

# ROBBINS | RUSSELL

Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP



## Donald J. Russell

### SENIOR COUNSEL

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#### V-CARD

#### Education :

J.D., *cum laude*, Harvard Law School, 1977

B.A., *with high distinction*, University of Nebraska, 1974

Phi Beta Kappa

#### Bar Admissions :

District of Columbia

#### ABOUT

Donald J. Russell is an antitrust lawyer and litigator. He has represented clients in all types of civil and criminal matters before the U.S. Department of Justice and the Federal Trade Commission, including agency reviews of mergers and acquisitions (representing clients seeking approval of mergers as well as clients opposing mergers), grand jury investigations, and civil matters. He has

counseled clients on a wide range of antitrust issues, including mergers, acquisitions, joint ventures, pricing, and distribution issues. Together with Roy Englert, he has represented plaintiffs, defendants, and *amici curiae* in numerous antitrust appeals. In addition to antitrust matters, Don's practice also includes non-antitrust civil and criminal trial and appellate litigation.

Before becoming one of the founding partners of the firm in 2001, Don served in the Antitrust Division of the U.S. Department of Justice for 24 years. He was the Assistant Chief of the Communications and Finance Section from 1986 to 1992; lead attorney in the 1994 monopolization case against Microsoft; and Chief of the Telecommunications Task Force from 1994 to 2001. As chief of the Telecommunications Task Force, he supervised the Division's enforcement actions in the telecommunications industry, including the review of many of the largest mergers in U.S. history.

### Professional Activities, Publications, and Honors

Victor Kramer Fellowship, Yale University, 1991-92

Attorney General's John Marshall Award for Preparing or Handling of Legislation (1996)

U.S. Department of Justice Neil Roberts Award for Excellence in Antitrust Enforcement (1996)

U.S. Department of Justice Hugh P. Morrison, Jr. Award for Exceptional Accomplishments As An Antitrust Litigator (2000)

*Dual Antitrust Review of Telecommunications Mergers By the Department of Justice and the Federal Communications Commission*, 11 *George Mason Law Review* 143 (Fall 2002)

ABA Section of Antitrust Law, *Bank Mergers and Acquisitions Handbook* (2006 ) (co-author & editor).

## REPRESENTATIVE MATTERS

Represented BellSouth in connection with the Cingular-AT&T Wireless and BellSouth-AT&T mergers.

Represented Echostar and DirecTV in connection with Department of Justice and FCC reviews of their proposed merger.

Represented (with Roy T. Englert, Jr.) Volvo Trucks in seeking and obtaining Supreme Court review and reversal of an adverse judgment under the Robinson Patman Act ( *Volvo Trucks North America, Inc. v. Reeder-Simco GMC, Inc.*, 546 U.S. 164 (2006)).

Represented Napster, Inc. in its assertion of a copyright misuse defense to defeat summary judgment in copyright infringement litigation (*In re Napster Inc. Copyright Litigation*, 191 F.Supp.2d 1087 (N.D. Cal. 2002)).

Represented senior executives in U.S. Department of Justice investigation of alleged price fixing in LCD and freight forwarding industries.

Represented *amici curiae* in Supreme Court antitrust cases, including *Leegin Creative Leather Products, Inc. v. PSKS, Inc.*, 551 U.S. 877 (2007); *Bell Atlantic v. Twombly*, 550 U.S. 544 (2007); *Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co., Inc.*, 549 U.S. 312 (2007); and *Texaco v. Dagher*, 547 U.S. 1 (2006).