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OVERVIEW

Dan solves antitrust and related regulatory issues for businesses in the construction, modeling, sports, financial services, publishing, energy, retail, and health care industries. He collaborates with businesses on planning strategic acquisitions in concentrated markets, structuring joint ventures and other collaborations, advocating before enforcement agencies (DOJ, the FTC, and State AGs), and litigating complex antitrust cases in federal courts across the nation.

Utilizing his knowledge of markets and trade policy and dynamics, Dan similarly assists businesses with navigating trade and supply chain issues, including foreign direct investment (CFIUS), export controls (EAR) and tariffs, duties, and trade sanctions.

Renewable energy developers, electric vehicle manufacturers, and battery supply chain companies involved in the electrification ecosystem across the U.S. rely on Dan to navigate complex regulatory and policy matters to help develop a robust domestic green energy infrastructure.

REPRESENTATIVE MATTERS

Antitrust Litigation

- In a seminal group boycott case, represented Bauer Publishing, one of five publishers sued by magazine wholesaler Anderson News, for allegedly perpetrating a boycott to drive it out of business. After extensive discovery, Bauer successfully moved for summary judgment on the basis that Anderson could not support an inference of collusion. The U.S. District Court for the Southern District of New York granted summary judgment, dismissing the case which sought \$371 million in damages, which was affirmed by the Second Circuit.
- Represented the largest electrical union chapter in the U.S. in a group boycott case brought by contractors with laborers affiliated with members of a rival union. After extensive discovery, the U.S. District Court for the Southern District of New York granted summary judgment finding that the proof did not support an inference of collusion. The Second Circuit affirmed the decision.
- Represented a commercial bank in asserting a monopolization claim against a large Patent Assertion Entity for its acquisition of, and enforcement activities with respect to, a patent portfolio. This was the first antitrust plaintiff to advance this theory to the summary judgment stage of litigation.
- Represented the Consumer Data Industry Association in obtaining dismissal with prejudice by the U.S. District

Court for the Southern District of New York of a claim that it monopolized credit reporting guidelines.

- Represented a battery component company in connection with a monopolization claim asserted against it in the U.S. District Court for the Western District of North Carolina. The matter was successfully resolved.
- Represented a multinational optical lens company in the District Court for the Eastern District of Virginia in asserting a patent misuse defense in connection with a patent infringement claim asserted against it.
- Represented a public utility in an antitrust action brought by the California Attorney General alleging a conspiracy to overcharge California citizens for energy. The case was dismissed on a motion to dismiss, which was affirmed by the Ninth Circuit.
- Represented an artificial tree manufacturer in defending against bid-rigging and predatory pricing claims in U.S. District Court of Minnesota. The antitrust claims were voluntarily dismissed.
- Represented clients on confidential criminal antitrust investigations and successfully convinced the U.S. Justice Department to avoid pursuing criminal charges.

Mergers, Acquisitions, and Antitrust Counseling

- Represents clients in connection with U.S. Justice Department (DOJ)/Federal Trade Commission (FTC) reviews, including with respect to responding to second requests.
- Secured early HSR waiting period termination from DOJ and FTC in M&A deals involving automobile fleet transportation, hospital-physician practice acquisitions, and other industries.
- Counseled and coordinated foreign antitrust analyses for a Georgia broadband-equipment manufacturer on a \$2.5 billion corporate acquisition that successfully cleared full HSR review by the U.S. Justice Department within 90 days.
- Counseled data company in an acquisition that successfully cleared full HSR review by the DOJ following the issuance of second request.
- Counsels clients on joint ventures, pricing strategies, commercial agreements, and benchmarking.

CFIUS/Export Controls/ITAR

- Represents U.S. clients on a broad range of strategic and regulatory issues, including CFIUS, export controls and ITAR, on investments and acquisitions in the U.S.
- Represented several companies, including an insurance software company and solar project developer, in successfully resolving CFIUS-initiated investigations during the minimum review periods, absent mitigation.
- Successfully represented suppliers in ITAR / Department of Defense programs in clearing transactions during DDTC registration processes, CFIUS, and regulatory reviews
- Represents China/Taiwan-based and U.S. clients on a broad range of strategic and regulatory issues, including CFIUS and EAR, on investments and acquisitions in the U.S.
- Represented a North Carolina joint venture backed by a China state-owned entity that produced rail freight cars in North America. Following a Congressional-initiated investigation, obtained CFIUS clearance without mitigation after the minimum 75-day review period.
- Represented a China-based industrial company before CFIUS in connection with its acquisition of a U.S. competitor. Among other things, the acquirer sold products to a country subject to UN sanctions and CFIUS rejected a previous effort by a China entity to acquire the target. Obtained CFIUS clearance without any mitigation following the 75-day review period.
- Represented a foreign acquirer of undersea cable on CFIUS submission in coordination with a Team Telecom review; received clearance absent any mitigation.

Renewables, Electric Vehicles, and Battery Supply Chain

- Represents renewables developers on various supply chain issues, including impacts of tariffs/duties, domestication, and sanctions (UFLPA).
- Represents domestic electric vehicle manufacturers on regulatory, compliance, and disputes.
- Represents a battery component company on regulatory issues and market growth.

AWARDS

- *Legal 500 United States*, Antitrust: Civil Litigation/Class Actions: Defense (2022-2025)
- *New York Super Lawyers* (2013-2021)

TOP AREAS OF FOCUS

- Antitrust
- CFIUS
- Energy

ALL AREAS OF FOCUS

- Antitrust
- Appellate + Supreme Court
- Business Litigation
- CFIUS
- Electric Vehicle Technology + Sustainable Infrastructure
- Energy
- Energy Storage
- Intellectual Property
- Litigation + Trial
- Mergers + Acquisitions
- Sanctions + Trade Controls
- Tariff + Trade Task Force

PROFESSIONAL/COMMUNITY INVOLVEMENT

- American Bar Association, Antitrust Section
- New York State Bar Association, Antitrust Section Executive Committee member
- Faculty Lecturer with the Practicing Law Institute

EDUCATION AND CERTIFICATIONS

EDUCATION

- Fordham University School of Law, J.D., 2000
- Yeshiva University, B.A., *magna cum laude*, 1997

BAR ADMISSIONS

- New York

COURT ADMISSIONS

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Ninth Circuit
- Supreme Court of the United States

SPEAKING ENGAGEMENTS

- Speaker, "Transacting on Hard Mode: Lawyering in the Energy Transition," *HC Commodities Podcast*, July 29, 2025.
- Speaker, "Navigating Tax Credits, Trade Policy, and U.S. Manufacturing Goals," Giga USA, June 3-4, 2025.
- Speaker, "The State of Energy Storage: What You Need to Know," *Energy Law Insights*, May 8, 2023.
- Moderator, "Ouch & Never Again: Anti-Circumvention/Biden Moratorium," Infocast Solar + Wind Finance & Investment Summit, March 13, 2023.
- Moderator for NYSBA Antitrust Section Panel – "Pharma to Table: What's Hot?"
- Panelist for NYSBA Antitrust Section Panel – "Feeling Blue: Antitrust Challenges to Health Insurers in the Post-Affordable Care Act World."
- Moderator for NYSBA Antitrust Section Panel – "What Hath *Leegin* Wrought? Has State Enforcement Served or Stymied the Public Interest?"

PUBLICATIONS

- Co-author, "CFIUS Releases 2024 Annual Report on National Security and Foreign Investment," *Troutman Pepper Locke*, August 21, 2025.
- Co-author, "US Extends China Tariff Truce by 90 Days," *Troutman Pepper Locke*, August 12, 2025.
- Co-author, "Doubling Down – US Slaps 25% Additional Tariff on Indian Imports for India's Oil Trade With Russia," *Troutman Pepper Locke*, August 7, 2025.
- Co-author, "Tariff Surge: Trade Deals Announced. US Increases Canadian Tariffs and Amends Reciprocal Tariffs," *Troutman Pepper Locke*, August 1, 2025.
- Co-author, "Tariff Tsunami": New Copper Tariffs and Changes to De Minimis Duty Exemption," *Troutman Pepper Locke*, August 1, 2025.
- Co-author, "Label With Care: FTC Intensifies Focus on Misleading 'Made in USA' Claims," *Troutman Pepper Locke*, July 21, 2025.
- Co-author, "Antitrust Division Declares Enterprise Wireless Merger Settlement a Victory," *Troutman Pepper Locke*, July 2, 2025.
- Co-author, "IEEPA Tariffs to Remain Temporarily Despite Adverse Ruling: Aluminum and Steel Tariff Rate Increased," *Troutman Pepper Locke* and *EACCNY.com*, June 12, 2025.
- Co-author, "DAAG Rinner Says Merger Enforcement to Combine 'Fairness and Robust Enforcement'," *Troutman Pepper Locke*, June 10, 2025.
- Co-author, "USTR Issues 3-Month Extension for Certain Section 301 Tariff Exclusions on Chinese Imports," *Troutman Pepper Locke*, June 3, 2025.
- Co-author, "What Does the New Administration's First Antitrust Merger Settlement Tell Us?," *Troutman Pepper*

Locke, June 2, 2025.

- Co-author, "[Review Risk Is Increasing for Foreign Real Estate Developers](#)," *Law360*, May 27, 2025.
- Podcast, "[A Voltage Voyage With Danielle Spalding](#), Cirba Solutions," *Battery + Storage Podcast*, May 27, 2025.
- Co-author, "[Temporary Reduction of Reciprocal Tariffs on Chinese Goods Following US-China Trade Truce](#)," *Troutman Pepper Locke*, May 14, 2025.
- Co-author, "[FEOC May Expand in Scope and Application for Inflation Reduction Act](#)," *POWER Magazine*, May 1, 2025.
- Podcast, "[What's the Buzz in the Battery World With Roger Miksad, BCI](#)," *Battery + Storage Podcast*, April 22, 2025.
- Co-author, "[White House Releases List of Products Excluded From Reciprocal Tariffs](#)," *Troutman Pepper Locke*, April 14, 2025.
- Co-author, "[US Modifies Reciprocal Tariff Rates](#)," *Troutman Pepper Locke*, April 11, 2025.
- Co-author, "[New Steel and Aluminum Tariffs in Effect](#)," *Troutman Pepper Locke*, April 10, 2025.
- Co-author, "[New Section 232 Tariffs on Automobiles and Automotive Parts](#)," *Troutman Pepper Locke*, April 8, 2025.
- Co-author, "[Unpacking the New Reciprocal Tariffs Reshaping US Trade Policies](#)," *Troutman Pepper Locke*, April 7, 2025.
- Co-author, "[Exclusions From the Tariffs on Canadian and Mexican Goods Under HTS Chapters 98 and 999?](#)," *Troutman Pepper Locke*, March 14, 2025.
- Co-author, "[Clean Energy Tax Credits Explained: The Section 45X Advanced Manufacturing Production Tax Credit](#)," *Thomson Reuters*, January 29, 2025.
- Co-author, "[FTC Takes Another Shot at Private Equity Roll-Ups](#)," *Troutman Pepper Locke*, January 21, 2025.
- Co-author, "[FTC and DOJ Jointly Issue Antitrust Guidelines Related to Labor](#)," *Troutman Pepper Locke*, January 17, 2025.
- Co-author, "[FTC Announces Annual Changes to the HSR Act's Notification Thresholds](#)," *Troutman Pepper Locke*, January 13, 2025.
- Co-author, "[Navigating 4th Circ.'s Antitrust Burden In Hybrid Relationships](#)," *Law360*, December 2, 2024.
- Co-author, "[Antitrust Burden Heightened in Fourth Circuit for Prosecutors in Hybrid Horizontal-Vertical Relationships](#)," *Troutman Pepper*, November 15, 2024.
- Co-author, "[Charging Ahead: Legal, Regulatory, and Operational Considerations for EV Infrastructure Development](#)," *Troutman Pepper*, October 1, 2024.
- Co-author, "[FTC Bans Employee Noncompete Clauses](#)," *Troutman Pepper*, April 24, 2024. Republished on *EACCNY*, April 25, 2024.
- Co-author, "[FTC Updates HSR and Clayton Act Thresholds: Increases Civil Penalties for Violations](#)," *Troutman Pepper*, January 24, 2024.
- Co-author, "[IRS Issues Proposed Guidance on Advanced Manufacturing Production Tax Credit Under IRA](#)," *Troutman Pepper*, December 21, 2023.
- Co-author, "[Guidance Suggests U.S. Clean Vehicle Subsidies Require Disengagement From China Supply Chains](#)," *Troutman Pepper*, December 13, 2023.
- Co-author, "[Amgen, Black Knight, and Assa Abloy: Are Merger Settlements Making a Comeback?](#)," *Troutman Pepper*, September 11, 2023.
- Co-author, "[FTC and DOJ Announce Workshops on the 2023 Draft Merger Guidelines](#)," *Troutman Pepper*, August 29, 2023.
- Co-author, "[Interlocking Directorates in the Antitrust Crosshairs](#)," *Troutman Pepper*, August 24, 2023.
- Co-author, "[The Evolution of the FTC and DOJ Continues: Agencies Seek Public Comment on Draft Merger Guidelines](#)," *Troutman Pepper*, August 1, 2023.

- Co-author, ["Updated IRS Guidance on Critical Minerals and Battery Components Has Demonstrable, Ongoing Implications for Domestic and Foreign EV Manufacturing,"](#) *Troutman Pepper*, April 11, 2023.
- Co-author, ["Newly Released CFIUS Enforcement and Penalty Guidelines,"](#) *Troutman Pepper*, October 28, 2022.
- Co-author, ["EO Provides CFIUS Guidance on Conducting National Security Reviews,"](#) *Troutman Pepper*, September 26, 2022.
- Co-author, ["Third Circuit: Non-Pharmaceutical Cases,"](#) *GCR – US Courts Annual Review (Third Edition)*, June 2022.
- Co-author, ["FTC Requires Divestitures in Gasoline Terminal Deal,"](#) *Troutman Pepper*, June 30, 2022.
- Co-author, ["Executive Order Throws Down the Gauntlet for a New Era of Antitrust Enforcement,"](#) *Troutman Pepper*, July 16, 2021.
- Co-author, ["FTC Meeting Opens the Door to a Period of Greater Uncertainty,"](#) *Troutman Pepper*, July 6, 2021.
- Co-author, ["IRS Rules on Section 45Q Eligibility for Separately Owned and Subsequently Installed Property at Qualified Facility,"](#) *Troutman Pepper*, July 6, 2021.
- Co-author, ["Lina Khan Selected as FTC Chair,"](#) *Troutman Pepper*, June 23, 2021.
- Co-Author, ["State Enforcers Expanding Premerger and Antitrust Jurisdiction Over Healthcare Transactions: Guidance for This Growing Trend,"](#) The American Bar Association, December 2020.
- Co-author, ["COVID-19 Hits Global Merger Antitrust Enforcement: Potential Considerations,"](#) *COVID-19 Resource Center*, March 23, 2020.
- Co-author, ["Recent CFIUS Developments Indicate Renewed Commitment to Enforcement,"](#) *Troutman Sanders*, April 30, 2019.
- Co-author, ["Proving Antitrust Damages: Legal and Economic Issues,"](#) *Third Edition*, June 2017.

MEDIA COMMENTARY

- Mentioned, ["Troutman Pepper Launches Tariff Task Force,"](#) *Law360*, February 20, 2025.
- Quoted, ["Nippon Steel/U.S. Steel: Legal Challenge to Biden Ban Faces Tough Odds,"](#) *The Capitol Forum*, January 7, 2025.
- Quoted, ["EPA Clean Cars Rule Charts Auto Industry Transformation,"](#) *Law360*, March 22, 2024.
- Quoted, ["Auto Cos. Gain Little Clarity In EV Battery Sourcing Rule,"](#) *Law360*, March 31, 2023.
- Quoted, ["The Most Closely Watched Merger Reviews of 2020,"](#) *Law360*, January 1, 2020.
- Quoted, ["Two Agencies, Two 'Nascent Competitor' Merger Challenges,"](#) *Law360*, December 18, 2019.
- Quoted, ["5 Questions Attys Want Answered By CFIUS Rulemaking,"](#) *Law360*, August 30, 2019.
- Quoted, ["3 Unexpected Ways CFIUS Reviews Can Be Triggered,"](#) *Law360*, March 7, 2018.
- Quoted, ["DraftKings, FanDuel Can Focus on DFS Legalization Post-Deal,"](#) *Law360*, July 17, 2017.
- Quoted, ["Generic Drug Price-Fixing Suits Just Tip of the Iceberg,"](#) *Law360*, January 6, 2017.