

Partner, New York

Antitrust/Competition



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## Education

J.D., Tulane Law School, 2000  
(*magna cum laude*; Order of the Coif;  
Notes and Comments Editor, *Tulane Law Review*)

B.A., Brown University, 1996  
(with honors)

## Bar Admissions

New York

U.S. Court of Appeals for the  
Third Circuit

## Associations

American Bar Association

New York State Bar Association

Ken Schwartz represents clients in antitrust transactional and advisory matters. He has worked in a diverse range of industries, including agriculture, airlines, chemicals, consumer products, digital platforms, defense and government contracting, energy, entertainment, financial services, fintech, health care, insurance, media, medical devices, natural resources, private equity, pharmaceuticals, retail and telecommunications.

Mr. Schwartz routinely appears before the U.S. Department of Justice, the Federal Trade Commission and state antitrust authorities. He has led the antitrust aspects of numerous high-profile transactions, including:

- the unsecured creditors committee of American Airlines regarding the merger with US Airways
- BlackRock, Inc. in its \$12 billion acquisition of HPS Investment Partners; \$12.5 billion acquisition of Global Infrastructure Partners; and \$3.2 billion acquisition of Preqin
- Boral Limited in its \$2.6 billion acquisition of Headwaters Incorporated
- Builders FirstSource, Inc. in its all-stock merger transaction with BMC Stock Holdings, Inc. to create a combined company with an equity value of \$5.5 billion; and in Builders' \$1.6 billion acquisition of ProBuild Holdings LLC
- Caesars Entertainment Corporation in its \$17.3 billion merger with Eldorado Resorts, Inc. and its \$3.7 billion acquisition of William Hill plc
- CF Industries in its \$1.7 billion acquisition of Incitec Pivot Limited's ammonia production complex located in Waggaman, Louisiana, and related assets; the sale of its phosphate business to The Mosaic Company; and an unsolicited bid for Terra Industries, Inc.
- CME Group Inc. in its acquisition of NEX Group plc for \$5.5 billion, including assumed debt; and in its joint venture with IHS Markit Ltd. to combine their post-trade services
- CPI International, Inc. in its acquisition of the antenna systems business of General Dynamics
- E. & J. Gallo Winery in its \$1 billion purchase agreement with Constellation Brands
- EMC Corporation in its \$67 billion acquisition by Dell Inc.
- E\*TRADE Financial Corporation in its \$13 billion all-stock merger with Morgan Stanley
- Foot Locker, Inc. in its \$2.4 billion acquisition by DICK's Sporting Goods, Inc.
- Hut 8 Mining Corp. in its all-stock merger of equals with US Bitcoin Corp.
- Key Safety Systems in its acquisition of substantially all of Japan-based Takata Corporation's global assets and operations
- Leidos Holdings Inc. in its \$5 billion combination with the realigned information systems and global solutions business of Lockheed Martin Corporation in a reverse Morris trust transaction
- NFP Ultimate Holdings LLC in its \$13.4 billion sale to Aon plc
- Pinnacle Entertainment, Inc. in its acquisition by Penn National Gaming, Inc. in a cash and stock transaction valued at approximately \$2.8 billion

# Kenneth B. Schwartz

Continued

- Scopely, Inc. in its \$3.5 billion acquisition of Niantic's games business; \$4.9 billion acquisition by Savvy Gaming Group; and previous \$1 billion acquisition of GSN Games, Inc.
- Spotify Technology S.A. in numerous acquisitions, including Findaway World, Megaphone, Anchor FM, Podsights, Chartable and Gimlet Media
- Vantiv in its \$12 billion merger with Worldpay and Worldpay in its \$43 billion merger with FIS
- The XFL in its combination with the United States Football League
- XL Group in its \$15.3 billion acquisition by AXA SA and its \$4.2 billion cash-and-stock acquisition of Catlin Group Limited

Mr. Schwartz regularly appears before the antitrust agencies in a variety of investigational contexts. In the area of general antitrust counseling, Mr. Schwartz advises clients on a variety of antitrust matters, including joint ventures, competitor collaborations, unilateral conduct, and pricing and distribution issues. He also frequently works with Skadden's Financial Institutions Group on antitrust issues that arise in insurance M&A and regulatory matters.

Mr. Schwartz has been repeatedly selected for inclusion in *Chambers USA: America's Leading Lawyers for Business* and named to *The Best Lawyers in America*. In addition, he has been honored as one of Lawdragon's 500 Leading Dealmakers in America and 500 Leading Global Antitrust & Competition Lawyers. Mr. Schwartz is a regular columnist for the *New York Law Journal*. He also co-authored "Private Litigation and Government Rhetoric Signal Increased Legal Headaches Under the Robinson-Patman Act," which was recognized as Best Business Article (Private Enforcement) at *Concurrences'* 2025 Antitrust Writing Awards, and, in 2024, he won *Concurrences'* Best Business Article (General Economics) for "Private Equity and Competition — Comparing U.S. Agency Views to Recent Policy and Empirical Evidence," co-authored with Michael Singer and Isabel Tecu. In 2012, he won the Institute of Competition Law's Antitrust Academic Article Readers Award for "Tally Ho!": UPP and the 2010 Horizontal Merger Guidelines," co-authored with James Keyte.

## Selected Publications

"DOJ Secures a \$1.1 Million Fine From Amedisys for Deficient Second Request Compliance," *Skadden Publication*, August 19, 2025

"States Increase Their Individual Review of Merger Activity," *New York Law Journal*, August 18, 2025

"Pre-Merger Notification Proliferation," *Skadden Publication*, August 15, 2025

"Merger Control in a Changing Global Context: Four Key Themes for Dealmakers," *Skadden Publication*, July 22, 2025

"Antitrust Enforcement in an 'America First' World," *New York Law Journal*, June 30, 2025

"ABA's 2025 Antitrust Spring Meeting: Are We At A Turning Point for Antitrust Enforcement?" *New York Law Journal*, May 29, 2025

"Antitrust Considerations for Private Permissioned Blockchains," *New York Law Journal*, April 4, 2025

"Robinson-Patman's Return: The FTC's Recent Revival of Price Discrimination Enforcement," *New York Law Journal*, February 24, 2025

"FTC Announces 2025 HSR Thresholds and Filing Fees as Challenges to New HSR Rules Loom," *New York Law Journal*, January 23, 2025

"Antitrust Yearly Recap: Aggressive Changes by the Biden Administration Precede President Trump's Return," *New York Law Journal*, January 17, 2025

"FTC Announces HSR Final Rulemaking Impacting Premerger Filings," *New York Law Journal*, December 30, 2024

"FTC Blocks Tapestry/Capri 'Affordable Luxury' Deal, but Court Applies Traditional Horizontal Merger Analysis," *Skadden Publication*, November 1, 2024

"Final HSR Rules: Major Changes Ahead for Premerger Filings," *Skadden Publication*, October 17, 2024