



Andrew Hatchett

Partner

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Related Services

Antitrust ■ Appellate ■ Commercial ■ Class Action & Multidistrict Litigation

Andrew Hatchett represents clients in a wide range of complex commercial litigation with an emphasis on antitrust cases in the pharmaceutical and life sciences sectors. 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, Second, Third, Sixth, Eighth, Ninth, and Eleventh Circuits, and various state Supreme courts. Andrew is recognized by *The Best Lawyers in America*® “Ones to Watch” for Commercial Litigation and Litigation – Antitrust.

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.

Andrew is active in the leadership of the American Bar Association’s (ABA) Section of Antitrust Law. He currently serves as vice chair of the Health Care and Pharmaceuticals Committee.

In law school, Andrew 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

Antitrust

- Representing a major generic pharmaceutical company in multiple reverse payment putative class action lawsuits alleging violations state and federal antitrust laws and state consumer protection statutes.
- Representing a major generic pharmaceutical company asserting antitrust and breach of contract claims against the branded manufacturer for steps taken to block generic entry.
- Defending a Fortune 50 health care company against individual and putative class action lawsuits and government investigations in more than 20 different jurisdictions alleging conspiracy to inflate prices for various insulin products.
- Defending a Fortune 50 health care company in antitrust and RICO lawsuit in District of Minnesota related to pricing for EpiPen.
- Represented a Fortune 50 health care company against conspiracy and monopolization claims brought by New York anesthesiologists related to the reimbursement of emergency anesthesia services. Won the motion to dismiss all claims.

- Representing joint venture formed by competitors in the used car auction industry against multiple antitrust claims, including group boycott and monopolization theories.
- Represented major generic pharmaceutical company against antitrust claims arising out of allegations of sham litigation and Walker Process fraud.
- 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.
- Defended 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.
- Retained as 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. Obtained a favorable settlement just before trial.
- Defended a Fortune 100 conglomerate against antitrust and state-tort counterclaims filed in response to patent-infringement lawsuit in the Northern District of Texas.
- 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.

Appellate

- Argued an en banc appeal before the Delaware Supreme Court on behalf of a Fortune 100 global insurance company. Persuaded the Delaware Supreme Court to unanimously reverse the lower court’s summary judgment order entered against our client and to dismiss all claims for lack of standing.
- 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, and presented the argument on behalf of, 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.
- Represented, and presented the oral argument on behalf of, a prisoner in Section 1983 civil action before the Eleventh Circuit.

Other Commercial Litigation

- Represented a Fortune 50 health care company in ERISA litigation related to EpiPen prices, defeating class certification, and successfully defending the decision on appeal.
- Defended, and won, a motion to dismiss on behalf of a major automobile insurer in a lawsuit in the Southern District of Illinois seeking increasing premium refunds in response to the COVID-19 pandemic.
- Representing a Fortune 50 auto- insurance company against unfair competition claims asserted in multiple class action lawsuits in California and Nevada based on a failure to refund premiums in response to COVID-19 pandemic.
- 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.
- Represented 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 and the plaintiff subsequently dismissed the claims.
- 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.

Presentations

- “Pharma ‘Nuts and Bolts’ for New Associates,” American Bar Association, webinar, October 19, 2023.
- “Recent Antitrust Developments in Health Care & Pharma Q1 2022,” American Bar Association, webinar, May 13, 2022.

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