

# Molly Donovan

PARTNER

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📍 New York



Molly Donovan is an antitrust litigator, and former partner at an AmLaw 50 firm, with over fifteen years of experience representing clients in complex antitrust disputes. Molly has defended clients in worldwide investigations, served as the global defense coordinator in cartel cases involving multiple parallel investigations and private actions, and represented companies and individuals in criminal proceedings by the U.S. Department of Justice Antitrust Division. Molly's global reach is extensive, as she has represented clients involved in enforcement proceedings and related litigations in Australia, Brazil, Canada, China, the European Union, Israel, Japan, Korea, Mexico, New Zealand, Singapore, Taiwan, and the United States.

Molly has represented myriad clients before the U.S. Department of Justice, including leniency applicants in the first, second, and later positions to clients she successfully defended against criminal investigations and proceedings or as to whom she persuaded the government not to prosecute. She has represented clients in grand jury proceedings and government proffers, and negotiated plea agreements, subpoena, and other cooperation obligations with the government. Molly has worked with, or sat across from, the U.S. Department of Justice Antitrust Division while representing both U.S. and non-U.S. companies and individuals in numerous cartel investigations.

Molly also defends clients in private civil actions alleging price-fixing, no-poach agreements, bid-rigging, group boycotts, hub-and-spoke conspiracies, market allocation and other competition-related claims in multidistrict class actions, as well as in actions brought by individual purchasers and rivals. Her experience includes, among others, the In re Automotive Parts multi-district litigation, two separate multidistrict litigations housed in the Northern District of California (In re Capacitors and In re Cathode Ray Tubes), and a group boycott matter that went to trial in state court. She also counsels clients on all manner of antitrust and competition law issues and builds custom compliance programs to avoid and mitigate risks of inadvertent violations and appearances of impropriety.

## Education

**J.D., Duke University School of Law, 2005,  
Order of the Coif, Duke Journal of  
Gender Law & Policy**

**B.A., Michigan State University, 2001,  
Summa Cum Laude, Political Theory**

## Admissions

New York

U.S. District Court for the Eastern District  
of New York

U.S. District Court for the Southern District  
of New York

Both in litigation and counseling, Molly prides herself on thinking outside-the-box to achieve the "win"—whatever that means to each client in terms of cost, business goals, reputation, risk tolerance, appetite to fight, or need for a favorable resolution with as little disruption to business and human lives as possible.

## **Representative Matters**

### *Internal Investigations and Global Cartel Defense*

- Molly has strategically coordinated the internal investigation of a number of global clients regarding cartel allegations that touched operations worldwide, e.g., in Australia, China, the EU, Japan, Canada, Mexico, Brazil, Taiwan, Singapore, Korea and the United States. The relevant products/services include shipping, automotive components and consumer electronics.
- Represented criminal amnesty and other leniency applicants, often serving as global coordinator in situations with multiple government inquiries occurring at once. The relevant products include consumer appliance parts, electronic component parts, and automotive parts.
- Represented companies and individuals in cartel situations where the DOJ was convinced not to proceed.

### *Private Antitrust Litigation*

- *People v. Vitol*: Outside litigation counsel for the California Attorney General in a price fixing case against global gasoline trading firms.
- *In re Capacitors Antitrust Litigation*—Defended a global electronics company in direct and indirect purchaser MDL class actions asserting various competition-law violations, including price-fixing, market allocation and bid-rigging.
- *In re CRT Antitrust Litigation*—Represented a global electronics company in direct and indirect purchaser MDL class actions asserting an international cartel, as well as in related litigations brought by individual purchasers and state attorneys general.
- *PHC v. Nuveen*—Defended a financial services company against allegations of a hub-and-spoke group boycott.
- *In re Automotive Antitrust Litigation*—Represented manufacturers of automotive component parts in direct purchaser and indirect purchaser MDL class actions asserting price-fixing and bid-rigging claims, amongst other related disputes.
- *In re Compressors Antitrust Litigation*—Defended a global electronics company against international conspiracy allegations in MDL class action and individual purchaser cases.
- *Brady v. National Football League*—Represented the NFL Players Association in their antitrust action against the NFL following the player lockout of 2010.

### *Counseling & Compliance*

- Developed compliance and compliance-monitoring programs, and counseled clients about antitrust concerns in sales and acquisitions, non-compete agreements with business partners and executives, no-poach agreements, monopolization, and attempted monopolization conduct by a business partner, and price discrimination.

## Publications

- Author, “**Updates to the DOJ’s Leniency Policy and Related FAQs: Some Changes are Good, Some Don’t Go Far Enough**”, (The Antitrust Attorney Blog) (April 5, 2022).

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