



# Donald M. Barnes

*partner*

Don's practice is concentrated in antitrust/trade regulation law, agricultural cooperative law, trade association representation, and complex antitrust and commercial litigation. He has defended numerous antitrust claims including major, multi-district litigation and class actions. Don has represented clients in the defense, entertainment, high technology, health care and agricultural sectors, including agricultural cooperatives, defense contractors, physician groups, trade associations and companies in the software, construction and soft drink industries. Don co-chairs the Antitrust Competition Law Practice Group.

Given the diversity of this client base, Don has developed subspecialties in criminal antitrust, health care antitrust, agricultural cooperative law, mergers and acquisitions, and administrative law. Don has served as general counsel for a major trade association in the entertainment industry. He has also represented trade associations in commercial and antitrust litigation and has assisted them in standard-setting activities, anti-counterfeit and anti-gray market enforcement programs, mergers and acquisitions, and trade show disputes.

Over the past four decades, Don has developed particular experience in agricultural cooperative law with special emphasis on the applicability and reach of the Capper-Volstead antitrust exemption. In addition to defending cooperative antitrust litigation, he routinely assists cooperatives in structuring innovative and antitrust-compliant business models to expand value-added marketing opportunities and increase member returns. In federal courts, Don has also challenged various rulemaking proceedings of the United States Department of Agriculture as arbitrary and capricious under the Administrative Procedure Act.

## REPRESENTATIVE MATTERS

- *In re: Processed Egg Products Antitrust Litigation*, Case No. 2:08-md-02002, U.S. District Court for the Eastern District of Pennsylvania. (Defense counsel in second successful six week jury trial in case brought by 12 supermarket chains; defense verdict Dec. 16, 2020).
- *In re: Processed Egg Products Antitrust Litigation*, Case No. 2:08-md-02002, U.S. District Court for the Eastern District of

## CONTACT

dbarnes@porterwright.com  
202.778.3056  
www.porterwright.com

2020 K Street, NW  
Suite 600  
Washington, DC 20006

## EDUCATION

George Washington University Law School, J.D., *cum laude*, 1970

The Pennsylvania State University, B.S., 1965

## SERVICES

### Antitrust & Consumer Protection

#### Business Competition Advice & Litigation

- Antitrust advice and litigation
- Competitive interference claims

#### Litigation

- Antitrust litigation
- Non-competition and trade secrets litigation

#### Mergers & Acquisitions

- Antitrust and regulatory filings

#### International Business & Trade

- Antitrust and competition law

Pennsylvania. (Defense counsel in six week antitrust class action jury trial resulting in defense verdict June 14, 2019).

- *In re: Automotive Parts Antitrust Litigation*, U.S. Dist. Ct., E.D. Mich., MDL 02311 (pending)
- *In re: Fresh and Process Potatoes Antitrust Litigation*, U.S. Dist. Ct., D. Idaho MDL No. 2186 (settled)
- *In re: Mushroom Direct Purchaser Antitrust Litigation*, U.S. Dist. Ct. E. D. Pa. MDL No. 06-md-0620 (pending)
- *In re: Mushroom Direct Purchaser Antitrust Litigation*, 621 F.Supp.2d 274, 2009-1 Trade Cases P 76,616, E.D.Pa., March 26, 2009 (NO. 06-0638, 06-0657, 06-0620, 06-0677, 06-0861, 06-0932, 06-1464, 06-1854)
- *Select Milk Producers, Inc. v. Johanns*, 400 F.3d 939, 365 U.S.App.D.C. 183, C.A.D.C., March 18, 2005 (NO. 04-5145)
- *Northland Cranberries, Inc. v. Ocean Spray Cranberries, Inc.*, 382 F.Supp.2d 221, 2005-2 Trade Cases P 75,062, D.Mass., June 10, 2004 (NO. CIV.A. 03-10734-JLT)
- *Northwest Independent Producers Ass'n v. Veneman*, 312 F.Supp.2d 23, D.D.C., April 6, 2004 (NO. CIV.A. 03-700 (RCL))
- *Milk Train, Inc. v. Veneman*, 310 F.3d 747, 354 U.S.App.D.C. 25, C.A.D.C., November 15, 2002 (NO. 01-5310)
- *Minn-Dak Farmers Co-op. v. Espy*, 851 F.Supp. 1423, D.N.D., April 21, 1994 (NO. CIV. A3-93-116)
- *Torrington Co. v. Yost*, 139 F.R.D. 91, D.S.C., Sept. 23, 1991 (NO. CIV. A. 8:91-1599-20)
- *Red Baron-Franklin Park, Inc. v. Taito Corp.*, 883 F.2d 275, 11 ITRD 1520, 58 USLW 2130, 1989 Copr.L.Dec. P 26,444, 1989 Copr.L.Dec. P 26,484, 11 U.S.P.Q.2d 1548, C.A.4 (Va.), July 18, 1989 (NO. 88-1368)
- *National Farmers' Organization, Inc. v. Associated Milk Producers, Inc.*, 850 F.2d 1286, 57 USLW 2055, 1988-2 Trade Cases P 68,128, C.A.8 (Mo.), July 5, 1988 (NO. 87-1046, 87-1047)
- *Oberweis Dairy, Inc. v. Associated Milk Producers, Inc.*, 576 F.Supp. 1559, 1984-1 Trade Cases P 65,858, N.D.Ill., Jan. 9, 1984 (NO. 72 C 1404)
- *Alexander v. National Farmers Organization*, 687 F.2d 1173, 1982-2 Trade Cases P 64,914, C.A.8 (Mo.), Aug. 31, 1982 (NO. 81-1236, 81-1237, 81-1235)
- *National Elec. Contractors Ass'n, Inc. v. National Constructors Ass'n*, 678 F.2d 492, 110 L.R.R.M. (BNA) 2385, 94 Lab.Cas. P 13,543, 1982-2 Trade Cases P 64,738, C.A.4 (Md.), May 17, 1982 (NO. 80-1808, 80-1809)
- *In re: Midwest Milk Monopolization Litigation*, 510 F.Supp. 381, W.D.Mo., Jan. 29, 1981 (NO. JPML 83, CIV. 19191-1)
- *Ware v. Associated Milk Producers, Inc.*, 614 F.2d 413, 1980-1 Trade Cases P 63,268, C.A.5 (Tex.), March 24, 1980 (NO. 78-2516)
- *Pure Milk Products Co-op. v. National Farmers Organization*, 90 Wis.2d 781, 280 N.W.2d 691, Wis., June 29, 1979 (NO. 76-013)

### Representative Grand Jury Investigations

- In re: Steering Systems Antitrust Grand Jury Investigation (E.D. MI)
- In re: Wire Harness Antitrust Grand Jury Investigation, (E.D. MI)
- In re: International Freight Forwarder's Antitrust Grand Jury Investigation (D.D.C.)
- In re: Soft Drink Bottlers Antitrust Grand Jury Investigation (E.D. Tenn.)

- In re: Electrical Contracting Price Fixing Antitrust Grand Jury Investigation (D. MD)
- In re: School Milk Bid Rigging Antitrust Grand Jury Investigation (N.D. Tex.)

## BAR ADMISSIONS

- District of Columbia
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Columbia
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Northern District of Illinois
- Supreme Court of the United States

## PRESENTATIONS

- “The Eggs Case: An Antitrust Win,” National Council of Farmer Cooperatives Legal, Tax & Accounting Conference, Feb. 12, 2020
- “Capper Volstead Compliance Challenges, What’s a Co-Op to Do?” National Council of Farmer Cooperatives Annual Meeting, Feb. 17, 2017
- “The Capper Volstead Antitrust Exemption for Cooperatives: A Barren or Fertile Row to Hoe?” Antitrust Section’s Agriculture and Food Committee, American Bar Association, May 14, 2015
- “Farmer Cooperatives and the Capper Volstead Act Under Attack,” World Food Law Symposium, December 2012
- “Antitrust and Capper Volstead Issues for Cooperatives, National Council of Farmer Cooperatives Annual Meeting, Feb. 10, 2011

## PROFESSIONAL ASSOCIATIONS

- National Council of Farmer Cooperatives, Antitrust Subcommittee, Chairman; Legal, Tax and Accounting Committee
- American Bar Association, Antitrust, Litigation, Criminal Justice Sections; White Collar Crime Subcommittee
- The Barristers
- The District of Columbia Bar

## HONORS | AWARDS

- *Washington, D.C. Super Lawyers*<sup>®</sup>
- Martindale-Hubbell<sup>®</sup>, AV Preeminent
- Client Choice<sup>™</sup> Award, Competition & Antitrust, 2018
- Order of the Coif
- George Washington University Law School, Trustee Scholarship
- Notes Editor, Vol. XXXVIII, *The George Washington Law Review*
- Federal Bureau of Investigation, Undercover Service Guest Lecturer, Certificate of Appreciation

## COMMUNITY

- Associated Catholic Charities of the Archdiocese of Washington, Board of Directors, past President
- Georgetown University School of Nursing and Health Sciences, Parents’ Council, Founding Member, past Co-Chair

- Academy of The Holy Cross, Advisory Board and past Chairman
- St. Elizabeth's Parish, past Chairman, Parish Council