



## Martin Geagan

Partner

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For more than 20 years, Martin has represented Fortune 500 companies in all stages of litigation, including discovery, trials, and appeals. He has significant experience in complex commercial and antitrust litigation, and has litigated class actions and other matters for private and government clients in the construction, electronics, healthcare, insurance, pharmaceutical, sports, airline, and oil industries.

Martin has represented the following clients in complex commercial litigation and related matters: Panasonic Corporation, CPB Contractors Pty Ltd., the Lower Manhattan Development Corporation (LMDC), UnitedHealth Group, Inc., Ingenix, Inc., American Airlines, Sotheby's Inc., and PAI partners SAS, among other corporate and government clients. Among other high-profile matters, Martin led a team of attorneys representing LMDC in a complex construction litigation in New York State court relating to the abatement and deconstruction of the former Deutsche Bank Building in lower Manhattan, which was seriously damaged in the terrorist attacks on September 11, 2001. He conducted and defended over thirty depositions in the *LMDC* matter alone, including over ten expert depositions, in defense of breach-of-contract claims seeking over a hundred million dollars and in support of LMDC's gross negligence counterclaim.

Martin has extensive pro bono experience. He currently represents a domestic abuse victim in connection with her petition for a change in immigration status under the Violence Against Women Act. He also previously represented

an indigent criminal defendant on a habeas corpus appeal, and argued the appeal before the Seventh Circuit Court of Appeals. Further, he was the primary drafter of the first nationwide class action complaint filed on behalf of the Humane Society of the United States against a Florida seller of sick dogs obtained from “puppy mills.” Following a Florida court’s denial of the defendant sellers’ motion to dismiss the case, the seller immediately filed for bankruptcy, resulting in the shuttering of the store and the sale of its assets.

## Key Matters

### CLASS ACTION AND MULTI-DISTRICT LITIGATION EXPERIENCE

One of Martin’s most significant current matters involves the defense of Panasonic Corporation and SANYO Electric Co., Ltd. in a consolidated multi-district antitrust litigation alleging price-fixing in the capacitors industry. Martin previously helped defend Panasonic Corporation in a consolidated multi-district antitrust litigation alleging price-fixing in the cathode ray tube industry. Martin also helped defend UnitedHealth Group, Inc. in a consolidated, multi-billion dollar, multi-district nationwide healthcare class action brought by plaintiffs’ lawyers on behalf of nearly all practicing physicians in the United States. After over six years of contentious litigation, he helped obtain a summary-judgment dismissal of all claims against UnitedHealthcare. Martin helped lead a team representing UnitedHealth Group, Inc. and American Airlines, Inc. in a putative class action lawsuit brought in the Southern District of New York by various health care subscribers, providers, and state medical associations. He helped to obtain dismissal of multiple claims asserted under ERISA and state law, including on grounds of associational standing, non-assignment clauses, failure to exhaust administrative remedies, and preemption.

### TRIAL AND ARBITRATION EXPERIENCE

Martin has participated in a number of jury and bench trials in federal court. He participated in the representation of a white-collar criminal defendant in a highly-publicized three-month bribery, money laundering, and fraud jury trial in the Eastern District of New York. He also second-chaired a three-week tax evasion and tax structuring jury trial in the Eastern District of New York. He has participated in a number of arbitrations, including the defense of the largest arbitration ever instituted before the International Chamber of Commerce. Additionally, he helped obtain a complete defense victory on behalf of PAI partners SAS, a leading French private equity firm, in a multi-million dollar commercial arbitration.

### CONSTRUCTION LITIGATION EXPERIENCE

Martin currently represents CPB Contractors Pty Limited, one of the largest construction companies in the world, in separate multi-billion-dollar federal actions against Chevron Corporation and KBR, Inc., respectively, concerning disputes arising out of a liquefied natural gas project off the coast of Western Australia. He was the primary drafter of multi-billion dollar complaints against both Chevron and KBR, as well as numerous complex legal motions involving, among other things, federal jurisdiction and arbitrability under the Federal Arbitration Act.

### GOVERNMENT INVESTIGATIONS

Martin previously represented UnitedHealthcare in connection with a high-profile investigation by the New York State Attorney General of UnitedHealthcare’s out-of-network reimbursement practices. He previously represented the largest provider of pharmacy services to long-term care facilities in an Anti-Kickback Statute government investigation and related False Claims Act *qui tam* litigation.

### REPRESENTATIVE MATTERS

- *In re Capacitors Antitrust Litigation*, Case No. 3:17-md-02801-JD (N.D. Cal)—Currently represents Panasonic Corp. and Panasonic Corp. of North America in their defense of a consolidated multi-district antitrust litigation alleging price-fixing in the capacitors industry. Conducted numerous depositions of representative plaintiffs and third parties in connection with *Capacitors* multi-district litigation.

- *CPB Contractors Pty. Limited v. Chevron et al.*, Civ. No. C16-cv-5344 (CW) (N.D. Cal.)—Currently leads a team of attorneys representing CPB Contractors Pty Limited in complex billion-dollar construction litigation action against Chevron Corporation arising out of a liquefied natural gas project off the coast of Western Australia. Primary drafter of multi-billion dollar complaint against KBR, as well as numerous complex legal motions involving, among other things, federal jurisdiction and arbitrability under the Federal Arbitration Act.
- *CPB Contractors Pty. Limited v. KBR, Inc., et al.*, Civ. No. H16-cv-2812 (S.D. Tex.)—Currently leads a team of attorneys representing CPB Contractors Pty Limited in complex billion-dollar construction litigation action against KBR, Inc. arising out of a liquefied natural gas project off the coast of Western Australia. Primary drafter of multi-billion dollar complaint against KBR, as well as numerous complex legal motions involving, among other things, federal jurisdiction and arbitrability under the Federal Arbitration Act.
- *In re Cathode Ray Tube (CRT) Antitrust Litigation, Case No. 3:07-cv-5945-JST, MDL No. 1917 (N.D. Cal.)—Represented Panasonic Corp. and Panasonic Corp. of North America in their defense of a consolidated multi-district antitrust litigation alleging price-fixing in the cathode ray tube industry. Conducted numerous depositions of representative plaintiffs and third parties in connection with CRT multi-district litigation.*
- *Bovis Lend Lease (LMB), Inc. v. Lower Manhattan Development Corporation*, Civ. No. 603243/90 (N.Y. Sup. Ct.) (SWK)—Led a team of attorneys in successfully defending the Lower Manhattan Development Corporation (“LMDC”) in complex commercial litigation involving breach of contract and gross negligence claims relating to the abatement and deconstruction of the former Deutsche Bank building in Lower Manhattan, which was seriously damaged in the terrorist attacks on September 11, 2001. Conducted and defended over thirty depositions in the LMDC matter alone, including over ten expert depositions.
- *In re International Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793, Civ. No. 06-1793 (N.D. Cal.) (CRB)—Participated in team that successfully defended American Airlines, Inc. in class action, multi-district litigation charging the fixing of fuel surcharges in the airline passenger industry.
- *LaFlamme, et al. v. American Airlines, Inc., et al.*, Civ. No. 08-1079 (E.D.N.Y.) (KAM) (JO)—Participated in team that successfully negotiated voluntary dismissal of American Airlines, Inc. in putative class action charging the fixing of fuel surcharges in the airline passenger industry.
- *Wagman v. Weil, Gotshal & Manges LLP, et al.*, Civ. No. 98-107856 (N.Y. Sup. Ct.)—Obtained dismissal at oral argument of all malpractice claims asserted against law firm and former law firm attorney.
- *Joe Torre* – Member of the team that represented Joe Torre in negotiation of 2008 employment agreement as manager of the Los Angeles Dodgers.
- *Jeff Kent* – Member of the team that represented Jeff Kent in 2006 negotiation of two-year, US\$18M contract extension with the Los Angeles Dodgers.
- *Gridiron.com, Inc. v. National Football League Players Association, Inc., et al.*, Civ. No. 99-6837 (S.D. Fla.) (WPD)—Participated in team that successfully represented the union for NFL players and its licensing affiliate in enforcing their exclusive licensing rights over use of player images in groups of six or more against an Internet Web site making unauthorized use of player images. Helped obtain summary judgment for the NFLPA on all counts.
- *Goldsmith v. Sotheby’s, Inc.*, Civ. No. 04603504 (N.Y. Sup. Ct.) (CRE)—Participated in team that successfully represented Sotheby’s in litigation arising out of sale at auction of 17th-century Italian baroque marble inlaid tabletop. Helped obtain summary judgment dismissing all claims under U.K. law.
- *BellSouth Products v. US Electronics*, Civ. No. 99-Civ—Represented US Electronics, a distributor of BellSouth telephones in the United States and abroad, in a half-billion dollar breach of contract and antitrust dispute. After the denial of BellSouth’s motion to dismiss the case and the conclusion of preliminary injunction hearings, US Electronics entered into a highly favorable settlement with BellSouth.
- *In re: Adelphia Communication Corp.*, Case No. 02-41729 (REG), (Bankr. S.D.N.Y.), Civ. No. 07-1172 (S.D.N.Y.) (SAS)—Helped represent committee of bondholders in highly-expedited bankruptcy confirmation hearings.

## Recent Experience

Winston Represented Revelstoke Capital Partners in Acquisition of NKMD MGMT, LLC

BlackBern Partners' Formation of Value Foodservice LLC

## Recognitions

- Recognized, in Antitrust/Civil Litigation/Class Actions – Defense, *The Legal 500 US*, 2018
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## Activities

- New York State Bar Association, eDiscovery Committee - Member
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## Credentials

### EDUCATION

Martin received a J.D., *cum laude*, from Pace University in 1999, where he was a member of the *Pace Law Review*. He received a B.A., *summa cum laude*, from the State University of New York at Albany in 1996.

### ADMISSIONS

- New York

## Related Insights & News

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### BLOG

AI Transforms the National and International Regulatory Landscape

MAY 23, 2024

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### RECOGNITIONS

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

DECEMBER 19, 2022

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### BLOG

Antitrust 101: “Most Favored Nation” Clauses

AUGUST 5, 2022

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### CLIENT ALERT

New York Amends Comprehensive Insurance Disclosure Act

MARCH 30, 2022

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**CLIENT ALERT**

New Insurance Disclosure Requirements For New York State Court Litigants

JANUARY 31, 2022

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**BLOG**

First Federal Appellate Court Confirms Rule-of-Reason Analysis Applies to Ancillary No-Poach Agreements

SEPTEMBER 10, 2021

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**BLOG**

DOJ Issues New Guidance on the Use of Arbitration To Resolve Antitrust Division Matters

NOVEMBER 20, 2020

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**BLOG**

DOJ Announces Expanded Procurement Collusion Strike Force to Stop Antitrust Violations in Government Contracting

NOVEMBER 17, 2020

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**BLOG**

Bureau of Competition Reminds Merger Parties that When It Comes to Ongoing Antitrust Probes, “There Are No Blinders”

JULY 24, 2020

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**BLOG**

DOJ Continues to Focus on Extradition and Prosecution of Individuals Suspected of Antitrust Violations

MARCH 24, 2020

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**BLOG**

DOJ and FTC Lock in on Big-Tech Firms, But T-Mobile/Sprint Merger Opinion Provides a Potential Compelling Antitrust Defense

MARCH 17, 2020

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**BLOG**

Former Air Cargo Executive Extradited from Italy, Pleads Guilty to Price-Fixing

FEBRUARY 6, 2020

# Capabilities

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Litigation/Trials

Commercial Litigation & Disputes

Antitrust/Competition

Class Actions & Group Litigation

Government Investigations, Enforcement & Compliance

eDiscovery & Information Governance

Technology, Media & Telecommunications

Health Care

Financial Services

Insurance

Sports

Energy