with the antitrust laws, and is co-author of an Antitrust Compliance treatise published by *Bloomberg BNA*.

Dedicated to pro bono and public service, Justin led a team in 2018 that successfully restored asylum rights to a nationwide class of migrant children separated at the southern border.

Justin jumpstarted his legal career as a law clerk to the Honorable Robert G. Doumar of the U.S. District Court for the Eastern District of Virginia.

Representative experience

Represent multiple Blue Cross Blue Shield health insurance companies in multi-district class action alleging nationwide market-allocation and price-fixing conspiracies.

Co-lead trial counsel for Albert Einstein Healthcare Network in FTC lawsuit seeking to block merger with Thomas Jefferson University.

Represent Agri Stats, a data benchmarking company, in nationwide class actions alleging price-fixing in the chicken, pork, turkey, and beef industries.

Represent Choice Hotels in consumer class action and distributor lawsuit alleging a conspiracy regarding online paid search advertising.

Represent PPG in antitrust claims brought by unauthorized repackager of aerospace sealant and trademark infringement counterclaims.

Pro bono representation of putative nationwide classes of asylum seekers in successful lawsuits challenging bars on asylum eligibility for separated children and central American refugees.

Represent global pharmaceutical company in

Class Actions and Group Litigation

Competition Compliance

Abuse of Dominance and Restrictive Practices

Agency Investigations

Education and admissions

Education

J.D., University of Virginia School of Law, 2007

B.A., University of Virginia, with distinction, 2004

Memberships

Member, Antitrust Section,
American Bar Association

Member, Litigation Section,
American Bar Association

Bar admissions and qualifications

District of Columbia

Virginia

Court admissions

District of Columbia Court of Appeals

Supreme Court of Virginia

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, District of Columbia

government investigations and class actions alleging price-fixing and unlawful “pay for delay” patent settlements.

U.S. District Court, Eastern District of Virginia

U.S. District Court, Western District of Virginia

Represent Anschutz Entertainment Group and the Coachella Music Festival in antitrust lawsuit challenging radius clauses in artist contracts.

Represent Blue Cross Blue Shield of Rhode Island in lawsuit alleging antitrust conspiracy to prevent hospital system from entering Rhode Island.

Represent trade associations of fertility clinics in class action alleging nationwide conspiracy to fix the price of donated oocytes.

Represent Credit Suisse in multi-district class action alleging antitrust conspiracy to increase the price of credit default swaps.

Represent Daimler Trucks (Freightliner) in multi-district class action alleging antitrust conspiracy to increase the price of truck transmissions.

Represent LabCorp in FTC investigation and subsequent lawsuit seeking to block acquisition of clinical laboratory.

Counsel for S1 in DOJ investigation of US\$520m acquisition by ACI.

Represent Verizon in DOJ investigation of US\$3.6bn acquisition of spectrum from, and joint sales and research agreements with, cable companies.

Represent AdMob in FTC investigation of US\$750m acquisition by Google.

Awards and rankings

- Antitrust: Civil Litigation/Class Actions Defense, *Legal 500 US*, 2018-2020
- Antitrust: Cartel, *Legal 500 US*, 2018
- Rising Star Under 40, Competition, *Law360*, 2020
- Litigator of the Week, *The American Lawyer*, 2020
- Washington, D.C. Rising Star, *Super Lawyers*, 2014-2021

Latest thinking and events

- Hogan Lovells Events
 - Looking back at 2021 and a look forward to the future
- Webinar
 - Staying ahead of the class: Emerging global issues in antitrust class actions
- Press Releases
 - Hogan Lovells secures final victory in major Philadelphia healthcare merger
- Awards and Rankings
 - Hogan Lovells duo recognized by The American Lawyer as Litigators of the Week following significant win in Philadelphia
- Press Releases
 - Hogan Lovells wins court battle with FTC over major Philadelphia healthcare merger
- Awards and Rankings
 - Four Hogan Lovells lawyers selected among Law360's Rising Stars