



## John Rosenthal

Partner

Chair, eDiscovery and Information Governance Practice

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With more than 30 years of trial experience, John litigates complex commercial, antitrust, and false advertising cases. He is ranked Band 1 in *Chambers USA*, and clients say he is “invaluable as a resource” with “extraordinary judgment” and “a lot of practical advice at his fingertips.” Chair of Winston’s eDiscovery & Information Governance Practice, John also has expansive experience in all areas of electronic discovery, privacy, information governance, and data breach.

John represents clients in an array of complex antitrust and litigation matters. His practice also involves counseling clients on a variety of trade regulation, trademark, and commercial issues. *Chambers USA* highlights his abilities as a “very strong litigator,” lauded for his “mastery of material,” whose “depth of intelligence about the market is unparalleled.” He also acts as national e-discovery counsel for numerous corporations.

John is a former steering committee member of Working Group 1 of the Sedona Conference on Best Practices for Electronic Discovery and Records Management, a group of lawyers, judges, and vendors focusing on the development of the law regarding electronic discovery and retention issues. John is also a participant in Working Group 6 of the Sedona Conference International Electronic Information Management, Discovery and Disclosure, which focuses on international issues relating to disclosure, cross-border discovery, and privacy.

# Key Matters

John's representative matters include:

## ANTITRUST

- *Smokey Alley Farm Partnership vs. Monsanto Company, et al.*, Case No.: 4:17-cv-2031-JMB—Defending Monsanto in a Section 1 and Section 2 Sherman Act case relating to soybean seeds (E.D. Mo.)
- *MLR vs. Dell*—Represented Dell in an antitrust counterclaim against a patent troll alleging a Section 1 violation (E.D. Va.)
- *In re: Text Messaging Antitrust Litigation*—Defended Verizon against claims of price fixing relating to charges for text messaging services, resulting in summary judgment in favor of the defendants (N.D. Ill.)
- *Monsanto Company v. Agventure, Inc., Doeblers' Pennsylvania, Hybrids, Inc., Hoegemeyer Hybrids, Inc., Nutech Seed, LLC, Seed Consultants, Inc., and Terral Seed, Inc.*—Defended Monsanto against counterclaims brought under Section 1 and 2 of the Sherman Act alleging exclusive dealing and tying (E.D. Mo.)
- *Monsanto Company v. E.I. DuPont De Numours and Company*—Defended Monsanto in a Section 2 Sherman Act case brought by DuPont relating to genetically modified crops
- *In re Vitamins Antitrust Litigation*—Represented an opt-out plaintiff against various vitamins suppliers regarding a worldwide price-fixing cartel. The client was one of more than 300 opt-out plaintiffs working jointly in a group representing 70 percent of the potential claims. The claims were settled favorably for the client, with reimbursement for overcharges ranging among the highest percentage recovered in a Sherman Act case. (D.C.)

## GENERAL COMMERCIAL & PRODUCTS LIABILITY

- *In re: Abilify (Aripiprazole) Products Liability Litigation*, MDL No. 3:16-md-2734—Defending Otsuka in a products liability litigation relating Abilify (N.D. Fla.)
- *In re Takata Airbag Products Liability Litigation*—Represent Toyota in a multidistrict litigation (MDL) action regarding claims of alleged product liability defect in airbags (M.D. Fla.)
- *In re Genetically Modified Wheat Litigation*—Represent Monsanto in an MDL action regarding class claims of the alleged wrongful distribution of genetically modified wheat (D. Kan.)
- *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*—Representing Toyota in an MDL action regarding claims going to Toyota's electronic accelerator technology (C.D. Ca.)
- *In re In The Matter Of The Fort Totten Metrorail Cases Arising Out Of The Events Of June 22, 2009*—Defended Alstom Transport in a case involving a collision on the Washington Metropolitan Area Transit Administration's subway system (D.D.C.)
- *Storage Networks, Inc. v. SwapDrive.Com, Inc.*—Defended a startup in a commercial contract dispute that was successfully settled (Super. Ct. Mass.)

## WHOLESALE RELATIONS

- *Colorado Pet Supply, Inc v. Nestlé Purina Petcare Company*—Currently defending Nestlé Purina Petcare in an action by a former distributor for breach of contract, tortious interference, libel, slander, and civil conspiracy (D. Colo.)
- *Maris Distributing Co. v. Anheuser-Busch, Inc.*—Defended Anheuser-Busch in a follow-on defamation action by the family of Roger Maris, Sr. in Alachua County State Court (Fla. Cir. Ct.)
- *Nestlé Ice Cream Company, LLC v. Westrock Ice Cream Co.*—Represented Nestlé in a declaratory judgment action with counterclaims for violation of trade secrets and unfair competition relating to Nestlé's termination of certain

wholesalers in New York. The case was successfully settled (E.D.N.Y.)

- *Frozen Express, Inc. v. Ice Cream Partners, USA, LLP*—Defended Ice Cream Partners (joint venture of Pillsbury and Nestlé) against claim of wrongful termination of a distributor (Sup. Ct. Cal.)
- *Anheuser-Busch, Inc. v. M&M Distributing Corp.*—Represented Anheuser-Busch in a dealer termination case involving breach of a written distribution agreement (D.C. Co.)

## INTELLECTUAL PROPERTY, FALSE ADVERTISING AND DATA BREACH

- *Rawa, et al. v. Monsanto Company*, Case No. 4:17-cv-02300—Representing Monsanto in consolidated putative class actions regarding unfair competition claims concerning the labeling of its Roundup brand (E.D. Mo.)
- *Blitz v. Monsanto Co.*, Case No. 3:17-cv-00473—Representing Monsanto in a putative class action alleging false advertising in association with its Roundup brand (W.D. Wisc.)
- *Beyond Pesticides v. Monsanto Company*, Case No. 1:17-cv-00941—Representing Monsanto an unfair competition claim brought by a consumer advocacy group alleging false advertising in association with its Roundup brand
- *Elvis Miraze v. Monsanto Company*—Representing Monsanto against a false advertising claim relating to the marketing of Roundup (C.D. Ca.)
- *David Blackmore v. Union Pacific Railroad*—Represented Union Pacific in a data breach class action (D. Neb.)
- *Boiles v. Union Pacific Railroad*—Represented Union Pacific in a data breach class action (D. Neb.)
- *In the Matter of Certain Digital Multimeters, and Products with Multimeter Functionality* (ITC 337)—Represented Fluke Corporation in an action brought before the International Trade Commission seeking to stop the illegal importation of electronic test equipment violating Fluke’s trade dress. A general exclusion order was issued in favor of Fluke
- *J&J Snack Foods Corp. v. The Earthgrains Company, et al.*—Successfully represented Nestlé as a defendant in a trademark infringement action concerning the Nestlé Tollhouse brand (D.N.J.)

## Recognitions

John was ranked in *Chambers USA* 2012–2023 and in *Chambers Global* 2013–2023 as one of the nation’s top lawyers in eDiscovery litigation practice. He was recognized as a “Star Individual” for E-Discovery & Information Governance by *Chambers USA* in 2023 and *Chambers Global* in 2021. He was recognized in *The Legal 500 US* (2019–2023) as a “Leading Lawyer” for eDiscovery (“Jon Rosenthal is one of the best e-discovery lawyers in the US. One his great strengths is how good he is in the courtroom and before judges about e-discovery matters.”). He was recognized in the 2023 edition of *The Legal 500 US* as a “Key Lawyer” in the area of Dispute Resolution: Product Liability, Mass Tort and Class Action - Defense: Consumer Products (including Tobacco). He was also recognized in Law360’s Legal Lions of the Week list in December 2023. In addition, John was recognized in the eDiscovery section of *Who’s Who Legal: Litigation* in 2016, 2017 and 2022. He was recognized in *Lawdragon’s* “500 Leading Litigators in America” for Complex Commercial, Antitrust, and IP Litigation (2023–2024). John received the Distinguished Service Award by Electronic Discovery Institute in 2016 and was named a 2017 *National Law Journal* Trailblazer in litigation.

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## Activities

John is an advisory board member of the Georgetown University Law Center Continuing Legal Education E-Discovery Institute and a member of the District of Columbia Bar Association’s E-Discovery Committee.

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# Credentials

## EDUCATION

John received a B.A., with honors, in Political Science from Johns Hopkins University in 1985, and a J.D. in 1988 from the University of Virginia School of Law.

## ADMISSIONS

- District of Columbia
- Maryland

## Related Insights & News

John writes and lectures extensively in the fields of e-discovery, privacy, and data breach and is the editor-in-chief of the Electronic Discovery Institute's *Journal of eDiscovery, Privacy, Data Security and Governance*. He also is frequently quoted in the media. John's recent publications and speaking engagements include:

- Comment Letter on Proposed New Rule 16.1, Feb. 9, 2024
- "Modern Legal Process Management: The Future of Artificial Intelligence," Electronic Discovery Institute (EDI) Leadership Summit, Speaker, Oct. 2019
- "eDiscovery Case Law Update," American Bar Association's 13th Annual National Institute on eDiscovery, Speaker, April 26, 2019
- "Case Law Update," Georgetown Law's Advanced eDiscovery Institute, Moderator, Nov. 15, 2018
- "AI and the Law," Leadership Summit of Electronic Discovery Institute, Speaker, Oct. 2018
- "Data Privacy and E-Discovery," PLI Webinar, Speaker, September 2018
- 12th Annual National Institute on E-Discovery, American Bar Association, Faculty, May 2018
- "eDiscovery & Disclosure," *Chambers Global Practice Guides (2018 ed.)*, Contributing Editor, 2018
- The Federal Judge's Guide to Discovery, *Electronic Discovery Institute*, 3<sup>rd</sup> ed., Editor, 2017
- "Proportionality and the 2015 Amendments to the Federal Rules," *The Federal Judge's Guide to Discovery*, *Electronic Discovery Institute*, 3<sup>rd</sup> ed., 2017
- "Proportionality, Not Perfection, Is What Matters," Co-author, Nov. 2017
- "Centralized Discovery – The Next Thing," Leadership Summit of Electronic Discovery Institute, Moderator, Oct. 2017
- "Annual Judicial Training Symposium," Electronic Discovery Institute, Co-chair, Faculty and Moderator, Oct. 2017
- "Top ESI Mistakes Made in Mass Tort Disputes," Webinar Panelist, Sept. 2017
- "International Privacy in Litigation," PLI Electronic Discovery Institute, Faculty, Sept. 2017
- "The Forensic Take: Authenticating Trump Jr.'s Russia Meeting Evidence," *Legal Tech News*, Quoted, July 20, 2017
- "Managing the Risks and Spend of E-Discovery," Association of Corporate Counsel National Capital Region's Litigation Forum, Washington, D.C., Speaker, May 9, 2017
- "New Rules of E-Discovery: Everything You Need to Know," Webinar, Panelist, Jan. 2017
- *TAR Case Law Primer*, The Sedona Conference, Steering Committee, Jan. 2017

- “Understanding the Reality of Review in the Clinton Email Investigation,” *LegalTech News*, Nov. 2, Quoted, 2016
- “Combination of Technology and Humans Work Best in E-Discovery Review, Study Finds,” *Daily Business Review*, Quoted, Nov. 1, 2016
- “Data Privacy and E-Discovery,” PLI Electronic Discovery Institute, Speaker, Sept. 2016
- “Data Privacy & Security Practice Group CLE: Safe Harbor – Not So Safe! What Should Businesses Do?” Association of Corporate Counsel, Houston Chapter, Moderator, Feb. 4, 2016
- “Duke Conference’s Guidelines and Practices for Implementing The 2015 Discovery Amendments To Achieve Proportionality”
- “Commentary on the Protection of Privileged Information,” The Sedona Conference Working Group 1, Editor-in-chief, (Final 2016)
- “Are Lawyers Better At Evidence Collection Than Tech Companies?” *ABA Journal*, Nov. 1, 2015
- “Representing Individuals in Government Investigations,” EDI Summit, New Orleans, Oct. 14, 2015
- “Implications of the 2015 Amendments to the FRCP on How You Litigate Matters in Federal Court,” Bloomberg BNA Webinar, Speaker, Oct. 8, 2015
- “Data Privacy and eDiscovery,” PLI Electronic Discovery Institute, Speaker, Sept. 2, 2015
- “Implications of 2015 Amendments to Federal Rules of Civil Procedure,” Webinar, July 2015
- “International Electronic Information Management, Discovery, and Disclosure,” The Sedona Conference, Washington, D.C., Panelist, April 23, 2015
- “5 Predictive Coding Pitfalls to Avoid,” Law360, Feb. 17, 2015
- “Data Privacy and eDiscovery,” Practising Law Institute (PLI): Electronic Discovery Institute: What Corporate and Outside Counsel Need to Know, Bloomberg BNA, Panelist, Sept. 2011–2013, and 2015
- “Proportionality and Cooperation in E-Discovery: Mythical Panacea or Realistic Goal?” CEIC, Panelist, May 2014
- “Transforming Electronic Data Discovery Integrating New Technologies to Optimize Quality and Reduce Expenses,” Webinar, May 2014
- “A Brave New World: A Corporation’s Guide to Navigating Social Media,” May 2014
- “The New Frontier: Predictive Coding for Information Governance,” New York LegalTech, Panelist, Feb. 2014
- “The Tested Effectiveness of Equivio>Relevance in Technology Assisted Review,” Winston & Strawn LLP eDiscovery & Information Management White Paper, Co-author, Feb. 2014
- “Reducing E-Discovery Costs: Applying an Analytical Approach,” *Practical Law The Journal*, Nov. 2013
- “Money, Money, Money: The Business of eDiscovery,” Georgetown Law’s Advanced eDiscovery Institute, Washington, D.C., Panelist, Nov. 21, 2013
- “Maintaining Preferred Vendor Relationships: Identifying Quality Service Providers & Guarding Against Costly Vendor Headaches,” Electronic Discovery Institute (EDI) Leadership Summit, Santa Monica, California, Panelist, Oct. 17, 2013
- “Federal Rules Committee and e-Discovery,” George Mason University School of Law, Law & Economics Center, Ninth Annual Meeting of the American College of Business Court Judges, Speaker, Sept. 15, 2013
- “U.S. Data Privacy Laws Challenge the E-Discovery Process,” Speaker, April 17, 2012

## **IN THE MEDIA**

Winston Legal Solutions Launch...

APRIL 4, 2024

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## **PRESS RELEASE**

Winston & Strawn Introduces...

APRIL 3, 2024

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## **IN THE MEDIA**

Krishnan Padmanabhan and John...

MARCH 11, 2024

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## **RECOGNITIONS**

Winston and Yuanda China...

FEBRUARY 16, 2024

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## **IN THE MEDIA**

John Rosenthal Discusses Winston's...

FEBRUARY 6, 2024

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## **IN THE MEDIA**

John Rosenthal Discusses How...

FEBRUARY 1, 2024

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## **CLIENT ALERT**

2023 E-Discovery Case...

JANUARY 29, 2024

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## **IN THE MEDIA**

Winston & Strawn's AI...

JANUARY 26, 2024

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## **WEBINAR**

Decoding AI Law

JANUARY 24, 2024

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## **PRESS RELEASE**

Winston & Strawn Launches...

JANUARY 24, 2024

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## **RECOGNITIONS**

## IN THE MEDIA

John Rosenthal Quoted in

NOVEMBER 8, 2023

## Capabilities

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Antitrust/Competition

Commercial Litigation & Disputes

eDiscovery & Information Governance

Privacy & Data Security

Automotive & Mobility

Technology, Media & Telecommunications

Health Care

Insurance

Artificial Intelligence (AI)