

Partner, New York

Antitrust/Competition; Sports; Complex Litigation and Trials



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## Education

J.D., University of California at Los Angeles, 1995 (Order of the Coif)

B.A., University of Notre Dame, 1992  
(*cum laude*)

## Bar Admissions

California  
District of Columbia  
New York

Paul M. Eckles 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.

Mr. Eckles has extensive experience in defending class actions, including:

- Mowi ASA in direct and indirect purchaser antitrust class actions alleging price-fixing in connection with farm-raised salmon;
- financial institutions in a number of antitrust class actions relating to the ISDAfix benchmark rate, municipal derivatives, auctions rate securities, purported naked short selling, U.S.-denominated SSA bonds and U.S. treasuries;
- AXIS Insurance Co. in antitrust class actions challenging purported anti-competitive conduct relating to contingent commissions;
- Corning in an antitrust class action relating to alleged price-fixing and bid-rigging in connection with ceramic substrates;
- HarperCollins in antitrust class actions and government investigations relating to e-books;
- NewYork-Presbyterian Hospital in an antitrust class action brought by resident physicians;
- DeBeers in antitrust class actions alleging monopolization and other anti-competitive conduct;
- International Paper Company in an antitrust class action alleging price-fixing and bid-rigging;
- Trans World Airlines, Inc. in a consumer fraud class action relating to the operation of a vocational school for reservation agents; and
- officers and directors of Stan Lee Media, Inc. in a securities class action and related commercial litigation.

Mr. Eckles also has significant experience in defeating class certifications, including in:

- a direct-purchaser antitrust case against Allergan and Teva Pharmaceuticals alleging a purported reverse payment settlement of patent litigation;
- a direct-purchaser antitrust class action against the National Hockey League relating to exclusive broadcast territories for professional sports leagues;
- a direct-purchaser antitrust class action against CEMEX relating to alleged price-fixing and bid-rigging in the cement and concrete industries; and
- consumer fraud class actions relating to the sale of electric blankets.

In the antitrust litigation area, Mr. Eckles 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, Mr. Eckles 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.

Mr. Eckles 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.

Mr. Eckles also regularly works on *pro bono* matters. He volunteers at a legal clinic at the VA Medical Center New York and is currently part of a team of lawyers challenging TRAP laws in the State of Indiana. He was part of the team of Skadden lawyers who successfully represented Indian guest workers in one of the largest labor trafficking cases in U.S. history. He successfully defended the AIDS Service Center of Pasadena in an employment dispute. He also recently successfully represented an individual in an appeal relating to the equitable distribution of pension benefits. Mr. Eckles has been named to *Best Lawyers in America* and *IFLR1000*.

## Publications

"Supreme Court Holds Antitrust Claims of iPhone App Consumers Are Not Barred by Illinois Brick," *Skadden, Arps, Slate, Meagher & Flom LLP*, May 14, 2019

"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

"Supreme Court Holds American Express Rule Is Not an Antitrust Violation," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 27, 2018

"Antitrust Concerns About Big Data May Be Overblown," *Law360*, May 3, 2018

"Third Circuit Holds Food Manufacturers Have Standing to Seek Damages From Egg Suppliers," *Skadden, Arps, Slate, Meagher & Flom LLP*, February 8, 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

"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

"After Long Debate, FTC Issues Only General Principles Regarding Section 5," *Skadden, Arps, Slate, Meagher & Flom LLP*, August 21, 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