

Partner, New York

Antitrust and Competition



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Education

J.D., Loyola Law School, 1986
(*Law Review*)

B.A., Harvard University, 1981
(*cum laude*)

Bar Admissions

New York

James A. Keyte handles a wide variety of antitrust litigation, transactional and advisory matters across numerous industries.

In the litigation area, Mr. Keyte has advised on cases involving alleged price-fixing, monopolization, litigated mergers, financial services, intellectual property licensing and other alleged restraints of trade and class actions. Most recently, Mr. Keyte, representing five New York law schools (Columbia, NYU, Fordham, Cardozo and St. John's), obtained a dismissal with prejudice of claims brought by a competitor of Barbri alleging a concerted refusal to deal. In addition, he has led or played significant roles in a number of sports-related litigations and trials, including high-profile matters for the NHL, NFL and the NBA. He played a key role in the NHL's successful litigation against MSG as well as in an attempt, through bankruptcy, to relocate the Phoenix Coyotes over the NHL's objection. Mr. Keyte represented the NHL in a class action litigation involving the live broadcast of NHL games, leading a team that defeated a damages class by excluding the plaintiffs' economic model after a three-day hearing. He also played an instrumental trial role in the NFL's successful jury verdict in a billion-dollar case brought by the Oakland Raiders in California state court. Mr. Keyte led a team representing the Professional Rodeo Cowboys Association (PRCA) in a monopolization case brought by the Elite Rodeo Association, defeating a request for a preliminary injunction against the PRCA's bylaws that limited membership in the association.

In the transactional arena, Mr. Keyte has represented clients before the Department of Justice and the Federal Trade Commission as well as parties involved in litigated mergers. Mr. Keyte advised the Unsecured Creditors Committee of American Airlines (in bankruptcy) with respect to its merger with US Airways; Anheuser-Busch InBev in the government and private challenges to its merger with Modelo; Express Scripts in a private challenge to its merger with Medco; and Sprint in its challenge to the unconsummated AT&T/T-Mobile merger. He also represented The Coca-Cola Company in its successful acquisition of Glacéau and its partial acquisition of Honest Tea; DigitalGlobe in its acquisition of GeoEye; Toshiba in its acquisition of Westinghouse's nuclear division; Alcatel in its acquisition of Lucent Technologies; Caesar's Entertainment in its acquisition by Harrah's; and a number of private equity firms in transactions, including Brookfield Asset Management in the merger of Ainsworth and Brookfield, the acquisition of MGM by Sony Corp. and the sale of Westwood One to Dial Global. He also has represented SanDisk, Martin Marietta, Pfizer, USIM, NewYork-Presbyterian Hospital, IASIS Healthcare and several Japan-based clients in numerous transactions. Mr. Keyte appears regularly before the antitrust agencies in a variety of investigational contexts.

Mr. Keyte counsels clients on general antitrust matters, including compliance with basic antitrust statutes, issues relating to competitor collaborations, unilateral conduct and distribution. He also advises on intellectual property matters with antitrust implications.

Mr. Keyte is the Director of the Fordham Competition Law Institute (FCLI) and is the past chair of the Trade, Sports and Professional Associations Committee. He also is an adjunct professor at Fordham Law School, teaching comparative antitrust law. A frequent contributor to the *Antitrust Law Journal* and *Antitrust Magazine*, he is a former senior editor of the *Antitrust Law Journal* and a current editor of *Antitrust Magazine*. He also authors a monthly antitrust column for the *New York Law Journal*. Mr. Keyte repeatedly has been selected for inclusion in *Chambers USA: America's Leading Lawyers for Business*, which has described him as a "brilliant" antitrust lawyer and a "bulldog in the courtroom." In addition, he is listed in *Best Lawyers in America 2018*, *The International Who's Who of Competition Lawyers & Economists 2014*, *Who's Who Legal: Competition 2015* and the *2016 Competition and Antitrust Expert Guide*.

Selected Publications

“Dancing Without a Partner: ABA Antitrust Section’s Advice to the New Administration,” *New York Law Journal* (February 14, 2017)

“Antitrust Yearly Wrap-Up: ‘Unbuckle’ for 2017?” *New York Law Journal* (January 10, 2017)

“Private Equity and Antitrust: A New Landscape,” *Antitrust Magazine* (Fall 2016)

“Creative Destruction, Uber and Antitrust,” *New York Law Journal* (December 13, 2016)

“Chinese Antitrust Enforcement and the U.S.: an Uncertain Path,” *New York Law Journal* (August 19, 2016)

“A Busy Few Months of Merger Enforcement at the FTC,” *New York Law Journal* (July 12, 2016)

“Rule 23(b)(3) Fifty Years Later: In Search of a New Equilibrium,” *Antitrust Magazine* (Spring 2016)

“Donald Trump and Antitrust: Taking Stock of a Litigious Record,” *New York Law Journal* (June 20, 2016)

“Judge Merrick Garland: Supreme Court Nominee and Antitrust Scholar,” *New York Law Journal* (May 10, 2016)

“Sports Tickets: Revocable Licenses or Rights to Resale?” *New York Law Journal* (April 12, 2016)

“Antitrust and ‘Big Data’: New Terrain for Inquiry?” *New York Law Journal* (March 7, 2016)

“The Staples-Office Depot Merger: More Than Meets the Eye?” *New York Law Journal* (February 9, 2016)

“2015 Antitrust Wrap-Up: Government Actions and Private Litigation,” *New York Law Journal* (December 8, 2015)

“Uber Seeks Antitrust Scrutiny Of Taxicab Commission,” *New York Law Journal* (November 10, 2015)

“Enforcers Vow Continued Vigilance In Policing Certain Patent Hold-Ups,” *New York Law Journal* (October 14, 2015)

“Section 5 Guidelines (Finally), And a Commissioner’s Departure,” *New York Law Journal* (September 21, 2015)

“Private Antitrust Litigation: United States,” *Getting the Deal Through* (August 2015)

“Heightened Ascertainability In Class Actions: Clash of Two Circuits,” *New York Law Journal* (August 11, 2015)

“U.S. Supreme Court to Address Class Certification—Again,” *New York Law Journal* (July 14, 2015)

“From Credit Cards to Internet Platforms: Examining Two-Sided Market,” *New York Law Journal* (June 9, 2015)