Co-chair of Winston’s Health Care & Life Sciences Group, David’s practice focuses on antitrust, health care, class actions, and intellectual property. He has significant trial experience, including first-chair and supporting roles, in jury trials and bench trials in multiple jurisdictions across the United States. David was recently recognized by National Law Journal as a 2019 Healthcare Law Trailblazer.

Relevant Trial Experience

At the request of Spring Pharmaceuticals, Winston & Strawn LLP is pleased to provide you with additional information about David Dahlquist’s past and current trial experience, specifically in the area of antitrust and plaintiff’s actions.

As a complex commercial litigator with 18 years of trial experience, David’s practice focuses on antitrust, healthcare, class actions, and intellectual property. He has significant trial experience, including first-chair and supporting roles, in jury trials and bench trials in multiple jurisdictions across the United States.

The following is a non-exhaustive representative list of past trials or ongoing matters that we believe will help better inform you of David’s current and past experience.

We appreciate the opportunity to be considered by Spring Pharmaceuticals for this significant and important matter, and are available to answer additional questions.

Representative Trial Experience

Federal Trade Commission v. Advocate Health Care and NorthShore University HealthSystem (ND IL 2016)
David led the team on behalf of NorthShore University HealthSystem and its proposed 16 hospital, $7 billion merger with Advocate Health Care including the investigation and litigation filed by the Federal Trade Commission (FTC) as well as a successful nine-day preliminary injunction hearing and trial in the Northern District of Illinois. The case involved antitrust claims under the Clayton Act as well as Section 5 of the FTC Act.

**FTC v. Evanston Northwestern Healthcare (FTC 2007)**

David helped to lead the trial team on behalf of a $2 billion four hospital organization accused of monopoly power and anticompetitive conduct by the FTC in connection with a consummated hospital merger. After a 2-month long trial, the judge returned a finding of liability, but Winston successfully rejected the FTC’s request of divestiture and damages which permitted the company to retain and operate all of its hospitals.

**Level 3 Communications LLC v. Limelight Networks (2:07 cv 589 MSD-FBS)(ED Va)**

David was part of the Winston team that filed suit on behalf of Level 3 Communications against Limelight for patent infringement and anticompetitive conduct. After a 3-week jury trial in the Eastern District of Virginia, the jury returned a verdict in favor of the defendant Limelight. However, on appeal, the Federal Circuit reversed several of the jury’s key findings and the matter was resolved via a mutual settlement.

**Verizon Communications v. Vonage Holdings, 503 F.3d 1295 (ED Va 2007)**

David was part of the plaintiff’s side trial team that successfully obtained a multi-million dollar jury verdict on behalf of Verizon related to voice-over-Internet protocol patents against Vonage. After a 3-week jury trial, the verdict was returned in favor of the plaintiff based on claims related to patent infringement, anticompetitive conduct, and other antitrust claims.

**In re Chicago Bridge and Iron (FTC 2005)**

David was part of a team of Winston attorneys that tried a 3-month long post-consummation trial against the Federal Trade Commission, the first consummated merger to be challenged in nearly 20 years. The FTC’s claims were related to Section 7 of the Clayton Act and other alleged illegal antitrust conduct.

**Representative Current/Pending Matters**

**In re NorthShore Antitrust Class Action Litigation (1:07-cv-4446) (ND IL)**

David is lead counsel in connection with a multi-billion dollar consumer class action filed against our client NorthShore. The Plaintiffs have alleged antitrust violations including Section 7 Clayton Act and Section 2 Sherman Act claims. We most recently were successful in obtaining a ruling from the court that decertified the class and has sent the Plaintiffs’ counsel back to square one if they intend to pursue the case further. The case is ongoing.

**Dotty’s Café a/k/a Illinois Café & Services Company, LLC and Stella’s Place and Shelby’s a/k/a Laredo Hospitality Ventures, LLC v. Illinois Gaming Board, and Illinois Gaming Machine Operators Association, J&J Ventures Gaming LLC, and Accel Entertainment Gaming, LLC (17-CH-4854 (Cook County, Illinois) (J. Cohen)**

David is lead counsel in a plaintiff side action in the gaming industry in Illinois. Winston represents two owners and operators of video gaming café’s that operate in Illinois and numerous other states across the country where video gambling legal. Plaintiffs have filed suit in Illinois in an effort to invalidate specific portions of the Illinois Video Gaming statute based on the anticompetitive language of the Illinois statute as well as the conduct of the defendants. This case is ongoing.

**Kohler Co. v. Kohler Linens, (Case No. 2:18-cv-00620-PP) (ED Wis)**

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David is lead trial counsel in a plaintiff side action on behalf of the Kohler Co. based on Kohler, Wisconsin. Plaintiff has sued a company based in Texas that is using the Kohler name to sell linens and other bedding products, despite having no connection to the Kohler company located in Wisconsin. The suit alleges trademark infringement, unfair competition, deceptive trade practices, cybersquatting, and other claims. This case is ongoing.

Experience

David led the team on behalf of NorthShore University HealthSystem and its proposed 16 hospital, $7 billion merger with Advocate Health Care including the investigation and litigation filed by the Federal Trade Commission (FTC) as well as a successful nine-day preliminary injunction hearing and trial in the Northern District of Illinois. (FTC v. Advocate and NorthShore, ND Ill. 2016).

He also has wide experience in antitrust class actions, as well as other complex commercial litigation filed in courts around the country. David led the team that secured a win for clients PetIQ and VIP Petcare in the Northern District of California in a federal merger challenge and antitrust complaint filed by competitors in the pet medicine industry. (Med Vets Inc. et al. v. VIP Petcare Holdings Inc. et al.)

David also led the effort to obtain complete dismissal of federal antitrust claims on behalf of NorthShore (Frantzides, et al. v. NorthShore, et al., 787 F. Supp. 2d 725 (N.D. Ill. 2011)), the dismissal of Medicare Fraud qui tam claims on behalf of NorthShore (U.S. ex rel Walner v. NorthShore, 660 F. Supp. 2d 891 (N.D. Ill. 2009)), as well as denial of class certification in a health care consumer fraud class action matter (Premovic v. NorthShore, 12 CH 15799 (Cook County, Ill. 2015)).

David has argued appeals in multiple courts including the Illinois Supreme Court. He successfully argued the first case before the Illinois Supreme Court to interpret the Illinois Hospital Licensing Act, which provides immunity to Illinois' hospitals for personnel decisions based on patient safety and quality of care. (Valfer v. NorthShore, Ill. Sup. Ct. 2016)

David was also part of the trial team for the first two consummated merger cases tried before the FTC in more than two decades (In re Chicago Bridge and Iron (2005), and In re Evanston Northwestern Healthcare (2007)). He was a key participant in the trial and appeal to the FTC that reversed a divestiture order in the Evanston Northwestern Healthcare matter.

He is a veteran of multiple FTC investigations, merger reviews, and divestiture sales in the healthcare industry as well as other U.S. industries. He is currently antitrust counsel on behalf of multiple pending hospital mergers, and also served as antitrust counsel on behalf of the FTC-approved divestiture buyer Sycamore Partners in the merger between Dollar Tree and Family Dollar, as well as lead counsel on behalf of St. Luke's Hospital located in Toledo, Ohio in connection with the FTC ordered divestiture from ProMedica Health System (In re ProMedica Health System (2017)).

David also has significant intellectual property experience, including multiple patent trials. He was part of the trial team that successfully obtained a multi-million dollar jury verdict on behalf of Verizon related to voice-over-Internet protocol patents against Vonage (Verizon Communications v. Vonage Holdings, 503 F.3d 1295 (Fed. Cir. 2007)).

He has also done significant work on behalf of clients in civil and criminal price-fixing investigations, white collar criminal defense, healthcare acquisitions, clinical integration, Medicare fraud investigations, environmental litigation, and various competition issues.

Honors & Awards

David was recognized in The Best Lawyers in America© 2018-2019 for Antitrust Law. The American Lawyer named David as “Litigator of the Week” in June 2016 for his role on behalf of NorthShore University HealthSystem in connection with the FTC’s challenge to the merger of NorthShore and Advocate.
HealthSystem. The initial preliminary injunction ruling was recognized for its precedent-setting value as the first successful hospital merger challenge district court ruling in a major metropolitan area in over 20 years.

David was named a 2019 National Law Journal “Healthcare Law Trailblazer.” He was also named by The National Law Journal as a “Mergers and Acquisitions Antitrust Trailblazer” in September 2016 in recognition of his groundbreaking work in healthcare and antitrust law. Additionally, Chambers USA 2019 ranked him among the nation’s leading lawyers in Antitrust.

Chicago Magazine and Super Lawyers have consistently named David as a Rising Star from 2008-2016, with specific recognition for antitrust litigation. In 2015, Winston & Strawn was named the “Chicago Litigation Department of the Year” for general litigation by The National Law Journal, and in 2014, was recognized for the same award under white collar defense. David is part of the group awarded the “2015 Team of the Year” in Cartel Defense by The Legal 500.

Activities

David is a member of the Trial Bar in the Northern District of Illinois, and has also tried cases in numerous other jurisdictions across the United States.

David is a founding Board Member of the Chicago Fire Department Foundation which works to support the Chicago Fire Department and its dedicated firefighters through financial assistance of training, research, development, and educational programs.

He is an active member of the American Bar Association Antitrust Section and Health Law Section, as well as the American Health Lawyers Association. He previously served on the Advisory Board for the DePaul University Center for Intellectual Property Law, Information Technology, and Antitrust. He is a frequent guest lecturer on antitrust and health care matters at DePaul University and the Chicago Bar Association.

David is a member of the Constitutional Rights Foundation Chicago and an active participant in the Lawyers in the Classroom project, which places attorney volunteers in classrooms at Chicago Public Schools to lead interactive lessons on the U.S. Constitution.

Credentials

David received a B.A. in Political Science from the University of Illinois at Urbana-Champaign in 1998 and a J.D., with honors, from DePaul University College of Law in 2001, where he was elected to the Order of the Coif and served as editor-in-chief of the DePaul Law Review.