# Michael J. Hartman

Partner

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Clients trust Mike with a wide range of complex litigation and investigation matters, including class actions, antitrust and competition disputes, and white collar cases.

## OVERVIEW

Mike concentrates his practice in antitrust and competition law, class action litigation, and white collar defense. He has defended clients in a number of Sherman Act conspiracy cases and has substantial experience counseling companies on antitrust compliance, as well as competition law issues present in supplier, distributor, and licensing agreements. He has also litigated against, and represented clients before government enforcers, including the Department of Justice Antitrust Division and state attorneys general, and has worked with clients to structure and complete internal investigations. Mike has significant experience in the pharmaceutical and health care industries, and has also represented clients across many other sectors including agriculture, transportation, and manufacturing.

Mike is a member of the Antitrust Law Committee of the American Bar Association, and has regularly presented at CLEs regarding pleading and summary judgment standards in antitrust conspiracy cases.

## REPRESENTATIVE MATTERS

### Antitrust and Competition Law

- *Fraser et al. v. Cal-Maine Foods, Inc. et al.* (N.D. Cal.); *Bell et al. v. Cal-Maine Foods, Inc. et al.* (W.D. Tex.). Defended two large egg producers named as defendants in putative class actions alleging that consumers paid prices for eggs that violated the California and Texas price gouging laws. Successfully achieved full dismissal in California action.
- *In re Generic Pharmaceuticals Pricing Antitrust Litigation* (E.D. Pa., MDL 2724). Defended generic pharmaceutical manufacturers in multidistrict litigation pending in federal court alleging violations of federal and state antitrust statutes and state consumer protection laws relating to an alleged conspiracy among manufacturers to fix prices for certain generic drugs. Plaintiffs in the multidistrict litigation include direct purchasers, indirect resellers, end-payers, opt-out direct action plaintiffs, and state attorneys general.
- Obtained dismissal by the U.S. Department of Justice Antitrust Division of its investigation of a *Fortune* 200 manufacturing company into an alleged cross-border no-poach agreement.
- *In re Class 8 Transmission Indirect Purchaser Antitrust Litigation*, 140 F. Supp. 3d 339 (D. Del. 2015) aff'd,

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2017 U.S. App. LEXIS 2328 (3d Cir. Feb. 9, 2017); *Wallach et al. v. Eaton Corp. et al.* (D. Del.). Defeated class certification, which included obtaining Third Circuit affirmance of the indirect purchaser class decision, in companion hub-and-spoke conspiracy lawsuits on behalf of two heavy duty truck manufacturers.

- *Jeld-Wen, Inc. v. AGC America, Inc. et al*. (D. Oreg.). Defended an international glass manufacturer in litigation alleging price fixing in the U.S. glass industry.
- *Methodist Health Services Corp. v. OSF Healthcare System*, No. 13-cv-01054, 2016 U.S. Dist. LEXIS 136478 (C.D. Ill. Sept. 30, 2016), aff'd No. 17-3791, 2017 U.S. App. LEXIS 10275 (11th Cir. June 9, 2017). Obtained summary judgment for a major Central Illinois hospital system against claims of attempted monopolization.
- *International Construction Products LLC v. Caterpillar Inc. et al*. (D. Del.). Defended a construction vehicle manufacturer against claims of an illegal group boycott conspiracy.
- *Moore v. Games Workshop, Inc., et al*., No. 17-cv-61100, 2017 U.S. Dist. LEXIS 166216 (S.D. Fla. Oct. 5, 2017). Obtained complete dismissal of complaint including a claim that a company's minimum advertised price and internet sales policies violated competition laws.
- Obtained Federal Trade Commission approval of a merger between metal alloy manufacturers.
- Advised clients on potential liability under the Robinson-Patman Act and state vehicle dealer franchise laws related to incentive programs.
- Advised clients on the implications of joint DOJ/FTC guidance regarding no-poach agreements.

**Additional Health Sciences Litigation**

- Represented a generic pharmaceutical manufacturer in an ICC arbitration seated in Zurich over a failed collaboration agreement for the development and marketing of a new product.
- *Plumbers' Local Union No. 690 Health Plan v. Actavis Inc*. (E.D. Pa.) and *Delaware Valley Health Care Coalition v. Actavis Grp.* (Phila. CCP). Defended West-Ward Pharmaceuticals in two cases alleging fraudulent inflation of its Average Wholesale Price (AWP) related to certain products. In *Plumbers*, plaintiffs sought certification of a class "comprised of all natural persons and third-party payors nationwide" who purchased or reimbursed defendants' drugs based on inflated AWPs. In September 2017, the case was dismissed based on defendants' motion to dismiss.
- Defended an over-the-counter medication manufacturer in a Department of Justice grand jury investigation relating to alleged violations of Current Good Manufacturing Practice (CGMP) regulations.
- Represented a pharmaceutical manufacturer in an action alleging trademark infringement.

**Other Litigation**

- *Rockwood v. SKF USA Inc*., 758 F. Supp. 2d 44 (D.N.H. 2010), aff'd 687 F.3d 1 (1st Cir. 2012). Successfully obtained summary judgment and First Circuit affirmation for a major ball bearing manufacturer in a $40 million dispute arising from breach of contract and unjust enrichment claim.
- *Hynoski v. Columbia County Redevelopment Auth*., 941 F. Supp. 2d 547 (M.D. Pa. 2013). Successfully pursued dismissal of conspiracy claims against a coal mining company.
- *Old Ladder Litigation Co., LLC v. Investcorp Bank B.S.C*.(S.D.N.Y.). Defended former officers and employees of a bankrupt ladder manufacturer against claims of breach of fiduciary duty.
- *Riley v. Philadelphia Media, Inc. et al*. (Phila. C.P.) Defended a newspaper and reporter in a defamation action.
- Represented an accounting firm in connection with malpractice claims related to a corporate bankruptcy.
- *Doe v. Indian River School District* (3d Cir.). Submitted an amicus curiae brief on behalf of the Anti-Defamation League in a case before the Third Circuit Court of Appeals.

## AWARDS

- *Legal 500 United States* for Antitrust: Civil Litigation/Class Actions: Defense (2024-2025)

- *Best Lawyers in America®: Ones to Watch*: Commercial Litigation (2023), Litigation – Antitrust (2023)

## TOP AREAS OF FOCUS

- Antitrust
- Class Action
- Health Care + Life Sciences
- White Collar Litigation + Investigations

## ALL AREAS OF FOCUS

- Antitrust
- Class Action
- Corporate Espionage Response Team
- Health Care + Life Sciences
- Health Care Litigation
- Litigation + Trial
- White Collar Litigation + Investigations

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- University of Pennsylvania Carey Law School, J.D., *cum laude*, 2008, senior editor, *Journal of Constitutional Law*
- University of Pennsylvania The Wharton School, Certificate, 2008, business and public policy
- The George Washington University, B.A., 2003, international affairs

### BAR ADMISSIONS

- Pennsylvania
- New Jersey

### COURT ADMISSIONS

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

## SPEAKING ENGAGEMENTS

- Speaker, "Best Practices in Litigation and Discovery," PLI Class Action Litigation 2026, October 26, 2026.
- Speaker, Annual Antitrust CLE Event – 2025, Troutman Pepper Locke, December 4, 2025.
- Co-chair and opening remarks, Practising Law Institute (PLI): Class Action Litigation 2025 Conference, January 10, 2025.
- Speaker, "Where Do We Stand Now and What Could the Next Administration Bring?" Annual Antitrust CLE Event, December 5, 2024.

- Speaker, “Navigating the Intricacies of Corporate Espionage: A Focus on Poaching and Raiding,” Troutman Pepper Webinar, June 6, 2024.
- Speaker, “On the Antitrust Frontier,” Troutman Pepper Annual Antitrust CLE Event, December 13, 2023.
- Co-chair, Practising Law Institute’s (PLI) Class Action 2022 Conference, December 7, 2022.
- Speaker, ““New and Improved” Antitrust?” Troutman Pepper Annual Antitrust CLE Event, December 6, 2022.
- Presenter, Troutman Pepper’s Annual Antitrust CLE Event, “2021 Executive Order Focused on Competition: How the White House’s Policy Might Alter the Course of Antitrust Law,” December 8, 2021.

## PUBLICATIONS

- Co-author, “Cardiology Monopolization Case Confirms Antitrust Laws Protect Competition, Not Competitors,” *Troutman Pepper Locke*, February 10, 2025.
- Podcast, “Antitrust Considerations in Long-Term Care,” *Assisted Living and the Law*, September 19, 2024.
- Co-author, “It Could Be a Very Bitter Pill: US, Foreign, and State Antitrust Enforcement Agencies Launch Group to Change Traditional Analysis Applied to Pharmaceutical Mergers,” *Troutman Pepper*, March 16, 2021.