



Associate

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Services

Antitrust/Competition > Merger Litigation: U.S. > Merger Clearance > Litigation >
Complex Commercial Litigation > Automotive and Transportation >
Cartel Investigations > Private Enforcement and Class Actions >

Brian Rafkin is an associate in the antitrust and competition group. He represents clients in mergers and investigations before the Federal Trade Commission (FTC) and Department of Justice (DOJ) Antitrust Division in a range of industries including health care, airlines, semiconductors, technology, major household appliances, agricultural equipment, industrial equipment, building materials, and hazardous waste. Mr. Rafkin has significant experience defending litigated merger challenges, having represented General Electric in *Electrolux/GE Appliances*, Monsanto in *Deere/Monsanto*, and Phoebe Putney in *Phoebe Putney/Palmyra Park*. Mr. Rafkin also counsels clients on Hart-Scott-Rodino filings and foreign pre-merger filings, antitrust-related provisions in transactional agreements, and antitrust compliance issues, such as distribution and franchising, unilateral conduct and joint ventures.

Prior to joining Dechert, Mr. Rafkin served as an associate at another international law firm. He was also a trial attorney at the United States Department of Justice, Antitrust Division – Litigation II Section where he participated in all aspects of litigation and merger investigations.

EXPERIENCE

- **General Electric Company** in the DOJ investigation of and subsequent litigation and four-week trial seeking to enjoin the proposed US\$3.3 billion sale of GE Appliances to AB Electrolux.
- **Monsanto Company** and its subsidiary **Precision Planting LLC** in the DOJ litigation seeking to enjoin the proposed US\$190 million sale of Precision Planting to Deere & Company.
- **Phoebe Putney Health System, Inc.** and **Phoebe Putney Memorial Hospital** in the FTC litigation seeking to unwind its acquisition of Palmyra Park Hospital.
- Conducted an antitrust risk assessment and gap analysis for **an S&P 500 company**, to identify the company's risk areas and make actionable recommendations to mitigate the company's antitrust risk.
- **A leading manufacturer** of fiberglass insulation in its acquisition of a competitor.
- **A leading hazardous waste hauler** in its acquisition of a competitor.

Government Enforcement Experience

- Negotiated consent decrees in Amcor/Rio Tinto, a US\$2.1 billion flexible packaging acquisition requiring the divestiture of a manufacturing facility in North Carolina and General Electric/Converteam, a US\$3.2 billion oil refinery equipment acquisition requiring the divestiture of a plant in Minnesota.
- Participated in *U.S. v. Microsemi* litigation relating to a consummated acquisition in the national defense electronics industry, ultimately obtaining a full divestiture of the acquired company.
- Participated in a number of investigations resulting in consent decrees, including Republic Services/Allied Waste and GrafTech/Seadrift.

EDUCATION

- Duke University, B.A., 2005
- University of Florida Levin College of Law, J.D., 2008, *magna cum laude*, Order of the Coif

ADMISSIONS

- Florida
- District of Columbia
- United States District Court for the District of Columbia

MEMBERSHIPS

- Vice Chair, ABA Section of Antitrust Law's Transportation & Energy Industries Committee (2015-present)
 - Responsible for editing the transportation and energy sections of Antitrust Law Developments as well as developing committee programming
 - Former Co-Editor of the committee's newsletter *Transportation, Energy & Antitrust*
 - Served as a Young Lawyer Representative to the Joint Conduct Committee where he was Co-Editor of the committee's publication *The Cartel & Joint Conduct Review*
- Member, Young Alumni Development Council, Duke University
- Member, Young Lawyers Alliance, Legal Counsel for the Elderly, a pro bono organization that provides legal services to senior citizens

SPEAKING ENGAGEMENTS

- **Latest Trends in U.S. Merger Enforcement** — Presented by Dechert LLP and Driven, Inc., Washington, D.C. (July 14, 2016)