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Attorneys at Law

Dean M. Harvey

PARTNER

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A Fighter for Fair Competition

Dean M. Harvey represents workers, consumers, and small businesses in antitrust and intellectual property cases.

Dean is among the nation's leading advocates for workers asserting antitrust claims. He represented a nationwide class of over 64,000 high-tech workers against Google, Apple, Intel and other tech giants for conspiring to suppress the mobility and compensation of their technical employees. This landmark case resulted in the largest recovery (by far) of any class action asserting antitrust claims in the employment context: \$435 million. The Daily Journal described the case as the "most significant antitrust employment case in recent history," adding that it "has been widely recognized as a legal and public policy breakthrough." The case is the subject of a documentary: When Rules Don't Apply.

Dean also represented a class of over 5,000 academic doctors at Duke and UNC regarding an understanding between the schools not to compete for each other's faculty. That case resulted in a settlement of \$54.5 million (approximately \$10,000 per class member) and unprecedented injunctive relief, including an important enforcement role for the United States Department of Justice. Assistant Attorney General Delrahim remarked: "Permitting the United States to become part of this settlement agreement in this private antitrust case, and thereby to obtain all of the relief and protections it likely would have sought after a lengthy investigation, demonstrates the benefits that can be obtained efficiently for the American worker when public and private enforcement work in tandem."

Dean was Co-Lead Class counsel of a nationwide class of workers who alleged a conspiracy between the world's two leading rail equipment suppliers to suppress the pay of their employees. That case led to total settlements of \$48.95 million. He is also proposed Co-Lead Class Counsel in several cases against the nation's leading fast food franchisors, challenging agreements that prohibited franchisees and franchisors from competing for each other's workers.

Dean also represents consumers and small businesses in cases challenging price-fixing conspiracies, particularly regarding the exorbitant prices of prescription drugs. For example,

the Cipro litigation led to a landmark (and unanimous) decision by the California Supreme Court upholding the rights of consumers to challenge backroom deals between brand name drug makers and generic manufacturers to eliminate competition for life-saving medications. That case led to total settlements of \$399 million, nearly \$68 million more than estimated damages. The trial court described the outcome as “extraordinary,” adding that it was “not aware of any case” that “has taken roughly 17 years,” where, net of fees, end-payor “claimants will get basically 100 cents on the dollar[.]” Currently, Dean represents a municipal public employee union and other proposed class members challenging a wide-ranging alleged conspiracy among generic drug makers to inflate the prices of many generic drugs. The conspiracy has been described as most likely the largest cartel in the history of the United States.

Dean is also lead Interim Class Counsel for a proposed class of purchasers of bail bonds in California. This first-of-its-kind case alleges a conspiracy among sureties and bail agents to inflate bail bond prices.

Dean previously worked for the Antitrust Division of the United States Department of Justice, and was a Law Clerk to the Honorable James V. Selna of the United States District Court for the Central District of California.

In 2020, the Daily Journal named Dean one of the Top Antitrust Lawyers In California, and Lawdragon selected Dean in its list of 500 Leading Plaintiff Financial Lawyers in America. In 2019, the American Antitrust Institute chose Dean for its Outstanding Antitrust Litigation Achievement in Private Practice award, in recognition of his work representing workers in the Duke/UNC No-Poach case. In 2017, the American Bar Association recognized Dean as one of the top 40 young lawyers in the country, and the Daily Journal included Dean in its “Top 40 Under 40” list of the most esteemed California attorneys under the age of 40. In 2016, Dean received a California Lawyer Attorney of the Year (CLAY) award for the Cipro antitrust litigation. From 2013 to the present, Super Lawyers has named Dean a “Super Lawyer,” after naming him a “Rising Star” from 2010 through 2012. In 2013, The Recorder recognized Dean as a “Lawyer on the Fast Track,” one of 50 attorneys in California “whose early accomplishments indicate they will be tomorrow’s top lawyers and leaders.” In 2006, Dean received the first annual William E. Swope Antitrust Writing Award for his paper, “Anticompetitive Social Norms as Antitrust Violations,” published by the California Law Review.

Dean is a member of the American Antitrust Institute’s Advisory Board. He previously served as Co-Chair of the American Bar Association Section of Antitrust Law, Competition Torts Committee, and as a member of the Law360 Competition Editorial Advisory Board.

Areas of Practice

Antitrust & Intellectual Property, Consumer Protection, Employment Law

Education

University of California at Berkeley, School of Law (Berkeley Law), Berkeley, California
J.D. - 2006

Law Review: California Law Review, Articles Editor, 2005 - 2006

Law Journal: Berkeley Journal of International Law, Assistant Editor, 2004

University of Minnesota, Twin Cities, Minnesota

B.A. (Summa Cum Laude) - 2002

Bar Admissions

California, 2007
U.S. Court of Appeals 6th Circuit, 2019
U.S. Court of Appeals 4th Circuit, 2016
U.S. Court of Appeals 9th Circuit, 2008
U.S. District Court Central District of California, 2007
U.S. District Court Eastern District of California, 2008
U.S. District Court Northern District of California, 2007
U.S. District Court Southern District of California, 2008
U.S. District Court Eastern District of Wisconsin, 2013
U.S. Supreme Court, 2018

Professional Associations and Memberships

American Bar Association
American Antitrust Institute, Advisory Board
Bar Association of San Francisco
San Francisco Menorah Park (Board Member)
San Francisco Trial Lawyers Association
State Bar of California

Speaking Engagements

Panelist, "How Does Labor Law Intersect with Antitrust Law?" American Bar Association 14th Annual Labor and Employment Law Conference, November 2020
Speaker, "Current and Future Antitrust and Labor Issues," National Association of Attorneys General, April 2019
Panelist, "Competition Tort Claims Around the Globe," ABA Antitrust Section Spring Meeting, March 2019
Speaker, "Antitrust and Silicon Valley: New Themes and Direction in Competition Law and Policy," Santa Clara University School of Law, March 2019
Speaker, "Antitrust Analysis in Two-Sided Markets," California Lawyers Association, February 2019
Speaker, "Latest Developments in No-Poach Agreements," California Lawyers Association, 2019
Panelist, "Antitrust and Workers – Agreements, Mergers, and Monopsony," American Antitrust Institute Annual Conference, 2018
Speaker, "Anticompetitive Practices in the Labor Market," Unrigging the Market Program, Harvard Law School, 2018
Speaker, "Tech-Savvy and Talented: Competition in Employment Practices," American Bar Association, 2018
Speaker, "Antitrust for HR: No-Poach and Wage Fixing Agreements," Bar Association of San Francisco, 2018
Moderator, "Competition Torts in the Trenches," American Bar Association, 2016
Speaker, "Are Computers About to Eat Your Lunch (Or At Least Change the Way You Practice)?", Association of Business Trial Lawyers Panel, 2016
Moderator, "The Law and Economics of Employee Non-Compete Agreements," American Bar Association, 2016
Panelist, "The Future of Private Antitrust Enforcement," American Antitrust Institute's Young Lawyers Breakfast, 2015
Panelist, "Lessons from the Headlines: *In re: High-Tech Employee Antitrust Litigation*," The Recorder & Corporate Counsel's 13th Annual General Counsel Conference West Coast, 2015
Moderator, "From High-Tech Labor to Sandwich Artists: The Law and Economics of Employee Solicitation and Hiring," American Bar Association, 2015

Panelist, "Tech Sector 'No Poaching' Case Update- What Antitrust Counselors and HR Departments Need to Know," American Bar Association, 2015

Speaker, "Cases at the Intersection of Class Actions and Employee Protection Regulations," Law Seminars International, 2015

Speaker, Town Hall Meeting, American Bar Association Section of Antitrust Law Business Torts & Civil RICO Committee, 2014

Panelist, "If You Don't Steal My Employees, I Won't Steal Yours: The Antitrust Treatment of Non-Poaching and Non-Solicitation Agreements," American Bar Association, 2013

Panelist, "In the Wake of *AT&T Mobility v. Concepcion*: Perspectives on the Future of Class Litigation," American Bar Association, 2011

Published Works

Co-Author with Yaman Salahi, Comments of the Antitrust Law Section of the ABA in Connection with the FTC Workshop on "Non-Competes in the Workplace: Examining Antitrust and Consumer Protection Issues," April 2020

Co-Author, "Play Ball: Potential Private Rights of Action Emerging From the FIFA Corruption Scandal," 11 Business Torts & RICO News 1, Summer 2015

Contributing Author, "The Class Action Fairness Act: Law and Strategy," American Bar Association, 2013

Contributing Author, "Concurrent Antitrust Criminal and Civil Proceedings: Identifying Problems and Planning for Success," American Bar Association, 2013

Co-Editor, California Class Actions Practice and Procedures, 2010 - 2013

Articles Editor, Competition, The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, 2012

Contributing Author, ABA Annual Review of Antitrust Law Developments, 2011

New Guidance for Standard Setting Organizations: Broadcom Corp. v. Qualcomm Inc. and In the Matter of Rambus, Inc., 5 ABA Sherman Act Section 1 Newsl. 35, 2008

"Anticompetitive Social Norms as Antitrust Violations," 94 Calif. L. Rev. 769, 2006

Honors and Awards

"Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2017, 2020

"Super Lawyer for Northern California," Super Lawyers, 2013 - 2020

"California Trailblazer," The Recorder, 2020

"Lawdragon 500 Leading Plaintiff Financial Lawyers," 2019, 2020

"Top Antitrust Lawyers in California," Daily Journal, 2020

"On the Rise – Top 40 Young Lawyers," American Bar Association, 2017

"Top 40 Under 40," Daily Journal, 2017

"California Lawyer Attorney of the Year (CLAY) Award," California Lawyer, 2016

"Lawyers on the Fast Track," The Recorder, 2013

"Rising Star for Northern California," Super Lawyers, 2010 - 2012

"William E. Swope Antitrust Writing Prize," 2006