

Michael Bryan Kades

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Experience

Director, Markets and Competition Policy, Washington Center for Equitable Growth Jan. 2018 to present

- Develop, coordinate, and participate in research agenda and policy recommendations on competition policy.
- Promote competition policies based on evidence backed-ideas that promote strong, stable, and broad-based economic growth, bringing together policy makers and academics.

Counsel-Detailee to Minority Staff, Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer's Rights March 2015 to Sep. 2017

- Counsel responsible for antitrust issues, intellectual property issues, other judiciary issues such as Puerto Rico's financial crisis and various aspects of immigration law. Drafted Merger Enforcement Improvement Act, Consolidation Prevention Act, the Preserve Access to Affordable Generics Act, and the CREATES Act, and major antitrust speeches. Guided judicial nominee Wilhemenia Wright through the confirmation process. Drafted, reviewed, and negotiated legislative language on bills, including the Conrad 30 Reauthorization Act, Defend Trade Secrets Act, Juvenile Justice Delinquency Prevention Reauthorization Act, SMARTER Act.
- Responsible for working with majority staff in developing and preparing seven subcommittee hearings on antitrust topics. Staffed numerous other full committee and subcommittee hearings.
- Successfully pursued Senator Klobuchar's agenda both within and outside the Judiciary Committee by building strong working relationships with both Democratic and Republican staff as well as key stakeholders.

Deputy Chief Trial Counsel, Bureau of Competition, Federal Trade Commission (GS-15) January 2012 to Sep. 2017

- Architect of Commission's strategy in Supreme Court phase of *FTC v. Actavis*, including primary substantive representative in dealings with the Solicitor General's office.
- Involved in all aspects of the Commission's pharmaceutical antitrust enforcement agenda. Possess expert knowledge of all areas of antitrust law. Shaped legal strategy on issues ranging from state action immunity, quality issues in hospital mergers to integrating amended merger guidelines into litigation. Responsible for expert discovery over disgorgement in *FTC v. Cephalon*.
- Major litigation role in *FTC v. Graco*, *FTC v. Verisk*, and *FTC v. McWane*.

Attorney Advisor to Chairman Jon Leibowitz, Federal Trade Commission (GS-15) July 2006 to January 2012

- Directed agency's top competition priority to combat pay-for-delay pharmaceutical patent settlement through litigation, legislation, and policy work.
- Served as Chairman's representative on Interagency Task Force on coordination of agency regulations regarding Accountable Care Organizations, drafted and reviewed joint DOJ/FTC agency policy statement.
- Oversaw Commission Reports. Notable examples include the 2010 Pay-for-Delay Pharmaceutical Report, Reports on Authorized Generic Competition (2009 and 2011), and yearly summaries of Patent Settlements.
- Reviewed and edited Commission substantive adjudicative decisions in *In re Realcomp* and in *In re North Carolina State Board of Dentistry*. Advised Chairman and oversaw projects to amend Commission's administrative litigation rules and rules for pre-complaint investigations.
- Reviewed staff requests for Commission actions, met with respondents' counsel, and advised Chairman on potential litigation risk, including *FTC v. Whole Foods* (grocery store merger), *In re Realcomp* (horizontal agreement among real estate agents), *FTC v. Phoebe/Putney* (hospital merger), and *FTC v. Lundbeck*

Special Assistant United States Attorney, Eastern District of Virginia (Detail) March 2005 to September 2005

- Tried one felony jury trial and six bench trials. Worked on multiple immigration, drug, and fraud investigations; presented witnesses to the grand jury; secured indictments; issued subpoenas, and negotiated plea agreements. In court two to three times a week, arguing motions, taking pleas, and managing petty crime docket.

Attorney, Health Care Division, Federal Trade Commission (GS-15 since 2000)

July 1997 to July 2006

- Lead attorney on multiple complex antitrust pharmaceutical and health care investigations. Managed all aspects of investigation and litigation, including interviewing customers, competitors, and suppliers; drafting complaints, subpoenas, and interrogatories; conducting investigational hearings; and drafting and editing recommendation memos to the Commission.
- Successfully argued two antitrust cases before the full Commission, *In re Schering* and *In re South Carolina State Board of Dentistry*.
- Obtained \$6.5 million disgorgement settlement in *FTC v. Perrigo/Alpharma* (horizontal agreement).
- Second chair in antitrust investigation of and case against Mylan Pharmaceuticals, in which the Commission obtained \$100 million in consumer redress. Directed three attorneys in developing and implementing a plan to prepare third-party testimony and had primary responsibility for two economic experts. Argued discovery motion in Federal District Court.

Law Clerk to the Honorable John W. Reynolds, Eastern District of Wisconsin

June 1995 to June 1997

- Drafted over 100 substantive and procedural opinions. Issues included the constitutionality of an ordinance banning fortune telling, employment discrimination, bankruptcy appeals, and antitrust venue provisions.

Education

University of Wisconsin Law School, cum laude

June 1995

Yale University, magna cum laude with honors in History

June 1991

Articles and Speaking Engagements

- Speak to industry and legal groups on antitrust issues: Notable examples include ABA Antitrust Section Spring Meeting Mock Trial (2015); ABA Antitrust Section Spring Meeting on patent settlements (2011); ABA Healthcare Brown Bags on State Action Immunity (2012); American Conference Institute (Predatory innovation in pharmaceuticals, market definition, and patent settlements), Graduate level seminar (multiple times); 2010 American Health Lawyers Annual Conference (Antitrust in the Pharmaceutical Industry)
- "Healthcare Roundtable," *Global Competition Review* (July 2010)
- "Whistling Past the Graveyard: Problems with the *Per Se* Legality Treatment of Pay-for Delay Patent Settlements," 5 *Competition Policy International Journal* (November 2009)
- "An Unreasonable Nonprice Vertical Restraint: Lessons Learned from the FTC/Mylan Litigation," 15 *Antitrust Health Care Chronicle* 2 (Spring 2001)(with Richard Feinstein)

Awards

Chairman's Award (2012) - Agency's highest award for meritorious service.

Janet Steiger Team Award (2012) - Awarded for work on stopping anticompetitive patent settlements, (2010) - Revision to Commission's administrative litigation rules, (2005) - Schering litigation, (2001) - Mylan litigation.

Paul Rand Dixon Award (2001) - For excellence in promoting the agency's competition enforcement agenda in the pharmaceutical industry.