

Andrew Hatchett

Senior Associate

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Andrew Hatchett focuses his practice on complex commercial litigation with a special emphasis on antitrust matters, particularly in the pharmaceutical and life sciences industries. Andrew has represented clients in cases alleging horizontal and vertical conspiracies, unilateral monopolistic conduct, and a variety of other traditional and novel antitrust theories. Andrew also has an active appellate practice, having represented clients in appeals before the U.S. Supreme Court, the First, Third, Sixth, Ninth, and Eleventh Circuits, and various state appellate courts. Andrew is recognized by *The Best Lawyers of America*® “Ones to Watch” for Commercial Litigation.

Before joining Alston & Bird, Andrew served as a law clerk to the Hon. D. Brooks Smith of the U.S. Court of Appeals for the Third Circuit and the Hon. L. Scott Coogler of the U.S. District Court for the Northern District of Alabama.

While in law school, Andrew served as executive editor for the Alabama Law Review. He also competed in the school’s moot court program, winning multiple awards, including best brief and best overall oralist at the National Criminal Procedure Tournament. Andrew also received the Dean M. Leigh Harrison Award, the law school’s highest academic honor, and was inducted into both the Order of the Coif and the Order of the Barristers.

Representative Experience

Appellate

- Represented 77 former state attorneys general as amici curiae before the U.S. Supreme Court in a brief supporting former Virginia Governor Bob McDonnell’s appeal of his convictions for public corruption. The Court vacated McDonnell’s convictions and cited the attorneys general’s brief in its opinion.
- Represented a Fortune 50 insurance company in an appeal before the Third Circuit and related certified question before the Pennsylvania Supreme Court. The Pennsylvania Supreme Court resolved the certified question in our client’s favor, and the Third Circuit ruled for our client on the merits.
- Represented three major title insurance companies in appeal before the Eleventh Circuit. The Eleventh Circuit affirmed dismissal of RICO claims against our client.
- Represented the largest health carrier in the U.S. in an interlocutory appeal to the Louisiana Court of Appeal. The appellate court reversed the trial court and dismissed antitrust monopolization claims brought against our client.
- Represented a federal guaranty agency in an appeal before the Eleventh Circuit related to claims under Fair Debt Collection Practices Act. The Eleventh Circuit, in a split decision, resolved a question of statutory interpretation in favor of our client.
- Representing a prisoner as appointed counsel in Section 1983 before the Eleventh Circuit.

Antitrust and RICO

- Defended a major generic pharmaceutical company in an antitrust lawsuit in the District of Massachusetts alleging conspiracy to exclude generic competition through patent injunction. In a favorable settlement of the antitrust case, we obtained vacatur of an underlying patent judgment against our client.
- Counsel for a major generic pharmaceutical company in a consumer class action in the Middle District of Tennessee alleging antitrust violations based on nondisclosure of essential patents to the U.S. Pharmacopeial Convention. Defeated the initial motion for class certification after an evidentiary hearing.
- Defended a major pharmaceutical company in a Department of Justice investigation into alleged price fixing and market allocation in the generic pharmaceutical industry.
- Replacement counsel for a major pharmaceutical company in the prosecution of a federal antitrust action seeking damages based on sham litigation, fraud on the USPTO, and novel “product hopping” allegations in the District of Delaware.
- Defending a Fortune 100 conglomerate against antitrust and state-tort counterclaims filed in response to patent-infringement lawsuit in the Northern District of Texas.
- Defending a Fortune 50 health care company in an antitrust and RICO lawsuit in the Southern District of Texas alleging conspiracy to fix prices for various insulin products.
- Persuaded a Georgia federal court to dismiss RICO class action claims against three major title insurance providers.
- Persuaded the California Superior Court to dismiss a predatory-pricing antitrust lawsuit against a mobile diagnostic health care provider.
- Represented a major automobile insurance company in more than 30 antitrust and RICO cases that were consolidated in an MDL in the Middle District of Florida.
- Represented a Fortune 50 technology company in a trade secrets and antitrust lawsuit in Louisiana state court.
- Represented the world’s largest floor covering manufacturer in multidistrict antitrust litigation related to alleged price-fixing of polyurethane foam products.

Other Commercial Litigation

- Representing a Fortune 50 health care company in ERISA litigation related to EpiPen prices.
- Represented the plaintiff in a post-closing commercial dispute related to the acquisition of two manufacturing facilities in Southern California.
- Persuaded a Minnesota state court to deny an emergency motion for TRO and dismiss a lawsuit against a client payment systems company.
- Representing a Fortune 50 insurance company in class action lawsuit in the Delaware superior court related to unpaid statutory interest. The court granted motion to strike class allegations.
- Persuaded Delaware Superior Court to dismiss a class action lawsuit filed against third-party administrator.
- Counsel to a national bank and international payment card provider in a lawsuit in Panama.
- Defended a natural gas provider in a lawsuit alleging breach of contract, False Claims Act, and consumer protection act claims related to natural gas hedge prices.

Publications & Presentations

Publications

- “Recent Court Decisions Pave the Way for Medicare Advantage Plans to Recover Statutory Double Damages from Primary Insurers,” *Payers, Plans, & Managed Care*, American Health Lawyers Association, Vol. 17, No. 2, November 1, 2014.
- “SOX It to ’Em: Using Sarbanes-Oxley as a Model for Regulating Conflicts of Interest in the Credit Rating Industry,” *Alabama Law Review*, Vol. 63, No. 2, 2012.

Professional & Community Engagement

- American Bar Association, Section of Antitrust Law, Pricing Conduct Committee, Young Lawyer Representative
- ABA Antitrust Health Care Chronicle, executive editor

Education

- The University of Alabama (J.D., 2012)
- Baylor University (B.B.A., 2008)

Admitted to Practice

- Georgia
- Texas

Related Services

Antitrust | Appellate | Commercial | Class Action & Multidistrict Litigation