

Dylan Carson

PARTNER

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📍 San Diego & New York



Dylan Carson is a trial attorney with major experience in antitrust litigation, federal and state government antitrust investigations, and competition law counseling. For more than 20 years, Dylan has represented clients in federal and state court antitrust trials, before judges and juries, as both plaintiff, while serving at the U.S. Department of Justice, Antitrust Division, and defendant, as a partner at two major law firms. He is among the short list of antitrust attorneys to have successfully prosecuted and defended high-stakes merger trials, including the Heinz baby food trial and the Aetna-Humana health insurance trial. In private practice, he also has represented clients before federal and state antitrust enforcers, including the Antitrust Division, Federal Trade Commission, and state attorneys general.

Dylan offers clients his knowledge of public and private antitrust enforcement in Washington, D.C., and around the country to navigate the complexities of civil and criminal enforcement and private litigation. He has advised clients about shepherding mergers and acquisitions through the approval process, handling federal and state government antitrust investigations, prosecuting and defending private antitrust actions, and crafting compliance programs to avoid the risk of antitrust enforcement and treble damages actions. He has represented parties involved in merger and civil nonmerger investigations in diverse industries, including real estate, telecommunications, cable and satellite television, e-commerce, online platforms, energy generation and distribution, finance, casinos, and food and soft drinks.

For his efforts at DOJ, Dylan received the Attorney General's Award for Distinguished Service, the second highest award for employee performance at the Department of Justice. For three years straight, he also received the Assistant Attorney General Award of Distinction, the highest Antitrust Division performance award, based on his investigation and litigation work.

Education

J.D., Suffolk University Law School
Cum Laude, 1997

Suffolk University Law Review
Lead Articles Editor

B.A., Vassar College
History, 1994

Clerkships

U.S. District Court for the District of
Massachusetts, Hon. Frank H. Freedman,
1997-1999

Admissions

California

Colorado

District of Columbia

New York

Massachusetts (inactive)

Prior to joining Bona Law, Dylan was a trial attorney in the Media, Entertainment, and Communications section of the Antitrust Division at DOJ, a partner at an AmLaw 50 law firm as well as a national trial firm in Denver and Los Angeles.

Representative Matters

While at the DOJ, served as trial attorney representing United States:

- U.S. v. AT&T-Time Warner: Represented DOJ in three-week merger trial in District of D.C. seeking to block \$108 billion merger of country's largest video distributor with largest content provider.
- U.S. v. Aetna-Humana: Represented DOJ in three-week merger trial in District of D.C. seeking to block \$54 billion combination of two of largest national health insurers. Merger enjoined.
- U.S. v. Deutsche Telekom-Softbank: Represented DOJ in investigation of \$26 billion T-Mobile-Sprint merger of two of four national wireless carriers. Merger challenge resolved by consent decree.
- U.S. v. Visa-Plaid: Represented DOJ in Northern District of California challenge to dominant payment network's proposed \$5 billion acquisition of nascent financial technology competitor under Sherman Act Section 1 and Clayton Act Section 7. Merger abandoned.
- U.S. v. Sabre-Farelogix: Represented DOJ in two-week merger trial in District of Delaware seeking to block proposed \$360 million merger of travel technology companies. Merger abandoned.
- U.S. v. Geisinger-Evangelical: Represented DOJ in Sherman Act Section 1 and Clayton Act Section 7 litigation in Middle District of Pennsylvania to hospital's \$100 million acquisition of ownership interest in its close competitor. Litigation resolved by consent decree.
- U.S. v. DIRECTV and AT&T (L.A. Dodgers): Represented DOJ in Sherman Act Section 1 litigation in Central District of California alleging information sharing among video distribution competitors regarding regional sports network. Litigation resolved by consent decree.
- U.S. v. Google: Represented DOJ in Sherman Act Section 2 investigation of internet search provider for monopoly maintenance in search advertising.

In private practice:

- FTC v. Heinz: Trial counsel on defense team that successfully opposed the FTC's challenge to proposed merger in the baby food business after two-week merger trial in District of D.C.
- RLH v. SBC Communications: Trial counsel on defense team for major international telecommunications firm in three-week antitrust trial in Orange County (California) Superior Court regarding alleged tying of telephone service and high voltage protection service. Jury rendered 12-0 defense verdict.
- In re LICAP: Trial counsel for state public utility authority in two-week administrative trial at U.S. Federal Energy Regulatory Commission regarding market power in the New England power generation market.
- U.S. v. Franklin Electric-United Dominion: Litigation counsel for defendants in opposing DOJ Antitrust Division's challenge of a merger of submersible turbine petroleum pump manufacturers.

Leadership & Community

Pro Bono

Dylan maintains a pro bono practice helping indigent clients battling homelessness.

Professional Associations

American Bar Association, Antitrust Section

Honors

Department of Justice (DOJ) — Assistant Attorney General's Award of Distinction, 2018-20

Department of Justice (DOJ) — Attorney General's Award for Distinguished Service, 2017

Publications

- Health Care Is in DOJ's Criminal Antitrust Crosshairs, LAW360 (Apr. 2022)
- Location, Location, Location: Real Estate Will Continue to Be an Antitrust Hotspot in 2022, INMAN NEWS (Feb. 2022)
- The Curious Case of the Vertical Merger Guidelines, GLOBAL COMPETITION REVIEW (Oct. 2021)
- What Food Industry Can Expect After Biden Antitrust Order, LAW360 (Aug. 2021)
- Pharma Cos. Can Expect Harsh Antitrust Scrutiny From Biden, LAW360 (Apr. 2021)
- Circuits Reinforce Split Over When Noerr-Pennington Shields Serial Litigants, THE ANTITRUST SOURCE (Feb. 2021)
- Putting the Tunney in Tunney Act: Will Evidentiary Hearings Become the Main Event after CVS/Aetna, THE ANTITRUST SOURCE (Aug. 2020)
- Off-Label Use of the Cartwright Act: Will Cipro Require State Courts to Assess Federal Patent Validity in Pay-for-Delay Cases?, 24 COMPETITION, THE JOURNAL OF THE ANTITRUST, UCL AND PRIVACY SECTION OF THE STATE BAR OF CALIFORNIA 27 (Fall 2015)

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