

## Michael K. Vaska

Principal

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Mike has more than 30 years of experience representing clients in complex business disputes, including counseling on all aspects of antitrust and competition law issues.

Mike represents clients in a variety of industries including health care, building products, technology, sports and government.

### Education

J.D., University of Chicago, 1985

- *University of Chicago Law Review*

A.B., Stanford University (with honors and distinction), 1982

- *The Stanford Daily*, Managing Editor

### Honors & Recognition

Daniel J. Evans Environment Award, Mainstream Republicans of Washington

Municipal League of King County, civic award for significant contribution on a regional issue (Sound Transit)

State Recreational Soccer Coach of the Year Finalist, Washington Youth Soccer Association

### Professional Activities

Mike has served as chair of various committees through the Greater Seattle Chamber of Commerce (including a coalition of

### Services

Litigation

Antitrust & Consumer Protection

Health Care

Health Care Litigation

### Admissions

Washington, 1985

U.S. District Court, Eastern District of Washington, 2011

U.S. District Court, Western District of Washington, 1986

U.S. Court of Appeals for the 3rd Circuit, 2000

U.S. Court of Appeals for the 9th Circuit, 1993

U.S. Supreme Court, 2001

environmental, labor, business and civic groups) seeking to reshape and then support establishment of a regional transit authority (Sound Transit). He was honored for these efforts with a civic award for significant contribution on a regional issue from the Municipal League of King County.

He has been a treasurer and/or active speaker in a variety of statewide initiative campaigns addressing funding for roads, transit and other projects.

Mike was a Republican member of the King County Redistricting Committee, a candidate for State Attorney General, and was recommended by a committee chaired by the late Norm Maleng to be U.S. Attorney.

He has served as the chair of Mainstream Republicans of Washington.

He previously served as the board vice chair of Crosscut Public Media, and for a dozen years coached his sons' youth soccer teams in the Issaquah Soccer Club.

## News

Olympic Eagle Distributing Case Listed in *Daily Journal's* "Top Verdicts"  
*Foster Garvey Newsroom*, 2.21.20

Olympic Eagle Distributing Wins Appeal in Landmark Case for Fairness in Arbitrations  
*Foster Garvey Newsroom*, 11.7.19

Mike Vaska and Rylan Weythman Featured as "Legal Lions" in *Law360* Column  
*Law360*, 10.30.19

## Legal Alerts

New DOJ Policies Encourage Antitrust Compliance Programs  
7.16.19

## Publications

MLS Cup brings home the joy of my dad's 'immigrant's game'  
*The Seattle Times*, 11.8.19

Finding common ground in protecting the great outdoors  
*The Seattle Times*, 5.8.19

Just like my immigrant dad, Dreamers energize America  
*The Seattle Times*, 12.10.17

Gov. Dan Evans: How a real leader squashed hate and extremists  
*The Seattle Times*, 8.17.17

The Case for a Revenue-Neutral Carbon Tax in Washington State  
*Seattle Business Magazine*, August 2016

Balanced development is threatened by I-933  
*Puget Sound Business Journal*, 8.11.06

Thanks, Legislature, for spurring action on regional transportation  
*The Seattle Times*, 4.4.06

If light rail starts south, it can't abandon the north  
*The Seattle Times*, 9.27.01

Why We Support Formation Of The Rta  
*The Seattle Times*, 6.21.93

Conscious Parallelism and Price Fixing: Defining the Boundary  
*University of Chicago Law Review*, Spring 1985

Soviet Foreign Policy and Western Europe 1949-1952: Contextual Security and Diplomatic Flexibility  
*Stanford University*, May 1982

## Experience

### Representative Work: Antitrust and Complex Litigation Experience

World's largest door and window manufacturer on national and international competition issues, including:

- advice on structuring transactions to minimize antitrust risk in highly concentrated industries;
- acquisition of Europe's largest door company;
- challenge to vertical merger of two leading competitors;
- criminal grand jury investigation by the Antitrust Division of price fixing in residential door industry;
- civil class action lawsuits alleging price fixing in residential door industry (In re Residential Door Antitrust Litigation);
- leniency pleas to European Commission and French Competition Council for cartel activity by foreign subsidiary resulting in first grant of antitrust leniency under French law;
- civil price fixing litigation against US glass cartel resulting in significant settlement for client after motions in limine (Flat Glass I); and
- second civil price fixing litigation against global glass cartel resulting in settlement for client after favorable ruling on umbrella damages claims and use of foreign cartel evidence at trial (Flat Glass II)

A leading Seattle-based investor and related entities on mergers, acquisitions, joint ventures and other issues, including: several dozen acquisitions (from small startups to billion dollar cable companies); structure acquisitions to avoid or minimize antitrust challenges.

Professional sports franchises Seattle Seahawks and Portland Trailblazers on antitrust issues.

Merger and acquisition counseling, government investigations, and preparation and filing of premerger notification forms.

A leading warehouse club retailer in its successful efforts to end Washington State's monopoly on the sale of liquor, including issues related to drafting and qualifying for ballot two statewide initiatives, and successfully defending Initiative 1183 against lawsuits challenging its constitutionality.

Investigation by Federal Trade Commission of proposed merger of world's two leading abrasive waterjet manufacturers resulting in a consent decree allowing transaction to proceed.

A Korean-based flat panel display manufacturer in price fixing claims brought by Washington State Attorney General's Office.

Investigation by Washington State Attorney General's Office into allegations of price fixing by Seattle convention hotels, resulting in a consent decree settlement.

Investigation by U.S. Justice Department's Antitrust Division and Washington State Attorney General's Office into multibillion dollar merger of two Japanese fishing companies resulting in consent decree benefiting local fishing companies.

Special Counsel to Antitrust Division of the US Department of Justice and State Attorneys General to establish Technical Committee required by the Federal Court to oversee the Microsoft Consent Decree.

The American Board of Thoracic Surgery in defending a claim by an osteopathic doctor alleging a conspiracy that included the University of Washington Medical School and other entities.

Led team representing estate of inventor of the blended winglet for 737 and other aircraft in patent licensing dispute.

#### **Representative Work: Health Care Experience**

Investigation by Federal Trade Commission of proposed combination of hospital systems based in Tacoma and Bremerton, resulting in decision by FTC not to challenge transaction.

A leading Yakima cardiac hospital in litigation with its cross-town rival over angioplasty services, including summary judgment dismissal of certificate of need litigation and of federal court claim challenging constitutionality of state regulations under dormant commerce clause.

A national for profit hospital system on antitrust and other issues related to separation of a joined medical staff.

A Seattle-area medical center in certificate of need application for construction of new hospital tower, the largest capital project in the history of the hospital system. Successfully defended

the Department of Health's decision against appeal from a coalition of union groups.

A leading West Coast hospital system in a challenge brought by SEIU to financing before Hospital Facilities Authority.