



## → Gary L. Halling

### Of Counsel

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Gary Halling was the Practice Group Leader of Sheppard Mullin's Antitrust and Competition Group from 2001-2016. Gary was with the U.S. Department of Justice, Antitrust Division, where he was a trial attorney in the General Litigation Section from 1976-1981.

### Areas of Practice

Gary specializes in complex business litigation with emphasis on antitrust and unfair competition matters. He has extensive experience in civil and criminal antitrust matters involving both federal and state enforcement agencies. *Chambers USA* noted that he is held in high regard for his "amazing" antitrust litigation practice and "instant credibility into the courtroom" and is a "straightforward, no-nonsense, upstanding lawyer."

### Practice History

1975-1976: Law Clerk to United States District Judge William B. Enright (S.D. Cal.).

1976-1981: Trial Attorney, Antitrust Division, U.S. Department of Justice, Washington, D.C.

1981-1993: Partner, Broad, Shulz, Larson & Wineberg, San Francisco.

1993-2017: Partner, Sheppard, Mullin, Richter & Hampton, LLP, San Francisco.

2018-Present: Of Counsel, Sheppard, Mullin, Richter & Hampton, LLP, San Francisco.

### Litigation Experience Examples

Defend various DOJ antitrust international cartel price fixing cases, including coordinating defense of international enforcement investigations in the EC, Japan, Korea, Canada, Brazil, etc., and defending related U.S. nationwide direct and indirect civil class actions (2002-2014).

Antitrust counsel for Samsung Electronics defending IP-related antitrust claims in multi-billion dollar litigation with Rambus, coordinating with patent counsel in worldwide related proceedings (2004-2010).

Represent Samsung Electronics in global patent and standards related antitrust governmental proceedings, and private antitrust actions involving major technology companies including Apple, Qualcomm, and Ericsson (2011-present).

Co-counsel for the United States in the first successful felony price fixing case under the Sherman Act (real estate commissions). Convictions affirmed on appeal, United States v. Foley, 598 F.2d 1323 (4th Cir. 1979) cert. denied, 444 U.S. 1043 (1980).

Defend Samsung Electronics in DOJ antitrust investigation of standard essential patents (SEPs), investigation closed (2014).

Defend nationwide TFT-LCD DOJ grand jury and foreign governmental enforcement investigations, and related direct and indirect class action price fixing actions (over 70 cases), and opt out plaintiff cases by Nokia, Motorola and others, on behalf of Samsung Electronics and Samsung SDI defendants (2007-2015).

Defend SDI America and Samsung SDI entities in DOJ Antitrust Division grand jury criminal price fixing and foreign enforcement investigations involving cathode ray tubes (CRT), and related civil direct and indirect antitrust class actions, and opt out cases (2007-present).

Defend SDI America and Samsung SDI entities in DOJ Antitrust Division grand jury criminal price fixing and foreign enforcement investigations involving lithium-ion batteries (Batteries), and related civil direct and indirect antitrust class actions (2011-present).

Tried federal court antitrust case for The Hearst Corporation which resulted in the consummation of Hearst's \$660 million acquisition of the San Francisco Chronicle. Reilly v. The Hearst Corporation, 107 F.Supp.2d 1192 (N.D. Cal. 2000).

Represent MediaNews Group and California Newspapers Partnership defending billion dollar acquisition of San Francisco Bay Area newspapers in private litigation and related DOJ proceedings. Reilly v. MediaNews Group et al. (N.D. Cal, 2006-07).

Co-lead trial counsel defending MasterCard International Incorporated in a representative action challenging foreign currency exchange practices under California's Unfair Competition statute, Schwartz v. Visa and MasterCard, Alameda Superior Court (2002). Dismissal of action on appeal against MasterCard and Visa, 132 Cal. App. 4th 1452 (2005).

Defend and resolve DOJ antitrust criminal price fixing action on behalf of Samsung Electronics involving DRAM memory chips, and related national MDL direct and indirect civil class actions and suits by over 40 state attorneys general, and coordinate worldwide defense. In Re DRAM Antitrust Litigation (MDL) (N.D. Cal. 2002-present).

Defend Samsung companies in direct and indirect civil class actions alleging price fixing of SRAM, FLASH memory chips and other products, and U.S. DOJ and foreign enforcement agency proceedings (2007-2011).

Defend senior foreign and domestic executives in DOJ antitrust grand jury investigations, Auto Parts and Real Estate Foreclosure cases (2011-present).

Defend DOJ Antitrust Division grand jury criminal price fixing investigations representing European multinational corporation (shipping), and NYSE traded U.S. corporation (road construction) (2007-2008).

As co-counsel tried federal court antitrust case against Exxon in 1992 on behalf of the City of Long Beach as trustee for the State of California. Case was part of related litigation involving major oil companies which resulted in settlements to the State of over \$300 million. Successfully argued Ninth Circuit appeals in these cases, People of the State of California v. Chevron, et al., 872 F.2d 1410 (9th Cir. 1989), cert. denied, 493 U.S. 1076 (1990).

As lead counsel, tried federal court jury case to dedicate Texaco's California crude oil transportation system to common carrier use and public utility status (E.D. Cal., July, 1994). Unpublished Ninth Circuit decision, Mission Resources v. Texaco Trading and Transportation (9th Cir. 1995).

Represented DHL as lead counsel in federal court action to enforce terms of DHL Shareholder Agreement permitting the Company to purchase outstanding shares from the Saipan estate of a deceased shareholder, which resulted in successful acquisition of a controlling interest. DHL v. Estate of Larry Hillblom (N.D. Cal., 1998).

While at the Antitrust Division of the United States Department of Justice, tried various administrative evidentiary hearings, under the Newspaper Preservation Act (15 U.S.C. 1803), including involving mergers of newspaper business operations in Cincinnati (1977) and Seattle (1981); and counsel for the United States in Section 7 Clayton Act litigation challenging book publishing acquisition by CBS. United States v. CBS Inc., 1982-1 Trade Cases (CCH) 64,478 (S.D.N.Y. 1981).

## Honors

- Ranked as an Antitrust Trailblazer, *National Law Journal*, 2016
- Leading Lawyer, Antitrust, Chambers USA, 2009-2020
- Antitrust, *Legal 500*, 2014-2019
- Best Lawyers in America, 2008-2021
- Litigation Star, *Benchmark Litigation*, 2009-2020
- Northern California Super Lawyers, *San Francisco Magazine*, 2007-2020

## Memberships

- Member, Antitrust Law Section, American Bar Association
- Member, Antitrust Section, State Bar Association of California

## Publications

- United States Antitrust Laws (2014) (English, Chinese, Korean, and Japanese versions)
- Confronting Cartels Proactively (2004)
- Antitrust Mergers and Acquisitions (2003)

## Speeches

Gary has been a regular speaker before the Antitrust Section of the American Bar Association, and presents to major national corporations on antitrust topics.

- Standard Essential Patents, FRAND & Competition Law Workshop, moderator of Regulators Panel (2015)
- ABA International Antitrust Cartel Conference, faculty speaker (Paris, 2010)
- China Society for WTO Studies, China Antitrust Professional Committee, sponsor and keynote speaker (2009)
- Beijing Antitrust Conference, China's New Anti-Monopoly Law, sponsor and keynote speaker (2007)

- Mergers and Acquisitions in China, Shanghai Conference, speaker (Shanghai, 2007)

## Media Mentions

Q&A With Sheppard Mullin's Gary Halling

*Law360*, 03.14.2013

## Practices

Antitrust and Competition

International Reach

Korea

Litigation

Antitrust Counseling and Compliance

California Antitrust and Unfair Competition Law

Consumer Protection

Criminal Antitrust and Cartel Investigations

Government Merger and Civil Conduct Investigations

Intellectual Property / Antitrust

International Counseling

Private Civil Antitrust Litigation

## Education

J.D., University of San Francisco, 1975, Articles Editor, *Law Review*

B.A., University of California, Los Angeles, 1972, *cum laude*

Externship: Law Clerk, Justice Louis H. Burke, California Supreme Court, 1974

## Admissions

California

District of Columbia