



Jeffrey J. Amato

Partner

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Jeffrey is in the global Antitrust/Competition Practice and Complex Commercial Litigation Practice. He represents clients in a broad range of disputes with a particular focus on antitrust class actions. Jeffrey is skilled in the use of expert evidence and data analytics to devise innovative legal strategies.

Jeffrey handles complex multi-forum disputes, principally in the areas of antitrust, class actions, arbitration, and government investigations. His experience includes counseling clients on navigating compliance with statutory, regulatory, and ethical obligations relating to data privacy and government-sponsored programs and contracts, including Medicare and Medicaid. Jeffrey also has experience in white collar criminal defense, including representing corporate and individual defendants in federal and state courts at the trial, appellate, and post-conviction levels. During his career in private and public practice, Jeffrey has been involved in significant legal disputes concerning a wide range of issues in federal, state, administrative, and arbitral forums in a diverse array of business sectors, including health care, technology, insurance, financial services, banking, life sciences, pharmaceuticals, energy, and consumer products.

Prior to joining Winston, Jeffrey worked at another international law firm. Additionally, he served as law clerk to the Honorable Arthur D. Spatt, U.S. District Judge for the Eastern District of New York. Before his clerkship, Jeffrey was an attorney with the U.S. Department of Homeland Security (DHS), where he prosecuted numerous civil enforcement

actions against individuals, air carriers, shippers, and other regulated entities. During his tenure at DHS, he received an interim appointment as Special Assistant to the Chief Counsel of the Transportation Security Administration. Immediately following his graduation from law school, Jeffrey was an Honors Attorney with the Office of the General Counsel of the U.S. Department of Transportation.

Key Matters

NOTABLE ANTITRUST EXPERIENCE

- *Federal Trade Commission v. Hackensack Meridian Health* (District of New Jersey) – Defended Englewood Hospital in a litigation challenge filed by the Federal Trade Commission regarding their plan to merge with another health system. Representation included a two-week preliminary injunction evidentiary hearing in the District of New Jersey, as well as the subsequent appeal before the Third Circuit. *FTC v. Hackensack Meridian Health, Inc.*, Civil Action No. 20-18140, 2021 U.S. Dist. LEXIS 158158, at *4 (D.N.J. Aug. 4, 2021).
- *In re Lithium Ion Batteries Antitrust Litigation* – Represented Panasonic Corporation and SANYO Electric Co., Ltd. in the defense of global cartel claims, nationwide consumer antitrust class actions, and state enforcement actions relating to alleged price-fixing of lithium ion secondary battery cells. Jeffrey worked to successfully obtain several denials of class certification in the direct and indirect actions, as well as a partial Daubert striking of testimony by indirect purchaser plaintiffs' expert economist. *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-MD-2420 YGR, 2018 WL 1156797 (N.D. Cal. Mar. 5, 2018) and 2017 WL 1391491 (N.D. Cal. Apr. 12, 2017) and 2018 WL 4215573 (N.D. Cal. Sept. 4 2018).
- *In re Automotive Parts Antitrust Litigation* – Represented multiple foreign and domestic manufacturers accused of allegedly price-fixing a variety of automobile parts in an action arising out of the U.S. Department of Justice's (DOJ) largest cartel investigation on record.
 - Defeated certification of a proposed class of direct purchasers of bearings claiming damages exceeding US\$13B, successfully leveraging expert economists and data to convince the court that plaintiffs failed to establish adequacy, typicality, and predominance. *In re Auto. Parts Antitrust Litig.*, No. 12-00501, 2019 WL 626143 (E.D. Mich. Jan. 7, 2019).
 - Obtained dismissal of claims brought by insurance company against multiple auto part manufactures for improper joinder and lack of antitrust standing. *GEICO Corp. v. Autoliv, Inc.*, No. 16-13189, 2018 WL 5077767 (E.D. Mich. Aug. 30, 2018).
- *In re Potash Antitrust Litigation* – Defended Russian potash producers JSC Uralkali and JSC Silvinit in an antitrust class action. Achieved a favorable "ice-breaker" settlement after years of motion practice and an interlocutory appeal to the Seventh Circuit, sitting en banc, concerning the application of the Foreign Trade Antitrust Improvement Act to plaintiffs' claims of price-fixing in overseas markets. *Minn-Chem, Inc. v. Agrium, Inc.*, 683 F.3d 845, 848 (7th Cir. 2012).

NOTABLE FINANCIAL SERVICES AND CONSUMER CLASS ACTION EXPERIENCE

- *MSP Recovery Medicare Reimbursement Class Actions* – Successfully obtained dismissal of several putative class complaints brought against auto and casualty insurance companies seeking reimbursement and double damages under the Medicare Secondary Payer Act's private cause of action and related subrogation theories. *MSP Recovery Claims, Series LLC v. AIG Prop. Cas. Co.*, No. 20-CV-2102 (VEC), 2021 U.S. Dist. LEXIS 58343 (S.D.N.Y. Mar. 26, 2021).
- *In re Consec Life Insurance Company Lifetrend Insurance Sales and Marketing Litigation* – Secured complete dismissal of all claims on behalf of Consec Life and CNO Financial in a purported class action alleging breaches of non-guaranteed elements of universal life policies and claims of alter ego among an insurance holding company and its subsidiaries. *Burnett v. Consec, Inc.*, 87 F. Supp. 3d 1238 (N.D. Cal. 2015).

- *Bates v. Bankers Life and Casualty Company* – Obtained order striking class allegations in a long-term care claims mishandling action, as well as dismissal with prejudice of all elder abuse, fraud, and statutory claims asserted in the complaint. 993 F. Supp. 2d 1318 (D. Or. 2014).
- *Johnson v. Bankers Life and Casualty Company* – Achieved summary judgment and avoided class certification of claims involving the alleged negligent and intentional misrepresentation of Medicaid annuities. 2014 WL 4494284 (W.D. Wis.).
- *Glick v. Bankers Life and Casualty Company* – Obtained dismissal of putative class claims relating to the alleged wrongful collection of modal premiums on long-term care policies.
- *Kottler v. Deutsche Bank AG* – Attained denial of class certification on behalf of Deutsche Bank AG in a putative class action brought by investors alleging RICO claims, fraud, breach of fiduciary duty, and unjust enrichment. 2010 WL 1221809 (S.D.N.Y. Mar. 29, 2010).
- *Washington National Insurance Company* – Represented a subsidiary of CNO Financial Group, Inc. (formerly, Conesco, Inc.) in a class action in the Southern District of Florida, the Court of Appeals for the Eleventh Circuit, and the Florida Supreme Court concerning the admissibility of extrinsic evidence to interpret long-term health care policies.
- *Bergman v. Spruce Peak Realty, LLC* – Achieved a clause construction award from the American Arbitration Association, precluding class arbitration, and obtained dismissal of common law fraud, state consumer act fraud, and federal statutory claims on behalf of a condominium developer defending multiple putative class actions and arbitrations. 847 F. Supp. 2d 653 (D. Vt. 2012); 2012 WL 6212849 (D. Vt. Dec. 13, 2012).
- *National Union Fire Insurance Company, Pittsburgh, PA* – Represented a subsidiary of Chartis Inc. in putative class actions in federal courts involving allegations of civil RICO, fraud, and breach of contract relating to the sale of accident and disability policies.
- *MBIA Inc.* – Represented a provider of financial guarantee insurance in a putative class action involving allegations of fraudulent transfer and fraudulent conveyance.

TAX CONTROVERSY, WHITE COLLAR CRIMINAL DEFENSE, AND INVESTIGATIONS EXPERIENCE

- Conducted an internal investigation for a publicly traded energy company concerning its compliance with the Small Business Act and the Federal Acquisition Regulations.
- Conducted an investigation of a recipient of funds from the Federal Highway Administration under the Disadvantaged Business Enterprise Program (DBE).
- Represented various companies in civil litigation and government investigations involving alleged tax shelters, including a major international bank, in the largest criminal tax investigation in U.S. history.
- Represented an investment banker defending allegations of official misconduct brought by a state attorney general.
- Represented a court-appointed receiver for a multinational financial firm in securities litigation and investigations in New York federal court.
- Represented an international developer in a government investigation and related civil litigation arising out of a serious construction accident.

INTERNATIONAL ARBITRATION EXPERIENCE

- Represented a sovereign government in an international arbitration brought in the Permanent Court of Arbitration at The Hague under the rules of the United Nations Commission on International Trade Law by a private investment company concerning an energy project.
- Litigated disputes in federal district and appellate courts relating to requests for international discovery in aid of foreign proceedings under 28 U.S.C. §1782 for discovery in the U.S.

OTHER REPRESENTATIVE MATTERS

- *Ferghana Partners Inc. v. Bioniche Life Sciences Inc.* (New York Superior Court) – Obtained summary judgment on behalf of Bioniche Life Sciences Inc. in an action alleging breach of an acquisition agreement. 2011 WL 5385095 (N.Y. Sup. Ct. Oct. 5, 2011).
- Represented Ames Department Stores Inc. in an adversary proceeding against a surety company for breach of contract.
- Represented a foreign court-appointed receiver in a Chapter 11 bankruptcy proceeding.
- Represented a foreign representative of a Russian debtor in a Chapter 15 proceeding.

Recognitions

Jeffrey was listed in *The Best Lawyers in America*® for Antitrust Litigation for 2022–2023 and for Mass Tort Litigation / Class Actions–Defendants in 2023. He was recognized by *The Legal 500 U.S.* in 2021–2023 as a “Key Lawyer” for Cartel. He was recognized as a “Competition Future Leader” in *Who’s Who Legal* in 2020 and 2022. He was also recognized as a “National Practice Area Star” in the 2020, 2023 and 2024 editions of *Benchmark Litigation US* for Antitrust and General Commercial Litigation; named a New York “Local Litigation Star” in 2023 and 2024; and listed on their “Under 40 Hot List” in the Antitrust and General Commercial categories in 2017 and 2018. In 2021, Jeffrey received the Pro Bono Publico Award from the Legal Aid Society, and was previously recognized for outstanding pro bono service in 2013, 2016, 2017, and 2019.

Activities

Jeffrey is a member of the USCIB Competition Committee, and the ABA Section of Antitrust Law’s Corporate Counseling and Cartel and Criminal Practice Committees.

Credentials

EDUCATION

Jeffrey received a B.A., *summa cum laude*, from St. John’s University in 1999 and a J.D., *cum laude*, from St. John’s University School of Law in 2002, where he was the managing editor of the *Law Review*.

ADMISSIONS

- New York

CLERKSHIPS

- USDC - Eastern District of NY for the Honorable Arthur D. Spatt

Related Insights & News

SPEAKING ENGAGEMENTS

- “Developing Data Privacy, Cyber Security & GRC Roadmap: Aligned with the Mission, Value, and Strategic Agenda of Your Business,” Global Legal ConfEx: GRC, Data Privacy & Cyber Security, Co-panelist, November 17, 2022

- 2022 Antitrust Conference: The Basics of Antitrust Law for the Novice Attorney, myLawCLE, March 22, 2022
- Practical Guidance to Antitrust Class Certification: Emerging Nuances Associated with Damages Claims LIVE Webcast, The Knowledge Group, speaker, November 18, 2021
- Beyond the Allegation: How to Effectively Conduct Compliance Investigations, Governance, Risk & Compliance ConfEx, Co-panelist, April 14, 2021
- “Consumer Protection & Antitrust,” The Global Antitrust Economics Conference, panelist, December 8, 2020
- “It’s All Greek to Me: Taking and Defending Foreign Language Witnesses Depositions,” ABA Antitrust Law Section, panelist, May 14, 2020
- “Regulatory and Strategic Considerations for Doing Business Between Brazil, Japan, and the United States,” New York City Bar, moderator, February 13, 2020
- “High-Profile Regulatory Audits, Investigations & Enforcement Actions,” Global Legal Confex, Co-panelist, October 17, 2019
- “Economic and Legal Issues in Indirect Purchaser Class Actions,” Antitrust Economics Workshop, 46th Annual Conference on International Antitrust Law and Policy, Co-panelist, September 11, 2019
- “Monthly Antitrust Update for In-House Counsel,” ABA Antitrust Section’s Corporate Counseling Committee, Co-presenter, November 29, 2017

Publications

- Editorial Board of Winston & Strawn’s [Competition Corner Blog](#), Co-Chairman
- “Why Has the Quest for Leniency/Amnesty Lost Its Way?” Competition Law Insight, Co-author, March 2021
- Cartels 2021 USA, Global Legal Insights Cartels Laws and Regulations, Co-author, 2021
- Collective or Class Actions and Claims Aggregation in the United States, Chapter in the Second Edition of Global Competition Review’s Private Litigation Guide, Co-author, 2021
- “Unilateral Refusals to Deal,” Lexis Practice Advisor Antitrust, 2021
- “From theory to practice: Japan’s antitrust watchdog prepares to step up in the digital economy,” Competition Law Insight, March 2020
- “Opt-Out and Direct-Action Plaintiffs in Antitrust Class Actions,” Lexis Practice Advisor Antitrust, 2020
- “Contemplating Compliance Programs for Global Corporations based on Overseas Practice of Competition Laws,” LexisNexis Japan / Business Law Journal, November 2019
- “Dawn Raid Preparation and Response Checklist,” Lexis Practice Advisor Antitrust, 2018
- “NY Decision Underscores Need For Clarity On FTAIA,” Law360, June 2013
- “Klein Conspiracies In The Wake of US v. Coplan,” Law360, March 2013
- “The MTA, It’s Not ‘Going Your Way’ – Liability of the Metropolitan Transportation Authority Under FELA: Greene v. Long Island R.R.,” St. John’s Law Review, Vol. 75, Issue 113, 2001

BLOG

Searching for Safe Harbor: Navigating Information Exchanges Moving Forward

OCTOBER 27, 2023

RECOGNITIONS

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2023

JUNE 7, 2023

SEMINAR/CLE

Antitrust and Competition Law: Overview and Trends

MAY 25, 2023

BLOG

Algorithmic Pricing: A Recipe for Antitrust Disaster?

MAY 22, 2023

ARTICLE

Winston Antitrust Attorneys Contribute to *Global Legal Insights – Cartels 2023*

MAY 12, 2023

NEWS

2022 Pro Bono Impact Report

MAY 1, 2023

BLOG

Consumer Data Monetization: The Antitrust Risks You Need to Know

APRIL 18, 2023

BLOG

Ephemeral Messaging and Permanent Consequences: How Google Was Sanctioned for Failure to Preserve Chat Communications

APRIL 18, 2023

PRO BONO IN ACTION

Winston Sheds Light on U.S. Failure to Support Afghan Refugees After Military Withdrawal

MARCH 22, 2023

RECOGNITIONS

Winston & Strawn Antitrust/Competition Practice Recognized in 2023 GCR 100

DECEMBER 19, 2022

BLOG

Antitrust 101: Tacit Collusion

DECEMBER 5, 2022

Capabilities

Litigation/Trials

Antitrust/Competition

Tax Controversy & Criminal Tax

Commercial Litigation & Disputes

Government Investigations, Enforcement & Compliance

Class Actions & Group Litigation

International Arbitration

Financial Services

Insurance