



Paul M. Eckles

Partner

Charleston
+1.843.579.5605

Los Angeles
+1.310.552.5000

New York
+1.212.536.3900

Paul.Eckles@klgates.com

OVERVIEW

Paul Eckles is admitted to practice in California, District of Columbia, New York, United States Court of Appeals for the Fourth Circuit, United States Court of Appeals for the Ninth Circuit, United States District Court for the Central District of California, United States District Court for the Southern District of California, and United States District Court for the Southern District of New York. He is not currently admitted in South Carolina.

Paul Eckles is a partner in the Charleston office, as well as the New York and Los Angeles offices. He is a member of the Complex Commercial Litigation and Disputes practice group. Paul has a diverse litigation practice concentrating on antitrust, breach of contract, fraud and fiduciary duty, intellectual property, and other types of complex litigation at both the trial and appellate court levels. He also represents clients in connection with government investigations and provides general antitrust counseling.

In the antitrust litigation area, Paul has handled litigations involving the full range of alleged anticompetitive conduct, including price-fixing, bid-rigging, group boycotts, exclusive dealing, monopolization, tying, price discrimination, interlocking directorates, and mergers.

His representations include: Activision Publishing, Inc. in an antitrust action challenging the purported tying of products; Arclin in a Robinson-Patman case alleging price discrimination; Energy Solutions in a trial of a Section 7 claim brought by the Department of Justice; the National Hockey League in its successful defense against antitrust claims brought by Madison Square Garden relating to the league's new media practices; the Professional Cowboy Rodeo Association in successfully defeating a motion for a preliminary injunction brought by a competing rodeo association; and Quality King Distributors, Inc. in connection with a dispute under Section 8 of the Clayton Act.

On the plaintiff side, Paul has represented IASIS Healthcare in an antitrust action challenging a series of exclusive contracts; Amylin Pharmaceuticals, Inc. in challenging an anti-competitive collaboration; and Oscar Insurance Co. in an antitrust action challenging exclusive contracts.

Paul also has extensive litigation experience in non-antitrust matters. He was part of the trial teams that successfully defended the National Football League in actions brought by the Oakland Raiders involving contract and fiduciary duty claims, in which the Raiders sought more than \$1 billion in damages. He was a member of the team defending MGA Entertainment, Inc. in its multibillion-dollar "battle of the dolls" dispute against Mattel, Inc.

He represented the National Hockey League in connection with the bankruptcy of the Phoenix Coyotes and in its defense against an attempt by the owners of the Coyotes to relocate the team over the NHL's objection. He also successfully defended the National Basketball Association in actions involving intellectual property rights relating to NBA players; Revlon in connection with the alleged contamination of an industrial site; and Transamerica Occidental Life Ins. Co. in a defamation action and enforcement of an arbitration agreement.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Paul was a partner at an international law firm focusing on antitrust/competition, sports, complex litigation, and trials.

ACHIEVEMENTS

Paul has been named to *Best Lawyers in America*, *IFLR1000*, *Who's Who Legal - Sports Law*, and *New York Metro Super Lawyers*. He was also named as a "Litigator of the Week" by *Global Competition Review* for his work in defeating class certification in antitrust litigation relating to AndroGel.

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association, Antitrust Law Section
- New York State Bar Association, Antitrust Law Section
- California Bar Association, Antitrust and Unfair Competition Law Section
- District of Columbia, Antitrust and Consumer Law Community

EDUCATION

- J.D., University of California at Los Angeles (UCLA) School of Law, 1995
- B.A., University of Notre Dame, 1992

ADMISSIONS

- Bar of California
- Bar of District of Columbia
- Bar of New York
- Not Admitted in South Carolina
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Ninth Circuit

- United States District Court for the Central District of California
- United States District Court for the Southern District of California
- United States District Court for the Southern District of New York

THOUGHT LEADERSHIP POWERED BY HUB

- 18 March 2021, Litigation Minute: Legal Considerations for Supply Chain Disruptions (*Alerts/Updates*)

OTHER PUBLICATIONS

- “No Poaching Allowed: The DOJ’s Long-Promised Criminal Enforcement of No Poach Agreements and Wage Fixing Is Here”, *Association of Corporate Counsel South Carolina*, March 2021
- “High Court Clarifies Standards For Antitrust Claims,” *CompLaw 360*, May 13, 2019
- “United States – E-commerce, Big Data and Algorithms: Antitrust,” *GCR Insight - E-Commerce Competition Enforcement Guide*, 2018
- “Getting the Deal Through: Private Antitrust Litigation 2019 (United States),” *Law Business Research Ltd.*, 2019
- “The Fight Against No-Poach Agreements is Expanding,” *CompLaw 360*, October 23, 2018
- “Antitrust Concerns About Big Data May Be Overblown,” *Law360*, May 3, 2018
- “Looking Backward to Look Forward: A Summary Of the FTC’s Cybersecurity Enforcement Agenda,” *Bloomberg BNA’s White Collar Crime Report*, October 13, 2017
- “Private Antitrust Litigation in the EU: A New Age of Advocacy,” *The International Comparative Legal Guide to: Cartels and Leniency 2015*, 2015
- “Rule 23(b)(3) Fifty Years Later: In Search of a New Equilibrium,” *Antitrust Magazine*, Spring 2016 Private Antitrust Litigation: United States,” *Getting the Deal Through*, August 2015
- “Private Antitrust Litigation: United States,” *Getting the Deal Through*, August 2015
- “From Hydrogen Peroxide to Comcast: The New Rigor in Antitrust Class Actions,” *The Law and Economics of Class Actions, Research in Law and Economics*, Vol. 26, 2014
- “Business and Commercial Litigation in Federal Courts,” (Third Edition, Chapter 125 — Sports), *Thomson Reuters*, 2011
- *Anti-Cartel Enforcement Worldwide* (Chapter 68 — United States), September 2009

NEWS & EVENTS

- 30 March 2021, Global Sports Law Symposium (*Event*)

- 7 December 2020, K&L Gates Continues to Bolster Firmwide Litigation Practice with Addition of Charleston Partner (*Press Release, Practice & Regional News*)

AREAS OF FOCUS

- Complex Commercial Litigation and Disputes
- Antitrust, Competition, and Trade Regulation
- Appellate Litigation
- Class Action Litigation Defense
- Financial Institutions and Services Litigation

INDUSTRIES

- Consumer Products
- Financial Services
- Sports

REPRESENTATIVE EXPERIENCE

Class Action Experience

- Represented Allergan and Teva Pharmaceuticals in reverse payment antitrust litigation; successfully persuaded the court to deny certification of a proposed direct-purchaser class.
- Represented the National Hockey League in an antitrust class action relating to exclusive broadcast territories for professional sports leagues; successfully persuaded the court to deny certification of a proposed direct-purchaser class.
- Represented CEMEX in an antitrust class action relating to alleged price-fixing and bid-rigging in the cement and concrete industries; successfully persuaded the court to deny certification of a proposed direct-purchaser class.
- Represented Royal Bank of Scotland in an antitrust class action relating to the ISDAfix benchmark rate.
- Represented Morgan Stanley in antitrust class actions relating to municipal derivatives.
- Represented Merrill Lynch in an antitrust class action relating to so-called naked short selling.
- Represented Merrill Lynch in an antitrust class action relating to auction rate securities.
- Represented Citigroup in an antitrust class action relating to U.S.-denominated SSA bonds.
- Represented Citigroup in an antitrust class action relating to U.S. treasuries.

- Represented Mowi ASA in direct and indirect purchaser antitrust class actions alleging price-fixing in connection with farm-raised salmon.
- Represented AXIS Insurance Co. in antitrust class actions challenging purported anti-competitive conduct relating to contingent commissions.
- Represented Corning in an antitrust class action relating to alleged price-fixing and bid-rigging in connection with ceramic substrates auto parts.
- Represented HarperCollins in antitrust class actions and government investigations relating to e-books.
- Represented NewYork-Presbyterian Hospital in an antitrust class action brought by resident physicians.
- Represented DeBeers in antitrust class actions alleging monopolization and other anti-competitive conduct relating to diamonds.
- Represented International Paper Company in an antitrust class action alleging price-fixing and bid-rigging.
- Represented officers and directors of Stan Lee Media, Inc. in a securities class action and related commercial litigation.