



# Scott Abeles

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## Overview

Scott Abeles is a seasoned trial lawyer and appellate advocate with a particular focus on high-stakes antitrust and class action matters. With deep experience in each stage of the litigation life cycle — and having handled appeals in almost every federal circuit and before the U.S. Supreme Court — he counsels clients from complaint to trial through appeal.

Scott has significant experience in all manner of antitrust actions, including monopolization, restraint of trade, price discrimination, and merger review. Among those cases, Scott successfully defended a major automaker in a high-profile antitrust trial brought under the rarely invoked Robinson-Patman Act, with the jury delivering a complete victory to his client after less than a day of deliberation.

Scott has also represented technology and media clients in complex commercial litigation, and *Fortune* and Global 500 companies in matters involving cutting-edge issues of competition, constitutional, and administrative law. His casework includes the development of the winning argument in a case deemed the “U.S. Patent Case of the Year” by a leading publication; service as lead counsel for a coalition of Middle Eastern professionals in a case given the Outstanding Achievement Award in Public Accommodations Law by a major civil rights organization; and the securing of the largest individual customer award by a FINRA arbitration panel in 2018.

Outside the courtroom, Scott has lectured and published frequently, serving as a member of the *Law360* Competition editorial advisory board, authoring chapters of several antitrust treatises, and appearing in numerous publications. He has been selected for inclusion in Washington, D.C., Super Lawyers and, before that, named to the Rising Stars list on numerous occasions.

# Experience

- *Duncan v. Wells Fargo Advisors*: Counsel to former Office Max/Supervalu CEO in widely reported FINRA arbitration. Following three-week hearing, panel awarded client \$8.7 million in compensatory and punitive damages, restitution, and legal fees.
- *Bi v. McAuliffe*: Counsel to 32 Chinese investors alleging \$17 million fraud involving ex-Virginia governor and others relating to federal EB-5 program.
- *Mathew v. Chrysler*: Counsel to Chrysler in \$5 million price discrimination claim brought by a dealer; obtained a complete victory following a two-week jury trial.
- *Castro v. Sanofi*: Counsel to Sanofi Pasteur in \$1.5 billion nationwide antitrust class action. Conducted *Daubert* hearing, deposed experts, argued many motions, managed case, drafted briefs.
- *In re Credit Default Swaps Antitrust Litigation*: Counsel to Markit in nationwide class action alleging concerted refusal to deal. Case manager and brief writer.
- *Utility Air Reg. Group v. EPA*: Counsel of record to Nobel Prize-winning economists as amici curiae before U.S. Supreme Court.
- *Briggs & Stratton v. Kohler*: Counsel to Briggs in monopolization case filed by competitor concerning “bundled rebates.”
- *U.S. v. Infineon; Rambus v. Infineon*: Counsel to Infineon Technologies in criminal and civil cases relating to alleged price-fixing conspiracy in DRAM market.
- *Washington Gas Light Co. v. DCPSC*: Lead counsel to Washington Gas in appeal challenging regulatory sanction. Drafted all briefs and argued successful appeal.
- *Tafas v. Dudas*: Counsel to GSK in challenge to PTO rules. Federal Circuit affirmed holding that key rule challenged was unlawful; case named “Patent Case of the Year.”

# Areas of Focus

## Practices

- Life, Annuity, and Retirement Solutions
- Litigation and Trials
- Appellate & Trial Support
- Life, Annuity, and Retirement Litigation
- Antitrust and Trade Regulation
- Class Actions

## Industries

- Life, Annuity, and Retirement Solutions
- Life, Annuity, and Retirement Solutions

# Insights

03.11.2024

Digital Collusion or Warp-Speed Competition Evaluating the Agreement Element in the Algorithmic Pricing Antitrust Cases

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12.20.2023

New Merger Guidelines Cap Off a Year of Hostility to Employers — 2023 Closes With Antitrust Agencies' Most Radical Foray Yet

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10.12.2023

*Chevron* on the Brink — the Supreme Court Could Revolutionize Administrative Law This Term (But Shouldn't)

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08.30.2023

Rough Waters in the Expert “Hot Tub” – Court Throws Class Expert Overboard in Google Play Store Litigation

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07.08.2022

“Right to Repair” Class Actions Against John Deere Obtain a Centralized Forum

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09.28.2020

Justice Ginsburg and the Taming of Antitrust's Most Notorious Branch

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05.15.2020

When Referrals Are Felonies: Health Care Providers Should Review Their Referral Practices to Avoid the DOJ's Wrath

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02.12.2020

So You Want to Enter the Cannabis Industry — Antitrust Basics for the New Market Entrant

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02.12.2020

So You Want to Enter the Cannabis Industry — Antitrust Basics for the New Market Entrant

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01.17.2020

The Latest “Hipster Antitrust” Battleground – Vertical Merger Enforcement

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08.26.2019

Say Cheese: With the “Right to Repair” Debate Simmering, the Supreme Court’s Aging Kodak Decision Is Ready for Its Close-Up

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08.02.2019

DOJ Provides Even More Reason to Enhance (Or Create) Corporate Antitrust Compliance Programs

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03.21.2017

Trial Graphics and Your Antitrust Story

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10.01.2015

Has the Supreme Court Thrown Health Care Regulation Into Disarray?

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12.01.2007

Knockout? - Two New Challengers Threaten the Department of Justice's Status as Undisputed King of the Antitrust Ring

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07.12.2004

Harder to Prosecute?

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## News

02.16.2024

Carlton Fields Shareholder Class Featured in Law360: “Carlton Fields Taps 12 for Shareholder Roles Across 7 Offices”

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09.24.2020

How RBG Tamed Robinson-Patman Price Discrimination

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07.30.2019

Carlton Fields' Washington, D.C. Office Adds Two Skilled Trial Attorneys

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## Professional & Community Involvement

- Alexandria Commission for the Arts

## Speaking Engagements

- "Wading Through the 'Dense Undergrowth of Confusion' – What You Really Need to Know to Comply With the Robinson-Patman Act," Bloomberg BNA (2017)
- ABA Corporate Counseling Committee Monthly Antitrust Update (2016)
- Antitrust Insights Seminar 2016 (2016)

## Credentials

### Education

- Georgetown University Law Center (J.D., magna cum laude, 2003)
- George Washington University (B.A., 1994)

### Bar Admissions

- District of Columbia

### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, D.C. Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, District of Columbia