



## Partner

**Philadelphia** | Cira Centre, 2929 Arch Street,  
Philadelphia, PA, United States of America 19104-2808

**T +1 215 994 2205 | F +1 215 994 2222**

**[steven.bizar@dechert.com](mailto:steven.bizar@dechert.com)**

### Services

Litigation > Antitrust/Competition > Class Actions >  
Securities Litigation/Enforcement > Health Care > Life Sciences >  
Cartel Investigations > Private Enforcement and Class Actions >  
Merger Litigation: U.S. >

Steven E. Bizar, Co-Chair of the Firm's global antitrust/competition practice, is a first chair trial lawyer well regarded for his success in the defense of antitrust class action and Sherman Act cases and his trial of complex commercial disputes in court and before arbitrators. He has three decades of experience spanning a diverse range of antitrust, contract and business tort, government investigation, insurance and reinsurance, and securities and corporate governance matters. Mr. Bizar regularly represents multinational and domestic companies, partnerships, and individuals, including officers and directors, on issues arising across a broad spectrum of industries, including chemicals, banking and financial services, construction materials, health insurance, healthcare, pharmaceuticals, wholesale distribution, gaming, agricultural products, technology, and telecommunications.

Mr. Bizar advises clients throughout the United States and around the globe on complex business disputes and litigates high-profile trial and appellate matters in federal and state courts and before arbitral tribunals. He has appeared in federal and state courts across the United States handling the trial and evidentiary hearing defense of multidistrict antitrust class actions, "bet-the-company" lawsuits, and contract and business tort disputes arising from clients' commercial activities. As lead trial counsel, Mr. Bizar recently obtained a defense verdict following a six week federal jury trial of an antitrust class action that exonerated his client of the charges it had participated in a conspiracy to reduce the domestic supply and raise the price of shell eggs. The class plaintiffs did not appeal the verdict as to Mr. Bizar's client. In another significant recent win, Mr. Bizar secured a comprehensive jury verdict in favor of his client, a leading vendor finance company, in a Pennsylvania state court

case arising from a former executive's misappropriation of trade secrets and violation of contractual obligations related to his separation. Mr. Bizar spent nearly fifty days on trial before federal and state court juries in 2018. Mr. Bizar has substantial appellate experience and has secured wins in the areas of class certification, antitrust, securities fraud pleading standards, full faith and credit/res judicata and forum non conveniens. He has handled international arbitrations through to award under the procedural rules of leading arbitral institutions, including the AAA-ICDR and ICC. Mr. Bizar also represents clients in connection with government antitrust and securities fraud investigations, including criminal investigations, and in enforcement and other proceedings before agencies and self-regulatory organizations.

Noted as "one of the go-to lawyers for antitrust defense," Mr. Bizar is consistently ranked for antitrust (Band 1) and general commercial litigation (Band 1) by *Chambers and Partners USA*, where he has been described as "an aggressive and fearless litigator" with a "great killer instinct" and "strong trial skills." Recently, Mr. Bizar was featured as one of the **National Law Journal's Winning Litigators**, one of a select group of lawyers who won big victories for clients in high-stake trials during the prior 18 months. *The Philadelphia Business Journal* also **named him among the Best of the Bar** in the Business Litigation category.

Mr. Bizar is a Fellow of the International Academy of Trial Lawyers and the American Bar Foundation, both invitation-only honorary organizations that use a rigorous vetting process to select legal professionals who have demonstrated outstanding skill and ability as well as a dedication to advancing justice within their own communities and promoting the rule of law. He is listed in *Benchmark Litigation's* Top 100 Trial Lawyers, *The Best Lawyers in America (2020 Lawyer of the Year - Antitrust Litigation)*, *Best Lawyers in Philadelphia* and *Global Competition Review's Who's Who* for antitrust law. He is listed regularly on the *Pennsylvania Super Lawyers* and the *Corporate Counsel Super Lawyers* lists. In 2015, the *National Law Journal* recognized Mr. Bizar as a "Mergers & Acquisitions and Antitrust Trailblazer." BTI Consulting has also named him a *Client Service All-Star* three times, in 2019, 2015, and 2008. "All-Stars" represent the epitome of client service and are named by legal decision makers at organizations with US\$1 billion or more in revenue. For independent and unbiased research, no law firm or organization other than BTI sponsors this study.

Mr. Bizar is a frequent author and commentator regarding antitrust litigation in the chemicals, healthcare, pharmaceuticals, commercial agriculture, and vitamin industries. He is the author of *Pennsylvania Motion Practice* (ALM Press), now in its Fourth Edition. He has been featured in *Bloomberg*, *Concurrences*, *Global Competition Review*, *Law360*, *Los Angeles Times*, *The Associated Press*, *Reuters*, *The Chicago Tribune*, *The Legal Intelligencer*, *The National Law Journal*, *The Philadelphia Business Journal*, and other prominent legal publications as well as on the regional television program *Law Journal TV*.

In the community, Mr. Bizar completed a two year term as President of the Philadelphia Bar Foundation, the charitable arm of the Philadelphia legal community whose mission is to ensure that the underprivileged have equal access to justice and publicly available services. He also completed a two year term as a member of the Board of Governors of the Philadelphia Bar Association. A former chair of the Philadelphia Bar Association's Federal Courts and State Civil Rules Committees, Mr. Bizar also serves as an investigative team leader for its Commission on the Selection and Retention of Judges, which evaluates candidates for the state bench. He is a Member of the Columbia Law School's Board of Visitors.

Prior to joining Dechert, Mr. Bizar served as an executive shareholder and litigation shareholder at another national law firm, where he focused on business disputes and class action defense, including at trial, of antitrust, securities fraud, and complex commercial cases.

## EXPERIENCE

### *Antitrust*

- Defending a **generic pharmaceuticals manufacturer** as lead counsel against claims by various groups of plaintiffs, including State AGs, that it engaged in a price-fixing conspiracy.
- Defending a leading domestic manufacturer of caustic soda as co-lead counsel in class action cases brought by direct and indirect purchasers claiming it participated in a price-fixing and supply reduction conspiracy from 2015 through the present.
- Defending a leading dialysis services provider as lead counsel against claims of monopolization, attempted monopolization, and various state law contract and tort claims.
- Defended **an egg producer** as lead trial counsel in a six week federal trial of the direct purchaser class action plaintiffs' US\$1.1 Billion damages claim (before trebling), resulting in a defense verdict and a jury finding that his client had not participated in a supply reduction/price fixing conspiracy.
- Defended **a leading gypsum wallboard manufacturer** as lead and liaison counsel in antitrust suits filed by direct, indirect and opt-out purchasers and claiming participation in a price-fixing conspiracy.
- Defended **a leading vision benefits company** in an antitrust class action accusing it of depressing the reimbursements paid to optometrists and other eyecare providers, resulting in the dismissal of the lawsuit.
- Defended **a leading milk processor** as lead trial counsel against claims of price-fixing by a large supermarket chain and a convenience store owner resulting in a favorable settlement.
- Resolved a claim against **a Swedish telecommunications firm** for no money or admission of liability in an antitrust case challenging its conduct in a standards setting organization.
- Argued the successful Rule 23(f) appeal resulting in the decertification of **a class of hydrogen peroxide purchasers** and the clarification of class certification standards in a landmark ruling from the U.S. Court of Appeals for the Third Circuit in a Sherman Act §1 case.
- Defeated class certification after a three-day evidentiary hearing in a federal antitrust class action claiming price-fixing for plastics additives under Sherman Act § 1.
- Defended a **pharmacy benefits manager** against putative class action claims asserted under §1 of the Sherman Act based on alleged conspiracies with other pharmacy benefits managers and with their respective clients to depress the prices paid to independent retail pharmacies for filling prescriptions.
- Defeated a claim by a putative class of foreign purchasers of the chemical product MCAA brought under Sherman Act § 1 obtaining dismissal based on the FTAIA.
- Defended a **French multinational chemical manufacturing company** against direct and indirect purchaser and opt-out class action antitrust lawsuits filed in federal and state courts across the country challenging its activities with regard to four categories of products.
- Defended **a prominent discount retailer** against state law unfair competition claims.

- Defeated an antitrust claim brought under Sherman Act § 1 against **a hospital system** alleging involvement in conspiracy to depress salaries of registered nurses in the Albany, New York area.
- Defended **a multi-state Catholic hospital system**, on putative class action claims alleging price gouging in its affiliated hospital's pricing of health care services to the uninsured.
- Represented **a pharmaceutical wholesaler** in a US\$11 billion antitrust class action lawsuit and 100 opt-out lawsuits, including three summary judgment motions, an 11-week jury trial in federal court in Chicago, and three separate appeals to the Seventh Circuit Court of Appeals.
- Defended an antitrust "group boycott" lawsuit against a pharmaceutical distributor, resulting in a dismissal on a Rule 12 motion.
- Conducted numerous internal investigations of pricing and other activities.
- Counseled various clients on compliance and distribution issues under the Sherman and Robinson-Patman Acts.
- Developed and implemented antitrust compliance and training programs for clients in various industries, including chemicals, building materials and wholesale distribution.

### *Complex Commercial*

- Representing a leading health insurer in defense of a putative State Court class action charging that it discriminated against certain providers in setting up its provider network.
- Representing a leading petrochemical manufacturer in a contract dispute with its logistics supplier.
- Representing a leading gaming company in a dispute with a former business partner arising from casino development project.
- Represented a **leading vendor finance company** as plaintiff and counter-claim defendant in the successful jury trial of a Pennsylvania state court case arising from a former executive's misappropriation of trade secrets and violation of contractual obligations upon his separation from the company.
- Represented **a leading health care insurer** as plaintiff in a civil RICO and fraud lawsuit.
- Represented **a gaming company** in a Constitutional challenge to state gaming expansion legislation.
- Defended the **Secretary of State for the Commonwealth of Pennsylvania** through two successful summary judgment motions and a Pennsylvania Supreme Court argument and victory against a lawsuit challenging the process used to certify direct recording electronic voting systems for use in Pennsylvania.
- Represented **a French respondent** in defeating a US\$28 million claim in an AAA-ICDR arbitration in New York brought by a U.S. claimant for cancellation of a geographic product swap agreement.
- Represented **Cook Composites and Polymers** in a five-week federal jury trial stemming from a US\$405 million lawsuit, before trebling, filed by Viking Yacht Company and Post Marine, resulting in a complete trial victory upheld on appeal.
- Represented **a foreign manufacturer** as plaintiff against the U.S. Customs and Border Protection Service on a case in which the U.S. Court of International Trade found that the client's inkjet colorant products were being misclassified as dyes instead of inks under the Harmonized Tariff, resulting in lower duties.
- Defended **a logistics services company** in a federal securities fraud class action lawsuit which resulted in a dismissal, later affirmed on appeal.
- Defended **directors and officers of a Fortune 25 company** in shareholder derivative lawsuits.

- Defended a **corporate client** in a shareholder derivative case of first impression, which established that §304 of the Sarbanes-Oxley Act does not provide a private right of action for disgorgement against a corporate client's CEO and CFO.
- Represented **the Board of Directors of a major corporation** in derivative lawsuits and a Delaware Section 220 books and records proceedings based on the equity compensation awarded to the company's CEO.
- Vindicated a foreign reinsurer's contractual rights in multi-state insurance company insolvency proceedings and in reinsurance contract litigation.
- Tried an adversary proceeding in federal bankruptcy court challenging a client's decision not to close a multimillion-dollar asset purchase transaction.
- Defended a **hospital system** against class and collective action lawsuits under the FLSA and analogous state statutes.
- Obtained a mandatory TRO in Delaware Chancery Court requiring **one of the world's largest chemical manufacturers** to supply his client a key chemical monomer despite its force majeure declaration.
- Defended **French and American chemical manufacturers** in disputes in Texas state court and in arbitration with one of the world's largest chemical manufacturers over supply, swap, plant investment, and plant services agreements.
- Represented a **leading chemical manufacturing firm** as claimant and counter-respondent in an ICC arbitration with a Korean firm and its U.S. affiliate arising from alleged breaches of joint development and sale and purchase agreements.
- Defended a **multinational specialty chemical manufacturing company** in a multimillion-dollar dispute with two former distributors of its EPA-regulated product.
- Defended a **chemical manufacturing firm** against breach of contract and business tort claims based on a customer's dissatisfaction with its resin product.
- Defended a **leading industrial gas manufacturer** against a breach of contract claim in state court arising from an allocation following a *force majeure* declaration.
- Prosecuted claims in Pennsylvania state court for a temporary restraining order and preliminary injunction barring the misappropriation of trade secrets on behalf of a pharmaceutical manufacturer.
- Defended a **biotech manufacturing company** in an AAA arbitration against alleged breach of warranty and fraud claims stemming from its manufacture of active pharmaceutical ingredients.
- Defended a **pharmaceutical wholesaler** against a breach of contract/fraud lawsuit in federal court in New Jersey.

### *Reported Cases*

- *Banfield, et al. v. Cortes, Secretary of the Commonwealth*, 110 A.3d 155 (Pa. 2015) and 51 A.3d 300 (Comm. Ct. 2012).
- *Missouri River Historical Development, Inc. v. Penn National Gaming, Inc.*, 283 F.R.D. 501 (N.D. IA 2012).
- *Richelson v. Yost, et al.*, No. 10-1342, 2010 WL 3563108 (E.D. Pa. Sept. 9, 2010).
- *In re Plastics Additives Antitrust Litigation*, No. 03-CV-2038, 2010 WL 3431837 (E.D. Pa. Aug. 31, 2010).
- *Arkema Inc. v. The Dow Chemical Co., et al.*, Civ. No. 5479-VCP (Del. Ct. Chancery May 14, 2010).
- *Viking Yacht Company, et al., v. Composites One LLC, et al.*, No. 05-cv-538 (D.N.J.) and Nos. 09-3417 and 09-3558 (3rd Cir. July 1, 2010).
- *In re Hydrogen Peroxide Antitrust Litigation*, No. 07-1689, 552 F.3d 305 (3rd Cir. Dec. 30, 2008).

- *Avecia, Inc. v. United States*, 469 F. Supp. 2d 1269 (Ct. Int'l Trade 2006).
- *Colomar v. Mercy Hospital, Inc. and Catholic Health East, Inc.*, Case No. 05-22409-Civ. ( S.D. Fla Nov. 8, 2006) (Seitz).
- *Globis Capital Partners, L.P. v. Stonepath Group, Inc.*, No.06-2560, 2007 WL 1977236, ( 3d Cir. July 10, 2007).
- *Stonepath Group Sec. Litigation*, No. 04-CV-4515, 2006 WL 980767 (E.D. Pa. Apr. 3, 2006).
- *Stonepath Group Sec. Litigation*, 397 F.Supp.-2d 575, 2005 WL 2810791 (E.D. Pa. 2005).
- *Neer v. Pelino, et al.*, 389 F.Supp.2d 648 (E.D. Pa. Sept. 27, 2005).
- *Latino Quimica-Amtex S.A. v. Akzo Nobel Chemicals B.V., et al.*, 2005 WL 2207017, 2005 -2 Trade Cases (CCH) P. 74,974 (S.D.N.Y. 2005).
- *Amalgamated Bank v. Yost, et al.*, 2005 WL 226117 (E.D. Pa. Jan. 31, 2005).
- *GE Frankona Reinsurance Company, Ltd., et al. v. Legion Indemnity Company in Liquidation*, 373 Ill. App. 969, 870 N.E. 2d 829 (Ill. App. 1st Dist. 2007).
- *M. Diane Koken, Insurance Commissioner, Commonwealth of Pennsylvania v. Legion Insurance Company*, 865 A.2d 945, Pa.Cmwlt., December 09, 2004 (No. 183 M.D. 2002)
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- *Bennett, et al. v. Cardinal Health Marmac Distributors, Inc., et al.*, 2003 WL 21738604 ( E.D.N.Y. 2003).
- *Walnut Equipment Leasing Co., Inc.*, No. 97-19699DWS, 00-864, 2003 WL 22213746 ( Bankr. E.D. Pa. Sept. 12, 2003).
- *Walnut Equipment Leasing Co., Inc.*, No. 97-19699DWS, 00-864, 2003 WL 21262710 ( Bankr. E.D. Pa. May 28, 2003).
- *Walnut Equipment Leasing Co., Inc.*, 2002 WL 31994477 (Bankr. E.D. Pa., Dec 13, 2002) (No. 97-19699DWS, 00-0864).
- *Bracco Diagnostics, Inc. v. Bergen Brunswig Drug Co.*, 226 F. Supp. 2d 557 (D.N.J. 2002)
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- *Brand Name Prescription Drugs Antitrust Litigation*, 288 F.3d 1028 (7th Cir. 2002).
- *General Instrument Securities Litigation*, 209 F.Supp.2d 423, Fed. Sec. L. Rep. P 91,667 ( E.D. Pa. 2001).
- *Morse v. Dun & Bradstreet, Inc.*, 87 F.Supp.2d 901 (D. Minn. 2000).
- *Brand Name Prescription Drugs Antitrust Litigation*, 186 F.3d 781 (7th Cir. 1999).
- *Brand Name Prescription Drugs Antitrust Litigation*, 1999 W.L. 33889, 1999-1 Trade Cases P. 72, 446 (N.D. Ill. Jan. 19, 1999).
- *Abbott Laboratories v. Durrett*, 746 So. 2d 316, 1999-1 Trade Cases P 72,559 (Ala. 1999).
- *Brand Name Prescription Drugs Antitrust Litigation*, 177 F.R.D. 414 (N.D. Ill. 1997) (No. 94 C 897).
- *Sternberg v. Satco Casting Service, Inc.*, CIV. A. 95-7084, 1997 WL 230794, 42 U.S.P.Q .2d 1889 (E.D. Pa., Apr 30, 1997).
- *Sternberg v. Satco Casting Service, Inc.*, CIV. A. 95-7084, 1996 WL 745287 (E.D. Pa., Dec 20, 1996).
- *Brand Name Prescription Drugs Antitrust Litigation*, 878 F. Supp. 1078, 1995-1 Trade Cases P 71,020 (N.D. Ill. 1995).
- *Brand Name Prescription Drugs Antitrust Litigation*, 867 F. Supp. 1338, 1995-1 Trade Cases P 70,924 (N.D. Ill. 1994).
- *Liberty Sales Associates, Inc. v. Dow Corning Corp.*, 816 F. Supp. 1004 (D.N.J. 1993).
- *Blake v. Bank of New York*, No. 90 CIV. 4202 (JFK),1992 WL 183632 (S.D.N.Y., Jul 23, 1992).
- *Lony v. E.I. Du Pont de Nemours & Co.*, 935 F.2d 604 (3rd Cir. 1991).

*Includes matters handled at Dechert or prior to joining the firm.*

## EDUCATION

- Brandeis University, B.A., 1984, Summa Cum Laude and Phi Beta Kappa
- Brandeis University, M.A., 1987
- Columbia Law School, J.D., 1988, Harlan Fiske Stone Scholar

## ADMISSIONS

- New York, 1989
- Pennsylvania, 1993
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York
- United States District Court for the Northern District of New York
- United States District Court for the Western District of New York
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Middle District of Pennsylvania
- United States District Court for the Western District of Pennsylvania
- United States Court of International Trade
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Seventh Circuit

## MEMBERSHIPS

- Fellow, International Academy of Trial Lawyers
  - Fellow, American Bar Foundation
  - Senior Fellow, Litigation Counsel of America
  - The Lawyers Club of Philadelphia
  - Litigation and Antitrust Sections, American Bar Association
  - Former President and Board of Trustees Member, Philadelphia Bar Foundation
  - Former Member, Board of Governors, Philadelphia Bar Association
  - Board of Visitors, Columbia Law School
  - Harlan Fiske Stone Council, Columbia Law School
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## SPEAKING ENGAGEMENTS

- **George Mason Law Review's 22nd Annual Antitrust Symposium** — Arlington, VA (February 15, 2019)
- **28th Annual Golden State Antitrust, UCL and Privacy Law Institute & Antitrust Lawyer of the Year Event** — San Francisco, CA (November 8, 2018)
- **2018 Philadelphia Fall Labor and Employment Seminar** — Philadelphia, PA (October 24, 2018)
- **30th Annual General Counsel Conference** — New York Marriott Marquis, New York, NY (September 26-27, 2018)
- **Columbia Law School Private Sector Career Symposium** — Columbia Law School, Jerome Greene Hall (February 16, 2018)
- **Minimizing Anticompetitive Risk in Asset and Stock Transfers** - Wilmington, DE (June 1, 2017)
- **Recent Developments in Class Actions** — PBI Commercial Litigation Update, Philadelphia (May 11, 2016)
- **Best Practices in Pretrial Litigation in the Federal Courts** — PBI, Philadelphia, PA (March 10, 2016)
- **5 Strategies to Managing Global Litigation** — InsideCounsel 15th Annual Super Conference, Chicago, IL (May 11, 2015)
- **8th Annual Private Enforcement Conference and Awards Dinner** — American Antitrust Institute, Washington, D.C. (December 2, 2014)
- **Third Annual Best Practices in Pretrial Litigation in the Federal Courts** — Pennsylvania Bar Institute CLE, Philadelphia, PA (November 17, 2014)
- **Proving and Defending Section 1 Claims with Little Direct Evidence of Conspiracy** — American Antitrust Institute's 8th Annual Private Enforcement Conference, Washington, D.C. (November 2, 2014)