



## Gary I. Smith Jr.

### Experience

Gary focuses his practice on antitrust litigation. In his young career, he has already secured over \$882.5 million to benefit the victims of anticompetitive practices. Gary has litigated cases at every level, from state trial court all the way to the Supreme Court of the United States, through which he has gained a wide range of experience briefing and arguing dispositive motions, taking and defending fact and expert witness depositions, and serving on trial teams, inclusive of first- and second-chair jury trial experience. He has challenged monopolistic practices and cartel activity in a wide range of industries - from the agricultural sector to the transportation and aviation sectors to the financial markets - with a particular emphasis on healthcare, where Gary has litigated cases concerning biologics (vaccines), pharmaceuticals, and medical product distribution markets.

Gary is also committed to serving the community through pro bono work. Most recently, he has been working with a team of Hausfeld lawyers to advise victims of clergy sexual abuse who have received settlement offers from the Philadelphia Archdiocese.

While in law school, Gary worked as a research assistant for Visiting Associate Professor of Law Amandeep S. Grewal, received honors as a Willard H. Pedrick Scholar, and spent a semester externing with the Securities and Exchange Commission in Washington, D.C.

### Clients

Gary has represented a diverse range of clientele, including hospital systems, investment and pension funds, universities, local governments, dental laboratories, pediatricians, farmers, and construction contractors.

### PRACTICE AREAS

#### Antitrust / Competition

- *In re Dental Supplies Antitrust Litigation* – In which a proposed class of private dental practices claim that the four major distributors of dental products and equipment conspired to fix margins, divide markets and allocate customers, and orchestrate industry boycotts of lower-priced, innovative rivals. The Federal Trade Commission filed a related lawsuit against the dental distributor companies a year after the private plaintiffs first initiated their action, borrowing legal theories first investigated and advanced by the private plaintiffs. The private plaintiffs' action was settled just minutes



**PARTNER**



**PHILADELPHIA**



**+1 (215) 985-3270**



**[gsmith@hausfeld.com](mailto:gsmith@hausfeld.com)**

before a class certification *Daubert* hearing was set to commence for \$80 million, while the Federal Trade Commission's action remains ongoing.

- *In re LIBOR-Based Financial Instruments Antitrust Litigation* – In which a certified class of purchasers of over-the-counter (OTC) financial instruments with interest payments tied to the London Interbank Offering Rate (LIBOR) are challenging the collusive manipulation of U.S. Dollar LIBOR by the world's largest financial institutions. The collusion is claimed to have suppressed the U.S. Dollar LIBOR rate, which allowed the defendant banks to benefit financially to the detriment of their counterparties in OTC instruments. The case has resulted in \$590 million in settlements with four banks (Barclays, Citibank, HSBC, and Deutsche Bank), and continues against the remaining thirteen defendant banks.
- *Adriana M. Castro, M.D., P.A. v. Sanofi Pasteur Inc.* – In which a certified class of wholesalers, hospitals, and physicians that purchased Sanofi's quadrivalent conjugate meningococcal vaccine (MCV4) Menactra (a vaccine for Meningitis) claimed that Sanofi monopolized the MCV4 market by threatening large price penalties across Sanofi's broad line of pediatric vaccines if pediatricians purchased MCV4 vaccines from Sanofi's only MCV4 rival, Novartis. Sanofi's conditional pricing practices had the purpose and effect of foreclosing Sanofi's only MCV4 rival from the market, allowing Sanofi to continue to charge monopoly prices for Menactra. The case settled in December 2016 for \$61.5 million.
- *In re Transpacific Passenger Air Transportation Antitrust Litigation* – In which a certified class of consumers of transpacific passenger air travel allege that thirteen airlines conspired to fix the prices of certain transpacific passenger air fares and fuel surcharges. The last of the thirteen defendants settled in early 2019 for \$58 million, bringing the total settlements in the case to over \$147 million.

## WHAT OTHERS SAY

- *The Legal Intelligencer* honored Gary as a "Pennsylvania Trailblazer" (2019)
- Gary and Hausfeld's Philadelphia office were honored with the Philadelphia Bar Foundation's Pro Bono Award (2019)
- "This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs' Lawyers in this case who were running it." Comments of Judge Brian M. Cogan during the Final Approval Hearing in *In re Dental Supplies Antitrust Litigation*, where Mr. Smith successfully argued for final approval of the \$80 million settlement with Defendants Henry Schein, Inc., Patterson Companies, Inc., and Benco Dental Supply Co.
- Gary received national accolades when he was named one of just five "Rising Stars" under 40 in Healthcare Law by *Law360* (2017)

- Gary has been named a “Rising Star” in Antitrust Litigation by *Pennsylvania Super Lawyers* for four consecutive years (2017-Present)

## EDUCATION

Sandra Day O’Connor College of Law at Arizona State University, J.D. 2011  
University of Arizona, B.S.B.A. in Business Economics, 2008

## BAR ADMISSIONS

Pennsylvania

United States District Court for the Eastern District of Pennsylvania

Arizona

United States District Court for the District of Arizona

United States Court of Appeals for the Third Circuit

United States Court of Appeals for the Ninth Circuit

## AFFILIATIONS & MEMBERSHIPS

American Bar Association

-Section of Antitrust Law

-Young Lawyers Division

Contributor, ABA Antitrust Section, Antitrust Law Developments 8th Edition

Pennsylvania Bar Association

Willard H. Pedrick Scholar

## NEWS & PRESS

Dentists Extract \$80M From Supply Cos. In Antitrust Deal

16 Big Banks To Face Revived Libor Antitrust Suit

Barclays Pays \$120M To Exit Part Of Libor MDL

\$250M Citi, Barclays Libor Deals Look Worthy, Judge Says

Susman Godfrey L.L.P. and Hausfeld LLP Announce Lawsuits and Settlements  
Totaling \$340 Million That Impact Individuals and Institutions Who Owned a  
U.S. Dollar LIBOR-Based Instrument Between August 2007 and May 2010

HSBC Inks \$100M Deal With OTC Investors In Libor-Rig MDL

Judge Certifies OTC Libor Class But Denies Others

Deutsche Inks \$240M Deal To Settle Libor-Rigging Row

OTC Investors Win Class Cert. On Libor Antitrust Claims  
Hausfeld, Susman Awarded \$58.4M In Libor MDL Fees, Costs  
Hausfeld, Susman Win \$63M In Attys' Fees In Libor MDL  
Dental Distributors Fire Back Against Antitrust Action  
Dentists Smiling as Price-Fixing Conspiracy Case Survives  
Dentists Get \$80M From Supply Cos. To End Collusion Case  
Airlines Can't Ditch Price-Fixing MDL, 9th Circ. Rules  
EVA, Others To End Trans-Pacific Price-Fix Row For \$50M  
Airline Passengers Win Class Cert. In Price-Fixing Suit  
EVA Airways Settles Price-Fixing Class Action For \$21M  
Airline Pushes Supreme Court To Hear Filed-Rate Fight  
Flyers Ask Justices To Pass On Antitrust Filed-Rate Fight  
Justices Skip Airline's Challenge To 9th Circ. Rate Ruling  
Flyers Ink \$58M Deal With Last Airline In Price-Fixing Suit  
Chicken Farmers Accuse Processors of Illegal "No Poach" and Wage  
Suppression  
Merck Hit With Antitrust Suit Over Vaccine Bundle Discounts  
Doctors' Counsel Nab \$27M In Sanofi Vaccine Antitrust Row  
Rising Star: Hausfeld's Gary Smith

## PUBLICATIONS

Gary I. Smith Jr., "Second Circuit Rejects Third Circuit's Views on Class Member Ascertainability," Hausfeld Competition Bulletin/Lexology (Aug. 9, 2017)

Gary I. Smith Jr., "No Safe Harbor: The Third Circuit Once Again Declines to Apply the Price Cost Test to a Loyalty Discount Case," Hausfeld Competition Bulletin/Lexology (Aug. 13, 2016)

Gary I. Smith Jr., "Third Circuit Reaffirms the Continued Viability of the Intertwined Standard for Antitrust Standing," Hausfeld Competition Bulletin/Lexology (Mar. 1, 2016)

Gary I. Smith Jr. and Brent W. Landau, "Bundling Claims Under Section 1 of the Sherman Act: Focusing on Firms' Abilities to Create Anticompetitive Effects in a Market, Rather Than Their Share of It," Antitrust Health Care Chronicle, Vol. 28/ No. 1, ABA Section of Antitrust Law (Jan. 2015)

## PRESENTATIONS & SPEECHES

Panelist, ABA Section of Antitrust Law Agriculture and Food Antitrust Case Update 2019 (February 28, 2019)

## IN THE NEWS

November 19, 2019

Philadelphia Partner Gary Smith, Jr. Named to The Legal Intelligencer's list of 2019 Pennsylvania Trailblazers

November 18, 2019

Super Lawyers Recognizes 21 Hausfeld Lawyers Spanning Both Coasts and Multiple Practice Areas

November 12, 2019

Hausfeld Honored with the Pro Bono Award of the Philadelphia Bar Foundation

January 14, 2019

Hausfeld Announces Record Number of Promotions Globally, Demonstrating Continued Firm Growth

August 2, 2017

Hausfeld Associate Gary Smith Named Rising Star under 40 in Health Care by Law360

May 23, 2016

Second Circuit Reinstates Antitrust Claims Against Sixteen Defendant Banks for Rigging LIBOR

## ARTICLES

February 14, 2018

Ascertainability

August 9, 2017

Second Circuit Rejects Third Circuit's Views On Class Member Ascertainability

August 12, 2016

No Safe Harbor: The Third Circuit Once Again Declines to Apply the Price Cost Test to a Loyalty Discount Case

March 1, 2016

Third Circuit Reaffirms the Continued Viability of the Intertwined Standard for Antitrust Standing