

Brian Smith

PARTNER

Antitrust and
Competition

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FOCUS AREAS

Antitrust Civil Enforcement
Antitrust Litigation
Antitrust Merger Clearance
Antitrust and Competition
Commercial Litigation
Government Investigations
Litigation

HIGHLIGHTS

- **Extensive Litigation, Investigative, and Enforcement Experience**
Brian specializes in defense-side antitrust litigation, particularly in complex civil class actions and multidistrict litigation. He also has extensive experience representing clients in government antitrust investigations and enforcement actions brought by the DOJ's Antitrust Division, state attorneys general, and the FTC.
- **Recognized Antitrust Litigator**
Brian is ranked by Chambers and Partners for Antitrust litigation in Illinois (2025). He is included on the Illinois Rising Stars list for Antitrust Litigation (2021-2024) and is listed in *Best Lawyers: Ones to Watch[®] in America* for Antitrust Law (2024).
- **Commitment to Antitrust Community**
Brian serves as vice chair of the ABA Antitrust Section's Trial Practice Committee (having previously served as vice chair of the Section's Civil Practice & Procedure Committee), in addition to being a member of the Federal Bar Association. He is a frequent author and speaker on numerous topics related to antitrust.

EXPERIENCE

Brian J. Smith is a partner at Wilson Sonsini Goodrich & Rosati, where he is a member of the regulatory and compliance department and focuses on defense-side antitrust litigation, including complex class actions and high-stakes opt-out litigation.

Brian has extensive experience defending clients in complex commercial litigation—including in civil antitrust class actions and multidistrict litigation—in both federal and state courts. He also regularly represents clients in government antitrust investigations and enforcement actions brought by the Antitrust Division of the Department of Justice, state attorneys general, and the Federal Trade Commission.

His representations involve a wide range of competition issues, including price-fixing, bid-rigging, market/customer allocation, no-poach/no-hire agreements, monopolization, attempted monopolization, market manipulation, unfair competition, and other restraints of trade.

Brian has conducted numerous domestic and global internal investigations for major corporations across a variety of industries. He regularly defends corporations and individuals that are subjects of federal and state grand jury subpoenas, cross-border investigations, and enforcement proceedings. In addition, Brian counsels clients on antitrust compliance to help mitigate antitrust risks, including advising both U.S. and multinational corporations on the establishment and maintenance of antitrust

compliance and audit programs. He regularly provides antitrust compliance training for corporate executives and employees.

Brian also advises clients on the antitrust aspects of mergers, acquisitions, and joint ventures. He guides clients through U.S. merger clearance and advises on antitrust issues related to both horizontal and vertical mergers, gun-jumping, and pre-merger due diligence and integration planning.

Brian has an active pro bono practice that has included representing minors in guardian ad litem proceedings and petitioners before the Illinois Torture Inquiry and Relief Commission; drafting legal white papers on foreign evidentiary laws to aid a nonprofit's lobbying against human trafficking; representing a foreign national in an immigration appeal before the Eighth Circuit Court of Appeals; serving as amicus curiae in a criminal appeal before the Third Circuit Court of Appeals; and serving as court-appointed plaintiff's counsel for prisoner § 1983 cases in the Southern District of Illinois.

Prior to joining Wilson Sonsini, Brian was a partner at another global law firm in its Antitrust, Competition, and Trade Regulation and Investigations, Enforcement, and White Collar groups. While attending law school, he served as a judicial extern for the Honorable Ann C. Williams of the United States Attorney's Office in the Northern District of Illinois. Before he became a lawyer, Brian taught English literature and composition at a secondary school in New England.

Brian is a frequent author and speaker on numerous topics related to antitrust, including government investigations, civil litigation, and compliance issues.

CREDENTIALS

Education

- J.D., Northwestern Pritzker School of Law, 2015
Cum Laude; *Articles Editor*, *Executive Board*, Northwestern University Law Review; Supreme Court Clinic; Lawyers for the Creative Arts; Senior Research Honors; Recipient, Raoul Berger Prize (awarded for best senior research paper of graduating class), Public Service Award, and CALI Awards for Legal Writing and Patents
- M.A., Dartmouth College, 2009
Summa Cum Laude
- B.A., Illinois State University, 2006
Summa Cum Laude
- B.A., Illinois State University, 2004
Summa Cum Laude

Associations and Memberships

- Vice Chair, Trial Practice Committee, Antitrust Section, American Bar Association
- Member, Federal Bar Association
- Member, Maine State Bar Association
- Member, Hemingway Society

Honors

- Recognized for Illinois Antitrust in the 2025 edition of *Chambers USA*
- Listed in *Best Lawyers: Ones to Watch® in America* for Antitrust Law in Chicago, 2024-2025
- Selected to *Illinois Rising Stars* list for Antitrust Litigation, 2021-2024

Admissions

- State Bar of Illinois
- State Bar of Maine
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Eastern District of Michigan
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Seventh Circuit

MATTERS

Antitrust Civil Class Action & Litigation Defense

- Defending multi-family apartment owner/operator in cutting-edge litigation brought by putative class of renters regarding algorithmic pricing software, and in related state actions brought by

various state attorneys general. *In re RealPage, Inc. Rental Software Antitrust Litigation* (M.D. Tenn. / D.N.J. / Md. Cir. Ct.)

- Defending Mayne Pharma, a global generic pharmaceutical manufacturer, in nationwide multidistrict antitrust class action brought by various purchasers alleging an industry-wide cartel involving price-fixing and customer allocation agreements and conspiracies, and in related direct action litigation and actions brought by various state attorneys general. *In re Generic Pharmaceuticals Pricing Antitrust Litigation* (E.D. Pa.)
- Defending multiple yacht brokers in nationwide antitrust class action alleging anticompetitive setting of broker commissions. The court granted defendants' motion to dismiss, finding that plaintiffs had failed to alleged anticompetitive conduct. *Ya Mon Expeditions, LLC, et al. v. International Yacht Broker's Association, Inc., et al.* (S.D. Fla.)
- Defending former CEO of a healthcare company in nationwide antitrust class action alleging anticompetitive "no-poach" agreements in healthcare industry. *In re Outpatient Medical Center Employee Antitrust Litigation* (N.D. Ill.)
- Defending national Fortune 500 insurance company in state court in California in putative antitrust class actions alleging anticompetitive violations of California's Cartwright Act and Unfair Competition Law. (Cal. Sup. Ct.)
- Represented software firm and its wholly-owned subsidiary in various nationwide antitrust class actions alleging violations of federal and state antitrust laws through the use of "pricing-algorithms" for hotel room reservations. (N.D. Cal. / N.D. Ill.)
- Represented U.S. wireless carrier in federal antitrust class action alleging anticompetitive conduct post-merger. (N.D. Ill.)
- Represented foreign global trading company, and its U.S. affiliate in state and federal antitrust actions brought by California Attorney General and various purchasers of gasoline in California alleging anticompetitive market manipulation in trading in California gasoline spot markets. (N.D. Cal. / Cal. Sup. Ct.)
- Represented a U.S. railway component manufacturer in nationwide antitrust class action brought by employees alleging anticompetitive "no-poach"/"no-hire" agreements in railway employee labor markets brought by employees alleging anticompetitive "no-poach" agreements in railway employee labor markets. (W.D. Pa.)
- Represented multinational pharmaceutical company in nationwide multidistrict antitrust class action brought by various purchasers alleging an industry-wide cartel involving price-fixing and customer allocation agreements and conspiracies, and in related direct action litigation and actions brought by various state attorneys general. (E.D. Pa.)
- Represented a Japanese electronic components manufacturer, and its U.S. subsidiary in nationwide multidistrict antitrust class actions brought by various purchasers alleging a global price-fixing cartel. These actions followed a criminal antitrust investigation conducted by the Department of Justice Antitrust Division. (N.D. Cal.)
- Represented a Japanese auto-parts manufacturer and its U.S. subsidiary in nationwide antitrust class action brought by various purchasers alleging a global price-fixing cartel. (E.D. Mich.)
- Represented a large university medical provider in response to a third-party subpoena seeking production of data and documents in antitrust civil action alleging anticompetitive scheme to suppress competition from biosimilar pharmaceuticals. (E.D. Pa.)
- Represented U.S. wireless carrier in response to a third-party subpoena seek production of data and documents in an antitrust civil class action alleging monopolization and anticompetitive conduct in relation to the sale of mobile devices. (S.D.N.Y.)

Antitrust Cartel Investigations & Criminal Actions

- Representing a poultry processor and distributor in response to a grand jury subpoena and criminal indictment brought by the Department of Justice Antitrust Division concerning alleged cartel conduct in the poultry product market. The Division ultimately agreed to fully dismiss the indictment.
- Represented an individual in response to a grand jury subpoena from the Department of Justice, Antitrust Division, concerning anticompetitive "no-poach" agreements in the health care industry.
- Represented a Japanese electronic capacitor manufacturer, in a criminal antitrust investigation and criminal action brought by the Department of Justice Antitrust Division. The representation included coordination with investigations conducted in numerous other countries.
- Represented a global generic pharmaceutical manufacturer in response to grand jury and investigatory subpoenas from the Department of Justice and state attorneys general concerning the price-fixing and customer allocation of generic drugs.

Antitrust Counseling & Merger Representation

- Advised various companies across various industries in establishing antitrust compliance and auditing programs.

- Advised indoor air quality companies in relation to potential anticompetitive conduct by industry standard setting organizations.
- Advised health providers in various antitrust regulatory matters and private disputes.
- Represented U.S. wireless carrier in pre-merger antitrust compliance.
- Represented a large healthcare system in connection with cross-market merger.

INSIGHTS

Select Publications

- Co-author, “Ninth Circuit Clarifies (Somewhat) the Antitrust Risk of Pricing Algorithms,” Wilson Sonsini Alert, August 18, 2025
- Co-author, “*Labcorp v. Davis* Challenge Regarding Uninjured Class Members Dismissed as Improvidently Granted,” Wilson Sonsini Alert, June 11, 2025

Select Speaking Engagements

- Speaker, "Global State of Play: Antitrust and AI Series - Part 1: Algorithmic Pricing Litigation and Enforcement Update," Webinar, September 24, 2025