Daniel J. Boland

Partner

Philadelphia

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Dan represents clients in litigation matters including antitrust litigation, accounting-related arbitration, securities litigation, and director and officer liability matters.

OVERVIEW

Dan represents clients in complex commercial litigation with a particular focus on antitrust and competition law, accounting related litigation, securities litigation, and director and officer liability.

Drawing on his experience as a certified public accountant (inactive status) and former auditor with Ernst & Young LLP, Dan provides significant value to clients dealing with matters involving complex accounting, financial, and economic issues. He has considerable experience litigating antitrust matters in the pharmaceutical and manufacturing industries and regularly advises clients on antitrust compliance.

REPRESENTATIVE MATTERS

Antitrust Litigation

- Represents a national university as lead counsel in class action pending in the United States District Court for the District Northern District of Illinois where plaintiffs allege that the College Board and 40 universities violated Section 1 of the Sherman Act by agreeing to collect noncustodial parent financial information through the College Board's CSS Profile, a standardized financial aid application that educational institutions may opt to use to collect information about an applicant's need for financial aid. *Hansen v. Northwestern University, et al.*
- Represents a major national manufacturer of consumer packaged goods against claims of horizontal price-fixing. *In re Packaged Seafood Antitrust Litigation* (S.D. Cal.).
- Represents a research-based pharmaceutical manufacturer in a putative antitrust class action alleging an unlawful "reverse payment" settlement of patent litigation. *In re Lamictal Direct Purchaser Antitrust Litigation.*
- Secured complete dismissal, at class certification stage, of indirect purchaser class action for Mack Trucks, Inc. and Volvo Trucks North America alleging a conspiracy to install a monopolist transmission supplier. *In Re: Class 8 Transmission Direct Purchaser Antitrust Litigation.*
- Secured complete dismissal of direct purchaser class action for Mack Trucks, Inc. and Volvo Trucks North America alleging a conspiracy to install a monopolist transmission supplier. *Wallach v. Eaton Corp., et al. and Avenarius v. Eaton Corp., et al.*

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- Represented a major pharmaceuticals manufacturer against class action claims alleging monopolization under the Sherman Act and various state laws. *In re Wellbutrin XL Antitrust Litigation.*
- Defended a major international glass manufacturer in putative class actions alleging price fixing in the U.S. glass industry. *In re Flat Glass Antitrust Litigation No. II.*
- Defended a major international glass manufacturer in opt-out litigation alleging price fixing in the U.S. glass industry. *JELD-WEN, Inc. v. AGC America, Inc., et al.*
- Represented the second-largest hospital system in Pittsburgh in an antitrust action against its largest competitor for alleged illegal monopolization. *West Penn Allegheny Health System v. UPMC and Highmark, Inc*.
- Secured defense verdicts for a major truck manufacturer against Sherman Act, Robinson-Patman Act, and state law claims brought by dealer in two jury trials. Further secured $1.6 million judgment on counterclaim for misappropriation of trade secrets. *Toledo Mack Sales & Services, Inc. v. Mack Trucks, Inc*.
- Secured summary judgment for major truck manufacturer on antitrust claims brought by independent truck dealer for alleged conspiracies between manufacturer, dealers and truck body suppliers. *RDK Truck Sales & Service, Inc. v. Mack, Trucks, Inc*.
- Defended a burglar alarm products manufacturer against claims alleging competitive injury resulting from an exclusive dealing arrangement. *AlarMax Distrib. Inc. v. Tyco Safety Products Canada, Ltd*.

Accounting Related Arbitration

- Secured $24 million arbitration award for purchaser of software business based upon seller's failure to prepare closing balance sheet in accordance with U.S. GAAP. *Imagine Communications Corp. v. Harris Corporation Corp.*
- Successfully recovered purchase price adjustments for multiple buyers of businesses based upon sellers' failure to prepare closing balance sheets in accordance with U.S. GAAP.

Securities Litigation

- Represents the defendant corporation and corporate officers in a Rule 10b-5 class action. *Utah Retirement Systems v. Healthcare Services Group, Inc.* (E.D. Pa.)
- Defended corporations in federal investigations by the Securities and Exchange Commission.
- Represented a special litigation committee of a board of directors evaluating shareholder demands asserting insider trading and securities fraud claims.
- Defended a securities broker in federal investigation by the Securities and Exchange Commission.

Director and Officer Liability

- Defended corporate officers against breach of fiduciary duty claims arising from alleged misrepresentation of the corporation's financial condition.
- Represented a special litigation committee of a board of directors evaluating shareholder demands asserting breach of fiduciary duty and corporate waste claims.
- Represented a nonprofit corporation investigating allegations that its directors and officers breached their fiduciary duties to the corporation.
- Represented a corporate officer in an environmental investigation conducted by a federal agency.

AWARDS

- *Legal 500 United States:* Antitrust: Civil Litigation/Class Actions: Defense (2025-2026)

TOP AREAS OF FOCUS

- Antitrust
- Business Litigation
- Class Action

ALL AREAS OF FOCUS

- Antitrust
- Automotive
- Business Litigation
- Class Action
- Litigation + Trial

PROFESSIONAL EXPERIENCE

- CPA/Auditor at Ernst & Young LLP (Philadelphia, PA) (1998-2000)

EDUCATION AND CERTIFICATIONS

EDUCATION

- Villanova University Charles Widger School of Law, J.D., 2003
- Villanova University, M.B.A., 2003
- DeSales University, B.S., *summa cum laude*, 1998, accounting and finance

BAR ADMISSIONS

- Pennsylvania

COURT ADMISSIONS

- U.S. District Court, Eastern District of Pennsylvania
- U.S. Court of Appeals, Third Circuit

SPEAKING ENGAGEMENTS

- Speaker, "Antitrust Hot Topics: Civil and Criminal Enforcement 2023," Troutman Pepper Annual Antitrust CLE Event, December 13, 2023.
- Speaker, ""New and Improved" Antitrust?," Troutman Pepper Annual Antitrust CLE Event, December 6, 2022.

PUBLICATIONS

- Podcast, "Expert or Arbitrator?," *PE Pathways*, June 10, 2025.
- Co-author, "Del. Rulings Make Clear That 'Arbitrator' Isn't A Magic Word," *Law360*, May 13, 2024.
- Co-author, "Expert Determination or Arbitration? The Delaware Court of Chancery Clarifies That Labels Are Not

Dispositive," *Troutman Pepper*, May 2, 2024.

- Co-author, "Third Circuit: Non-Pharmaceutical Cases," *GCR – US Courts Annual Review (Third Edition)*, June 2022.