

COHENMILSTEIN

Sharon K. Robertson

PARTNER

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Practice Areas:

Antitrust

Admissions:

New Jersey

New York

Education:

Benjamin N. Cardozo School of Law, J.D., 2006

SUNY Binghamton, B.A., magna cum laude, 2003

Clerkships & Fellowships:

Alexander Fellow, the Hon. Shira A. Scheindlin, U.S. District Court for the Southern District of New York

Intern, United States Court of Appeals for the Second Circuit

Intern, Litigation Bureau, Office of the New York State Attorney General

Sharon Robertson is a Partner at Cohen Milstein and a member of the Antitrust practice group. She Co-Chairs the firm's Professional Development and Mentoring Committee and serves on the firm's Diversity Committee.

Ms. Robertson has been recognized by *Law360*, *Legal500* and Super Lawyers for her success in leading complex, multi-district antitrust litigation. In fact, *The Legal 500* recognized her as a “Next Generation Lawyer” (2017), an honor bestowed upon only 10 lawyers under 40 years old across the country, who are positioned to become leaders in their respective fields. Likewise, *Law360* recognized Ms. Robertson as being one of a few female litigators to secure leadership roles in high-profile MDLs, such as *In re Lidoderm Antitrust Litigation*, (March 16, 2017). In addition, SuperLawyers recognized Ms. Robertson as a “Rising Star” (2014-2016).

Ms. Robertson is spearheading the firm’s efforts in cutting-edge and industry-defining pay-for-delay pharmaceutical antitrust lawsuits, which allege that the defendant brand manufacturer entered into non-competition agreements with generic manufacturers in order to delay entry of lower-priced generic products. Ms. Robertson also heads up the firm’s generic price-fixing cases, which allege that certain generic drug manufacturers conspired to inflate the prices of generic drug products. These cases come on the heels of a government investigation led by the U.S. Department of Justice alleging similar conduct, which, while ongoing, has already resulted in indictments and guilty pleas.

In addition to leading complex MDLs, Ms. Robertson is an accomplished trial lawyer. She served as a trial team member in two of the largest antitrust cases tried to verdict, including *In re Urethanes Antitrust Litigation*, where the jury returned a \$400 million verdict, which was trebled by the Court, as required by antitrust law, to \$1.06 billion, resulting in the largest price-fixing verdict in U.S. history, as well as *In re Nexium Antitrust Litigation*, the first pharmaceutical antitrust case to go to trial following the Supreme Court’s landmark decision in *FTC v. Actavis*, 570 U.S. 756 (2013).

Ms. Robertson represents End-Payor Plaintiffs in the following notable pay-for-delay pharmaceutical antitrust cases in which the firm serves as Co-Lead Counsel:

- ***In re Lidoderm Antitrust Litigation (N.D. Cal.)***: Plaintiffs allege that Endo and Teikoku, manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. On March 20, 2018, Plaintiffs submitted an unopposed \$104.75 million settlement for Court approval – more than 40% of Plaintiffs best-case damages estimate. This case was ranked by *Law360* as “The Biggest Competition Cases Of 2017 So Far” (July 7, 2017).
- ***In re Lipitor Antitrust Litigation (D.N.J.)***: Plaintiffs allege that Pfizer, the manufacturer of the cholesterol drug Lipitor, the best-selling drug in pharmaceutical history, conspired with Ranbaxy, the generic manufacturer, to delay its introduction of a generic Lipitor product. On August 21, 2017, the Third Circuit handed a sweeping victory to Plaintiffs, reviving their antitrust claims. This case was ranked by *Law360* as “The Biggest Competition Cases Of 2017 So Far” (July 7, 2017).
- ***In re Loestrin Antitrust Litigation (D.R.I.)***: Plaintiffs allege that Warner Chilcott PLC and three others entered into an agreement to delay the introduction of a generic version of the contraceptive drug Loestrin. Following the First Circuit’s remand of the case for further proceedings, on August 21, 2017, the District Court, in an unsealed opinion, stated that Defendants must face multidistrict litigation. Discovery is currently ongoing.

In addition, Ms. Robertson serves as a member of the executive committee in similar pay-for-delay cases in which Cohen Milstein plays a significant role in coordinating discovery, including: *In re Niaspan Antitrust Litigation* (E.D. Pa.), *In re ACTOS Antitrust Litigation* (S.D.N.Y.) and *In re Solodyn Antitrust Litigation* (D. Mass.). Ms. Robertson also represents direct purchaser plaintiffs in *In re Intuniv Antitrust Litigation* (D. Mass.) and *In re Ranbaxy Fraud Antitrust Litigation* (D. Mass.).

Other significant, current cases in which Ms. Robertson has a leadership role:

- ***In re Blood Reagents Antitrust Litigation (E.D.Pa.)***: Plaintiffs allege that the two leading producers of blood reagents, Ortho–Clinical Diagnostics, Inc. and Immucor, Inc., conspired to raise prices on traditional

blood reagents (TBRs). In September 2012, Immucor reached a settlement with Plaintiffs. On July 19, 2017 the Court denied in part Ortho's Motion for Summary Judgement. This case is set for trial in June of 2018. Ms. Robertson is one of three Trial Counsel for the Direct Purchaser Class.

Ms. Robertson has successfully litigated the following notable matters:

- ***Urethanes (Polyether Polyols) Antitrust Litigation***: Cohen Milstein was Co-Lead Counsel in an antitrust class action alleging a nationwide conspiracy to fix the prices of polyether polyols. Ms. Robertson played a leading role in helping obtain settlements with several defendants for \$139 million and was a member of the trial team that obtained a \$400 million jury verdict (trebled to more than \$1 billion), which was affirmed on appeal by the 10th Circuit. The case against Dow ultimately settled for \$835 million while Dow's petition for certiorari was pending before the Supreme Court, bringing the total recovery to \$974 million – nearly 250% of the damages found by the jury.
- **Albany and Detroit Nurses Litigation**: Cohen Milstein represented registered nurses employed by hospitals in Albany and Detroit in class actions alleging a wage-fixing conspiracy. Ms. Robertson obtained settlements with five Albany Defendants totaling over \$14 million. In the Detroit case, Ms. Robertson helped obtain \$98 million in settlements with eight Defendants.
- **Indonesian Villagers Litigation**: Ms. Robertson represented Indonesian villagers in a lawsuit against Exxon Mobil over torture and extrajudicial killings allegedly committed by the Defendant's security forces (a unit of the Indonesian military).

Ms. Robertson is an active member of the Executive Committee for the Antitrust Section of the New York State Bar Association.

While attending law school, Ms. Robertson was an intern in the Litigation Bureau of the Office of the New York State Attorney General and the United States Court of Appeals for the Second Circuit. Additionally, while in law school, Ms. Robertson was selected as an Alexander Fellow and spent a semester serving as a full-time Judicial Intern to the Hon. Shira A. Scheindlin, U.S. District Court for the Southern District of New York.

Ms. Robertson graduated from State University of New York at Binghamton, *magna cum laude* with a B.A. in Philosophy, Politics and Law. She earned her J.D. from the Benjamin N. Cardozo School of Law, where she served as Notes Editor of the *Cardozo Public Law, Policy and Ethics Journal*.

Prior to attending law school, Ms. Robertson worked on the campaign committee of Councilman John Liu, the first Asian American to be elected to New York City's City Council.

CURRENT CASES

- ACTOS
- In re Blood Reagents Antitrust Litigation
- In re Lidoderm Antitrust Litigation
- In re Lipitor Antitrust Litigation
- In re Loestrin 24 FE Antitrust Litigation
- In re Nexium Antitrust Litigation
- In re Solodyn Antitrust Litigation
- Interest Rate Swaps Antitrust Litigation

RECENT SUCCESSES

- Nurse Wages
 - Urethanes (Polyether Polyols)
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AWARDS & RECOGNITION

- Legal 500 Next Generation Lawyer
 - Seven Cohen Milstein Attorneys Recognized as 2016 New York Super Lawyers & Rising Stars
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PROFESSIONAL/COMMUNITY ACTIVITY

- Executive Committee, Antitrust Section of the New York State Bar Association
 - Co-Chair, Professional Development and Mentoring Committee, Cohen Milstein Sellers & Toll PLLC
 - Member, Diversity Committee, Cohen Milstein Sellers & Toll PLLC
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NEWS

- "Endo, Others Ink \$166M Lidoderm Pay-For-Delay Settlements," Law360
- "Endo Settles Rest of Lidoderm Antitrust Suit," Law360
- "Retailers, Policy Orgs. Back Gov't in AmEx High Court Fight," Law360
- "3rd Circ. Lipitor Ruling Smooths Way in Pay-For-Delay Suits," Law360
- "3rd Circ. Revives Lipitor, Effexor Antitrust Claims," Law360
- "Warner Chilcott Must Face Loestrin Pay-For-Delay MDL," Law360
- "A Billion-Dollar Payout for Chicago Teachers Pension Fund?" Crain's Chicago Business
- "Airlines, Food and Drug Stores Most Active in Antitrust Cases," Bloomberg BNA
- "Court Upholds Partial Claims in Swaps Antitrust Suit," Reuters
- "Engelmayer Gives Go-Ahead for Antitrust Swaps Suit," New York Law Journal
- "Banks Must Face Interest Rate Swap Class Action: U.S. Judge," The New York Times
- Federal Judge Rules Banks Must Face Antitrust Claims in Interest Rate Swaps Class Action
- "Judge Rules Banks Must Face Lawsuit Over Interest Rate Swap Rigging Accusations," The Street
- "The Biggest Competition Cases of 2017 so Far," Law360
- Cohen Milstein's Antitrust and Securities Litigation Practices Recognized by The Legal 500; Richard Koffman Named to the Legal 500 Hall of Fame
- "Lidoderm Buyers, End Payors Win Cert. in Pay-for-Delay MDL," Law360
- "Law360's Pay-For-Delay Cheat Sheet for 2017," Law360
- "Lidoderm Buyers, Payors Near Cert. in Pay-for-Delay MDL," Law360
- "Firms Nab Plum Roles in Interest Swap MDL," Law.com
- Cohen Milstein Appointed Co-Lead Counsel in Interest Rates Swap Antitrust Litigation
- "Quinn Emanuel, Cohen Milstein Tapped as Leads in Interest Rate Swaps Case," Reuters
- "Quinn, Cohen Named Interim Lead Counsel in Swaps Suit," Law360
- "Objection to \$835m Dow Price-Fixing Settlement Overruled," Law 360
- "Warner Chilcott Can't Nix Pay-For-Delay Row: Loestrin Buyers," Law360
- "Dow Will Pay \$835 Million in Polyurethane Price Fixing Case," Reuters
- "Dow Opts for \$835m Price-Fix Deal After High Court Shakeup," Law 360
- First Circuit Revives Loestrin Pay-For-Delay Lawsuit
- "1st Circ. Revives Loestrin Pay-For-Delay Suit," Law360
- "Loestrin Buyers Teed Up for Appeal in Pay-For-Delay Suit," Law360
- Tenth Circuit Affirms Billion-Dollar Judgment in In re Urethane Antitrust Litigation
- "Big Suits: In Re Urethane Antitrust Litigation," The American Lawyer
- Federal Judge Orders Dow to Pay More Than \$1.2 billion in Urethane Price-Fixing Case
- Jury Awards Plaintiffs \$400 Million in Urethanes Class Action Against Dow

EVENTS

- Cohen Milstein's Sharon K. Robertson Invited to Speak at the Practising Law Institute's 2018 Women Lawyers in Leadership Conference
 - Cohen Milstein's Sharon K. Robertson Invited to Speak at the American Antitrust Institute's 11th Annual Private Antitrust Enforcement Conference
 - Cohen Milstein's Sharon K. Robertson Speaks at the Practising Law Institute's Class Action Litigation 2017 Program
 - Cohen Milstein's Sharon K. Robertson Speaks at the HarrisMartin Pharmaceutical Antitrust Litigation Conference: Generic Drugs & Emerging Price-Fixing Cases
 - Sharon K. Robertson Speaks at the Practising Law Institute's 2016 Class Action Litigation Program
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