

J. Douglas Richards

J. Douglas Richards has specialized since May 2000 in representing plaintiff classes in antitrust class actions. Prior to that time he served for more than two years as Deputy General Counsel of the Commodity Futures Trading Commission, where he was responsible for the management of all litigation by and against that agency, including numerous cases involving unlawful trading activities, and was the recipient of a Special Act or Service Award. Before that he was a litigation partner for more than eight years with O'Sullivan Graev & Karabell (which merged into O'Melveny & Myers in 2002 and became its New York office). Mr. Richards has broad experience with the litigation of antitrust and trade regulation matters at the trial and appellate levels, from the perspectives of plaintiffs, defendants and regulatory authorities.

Mr. Richards was co-lead counsel for the plaintiffs in a class action against Microsoft in New York state court, which resulted in a settlement providing benefits of more than \$160 million for New York consumers and needy public schools. He was co-lead counsel in *In re Buspirone Antitrust Litigation*, MDL No. 1410 (S.D.N.Y.), which led to a \$90 million settlement and in which presiding Judge Koeltl stated that the plaintiffs' attorneys had done "a stupendous job." He was co-lead counsel in *In re Relafen Antitrust Litig.*, No. 01-12239 (D. Mass.), which led to a \$75 million settlement and in which presiding Judge Young stated that the settlement was "the result of a great deal of very fine lawyering." He was co-lead counsel for international customers of Christie's and Sotheby's in connection with class action claims against them for price-fixing, in connection with which presiding Judge Kaplan observed that representation of the plaintiffs had been "tenacious and skillful," and in which a \$40 million settlement was achieved for foreign auction house customers. He also made a substantial contribution to the record-setting recovery of more than \$3 billion in the antitrust class action against Visa and Mastercard in *In re Visa Check/Mastermoney Antitrust Litig.*, CV-96-5238 (E.D.N.Y.), which is the largest antitrust settlement in the history of the Sherman Act. Other prominent antitrust class actions in which he has argued dispositive motions and served as lead or co-lead counsel include *In re Ciprofloxacin Hydrochloride Antitrust Litig.*, 363 F. Supp. 2d 514 (E.D.N.Y. 2005), *In re K-Dur Antitrust Litig.*, 338 F. Supp. 2d 517 (D. N.J. 2004), and *In re Wellbutrin SR/Zyban Antitrust Litig.*, 281 F. Supp. 2d 751 (E.D. Pa. 2003).

Mr. Richards has argued more than twenty-five appeals in the federal and state courts of appeals, including more than a dozen appeals in the Second Circuit. In recent years he has argued appeals on several cutting-edge issues of antitrust law. In November 2006 he argued to the United States Supreme Court in *Bell Atlantic Corp. v. Twombly*, No. 05-1126, which set a key precedent governing pleading requirements for antitrust conspiracy cases. He participated in 2007 in the briefing to the Supreme Court in *Credit Suisse v. Billing*, No. 05-1157, which set a vital precedent concerning the application of antitrust law in regulated industries. He also has argued such leading appellate cases as *In re Tamoxifen Citrate Antitrust Litig.*, 429 F.3d 370 (2d Cir. 2005), *JLM Industries, Inc. v. Stolt-Nielsen SA*, 387 F.3d 163 (2d Cir. 2004), *Kruman v. Christie's Int'l PLC*, 284 F.3d 384 (2d Cir. 2002), and *Cox v. Microsoft Corp.*, 778 N.Y.S.2d 147 (1st Dep't 2004).

Mr. Richards is a frequent speaker on antitrust issues. On August 10, 2007, he was a panelist in a presentation at the ABA Annual Meeting titled "2007 Supreme Court Antitrust Findings: The Insider's Perspective." On July 23, 2007, he was a speaker in an ABA Webcase program titled "The Supreme Court's Revolutionary Decisions on Pleadings - Will Your Pleadings Pass the New Test?" On April 19, 2007, he was a speaker at the "Hot Topics 2007" presentation at the ABA Antitrust Section 55th Annual Spring Meeting in Washington, D.C. On Nov. 9, 2006, he was a speaker at a Federal Bar Council presentation titled "Antitrust Issues in Patent Litigation Settlements: the Divergent Views of Federal Courts and Agencies." On Sept. 14, 2006, he was a speaker in Federalist Society presentation at NYU Law School, titled "Does Procedure Dominate Substance? Of Class Actions and Pretrial Motions." He also recently authored What Makes An Antitrust Class Action Remedy Successful?: A Tale of Two Settlements, 80 Tulane L. Rev. 621 (2005).

Mr. Richards has been active in alumni activities for the University of Chicago. He was the recipient of the 2004 Alumni Service Citation, which the University gives every year to an alumnus for "achievements of individuals working on behalf of the University through service in alumni programs, on advisory committees, and through efforts made to ensure the welfare of the institution."

Education:

Harvard Law School (J.D. 1981)
University of Chicago (A.B. 1977)

Professional Activities:

Member, Executive Committee, Antitrust Section of the New York State Bar Association
Member, Board of Advisors, American Antitrust Institute

Professional Admissions:

New York
U.S. District Courts, Southern, Eastern and Western Districts of New York
District of Connecticut
All Circuits of the United States Courts of Appeals
United States Supreme Court

Contact:

Phone: (212) 661-1100
Fax: (212) 661-8665
E-Mail: drichards@pomlaw.com
Website: <http://www.pomerantzlaw.com>

Location:

100 Park Avenue
New York, NY 10017-5516