

## Andrew J. Tuck

Partner

+1 404 881 7134

andy.tuck@alston.com

**Atlanta** | One Atlantic Center, 1201 West Peachtree Street, Suite 4900 | Atlanta, GA 30309-3424

**New York** | 90 Park Avenue, 15th Floor | New York, NY 10016-1387

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Andy Tuck is a patent-barred commercial litigator focusing on international arbitration and federal litigation, primarily in the areas of insurance and antitrust. His deep knowledge of actuarial analysis allows him to assist insurers with their most difficult issues in and out of litigation, and his electrical engineering background allows him to represent clients entangled in litigation involving cutting-edge technology, primarily in the telecommunications industry. Andy also has extensive experience handling high-value appeals in state and federal courts. Andy is recognized by *The Best Lawyers in America*<sup>®</sup> for Commercial Litigation.

Before working at Alston & Bird, Andy served as a law clerk for the Hon. B. Avant Edenfield of the U.S. District Court for the Southern District of Georgia and the Hon. Joel F. Dubina of the U.S. Court of Appeals for the Eleventh Circuit.

### **Representative Experience**

#### **Insurance Litigation**

- Co-lead counsel in arbitration relating to a multibillion-dollar reinsurance trust funding dispute.
- Representing an insurer in briefing and oral argument at the Georgia Supreme Court in a precedent-setting case relating to bad-faith “Holt demand” liability. *First Acceptance Insurance Company of Georgia Inc. v. Robert W. Hughes, Jr.*, No. S18C0517 (Ga.).
- Representing a life insurer against class claims relating to cost-of-insurance rates. *Frederick D. Taylor v. Midland National Life Insurance Co.*, No. 4:16-cv-00140 (S.D. Iowa).
- Representing a life insurer against class claims relating to cost-of-insurance rates. *Advance Trust & Life Escrow Services LTA v. North American Company for Life and Health Insurance*, No. 4:18-cv-00368 (S.D. Iowa).
- Representing a life insurer against class claims relating to a cost-of-insurance rate adjustment. *Brighton Trustees, LLC, et al. v. Genworth Life and Annuity Insurance Co.*, No. 3:20-cv-00240 (E.D. Va.).

#### **Antitrust Litigation and International Arbitration**

- Counseling and representing cellular technology owners in global litigation and/or arbitration against potential licensees, typically involving allegations as to breach of antitrust laws or FRAND obligations with over a decade of experience.
- Representing the owner of standard essential patents against antitrust claims relating to FRAND licensing. *Continental Automotive Systems Inc. v. Avanci LLC, et al.*, No. 5:19-cv-02520 (N.D. Cal.); No. 3:19-cv-02933 (N.D. Tex.); No. 20-11032 (5th Cir.); No. 2021-0066-NAC (Del. Ch.).
- Representing a contractor against antitrust allegations by a previous contractor. *John River Cartage Inc. v. Louisiana Generating LLC, NRG Energy Inc., and Headwaters Resources Inc.*, No. 44406 Div. C (La. Jud. Dist.); *John River Cartage, Inc. v. La. Generating, LLC*, 300 So. 3d 437 (La. App. 2020).

- Representing an airport caterer asserting antitrust claims against a competitor and airport. *Carolina Catering Corp., d/b/a Sky Caterers v. Aerostar Airport Holdings, et al.*, No. 3:19-cv-01130 (D.P.R.).
- Representing an opt-out plaintiff in price-fixing litigation relating to optical disk drives. *In re Optical Disk Drive Products Antitrust Litigation*, No. 3:10-md-02143 (N.D. Cal.).
- Representing an opt-out plaintiff in price-fixing litigation relating to LCD screens. *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 3:07-md-01827 (N.D. Cal.).
- Representing a defendant against myriad antitrust claims. *Camsoft Data Systems Inc. v. Southern Electronics Supply Inc.*, No. 2019 CA 0739 (La. Ct. App.), No. 12-31013 (5th Cir.).
- Representing a carpet manufacturer against antitrust allegations by a jilted dealer. *Watson Carpet & Floor Covering Inc. v. Mohawk Industries Inc.*, No. 3:09-cv-00487 (M.D. Tenn.).
- Assisting in defending an airline against price-fixing allegations. *In re Delta/AirTran Baggage Fee Antitrust Litigation*, No. 1:09-md-02089 (N.D. Ga.), No. 16-16401 (11th Cir.).
- Assisting Alston & Bird's Intellectual Property Group with antitrust issues arising in patent litigation in federal court and the ITC.
- Advising clients on antitrust issues arising from current and potential client business practices, including in the health care space and past consent decrees.

## **Appeals**

- Litigated appeals in state and federal courts, including Georgia's appellate courts; the Fifth, Sixth, Ninth, Eleventh, and Federal Circuits; and the U.S. Supreme Court.
- Representing a contractor against antitrust allegations by a previous contractor. *John River Cartage, Inc. v. La. Generating, LLC*, 300 So. 3d 437 (La. App. 2020).
- Representing an insurer in briefing and oral argument at the Georgia Supreme Court in a precedent-setting case relating to bad-faith "Holt demand" liability. *First Acceptance Insurance Company of Georgia Inc. v. Robert W. Hughes, Jr.*, No. S18C0517 (Ga.).
- Appointed by the Eleventh Circuit Court of Appeals to regularly handle appeals for indigent clients, with three oral arguments securing reversal, as well as mentoring associates handling oral arguments.

## **Publications & Presentations**

### **Publications**

- "Eleventh Circuit Allows Article III Standing for Disclosure of Sensitive Information Relating to Debt," *Pratt's Journal of Bankruptcy Law*, Vol. 17, No. 6, September 2021.
- "The New NAFTA: Scaled-Back Arbitration in the USMCA," *Journal of International Arbitration*, Vol. 36, No. 6, 2019.
- "Antitrust Issues Involving Intellectual Property," lead editor, in *Annual Review of Antitrust Law Developments*, American Bar Association, 2017 and 2018.
- "International Arbitration: The Role of the Federal Courts and Strong Support from the Eleventh Circuit," *The Federal Lawyer*, August 2017.
- "Division of Labor: The Modernization of the Supreme Court of Georgia and Concomitant Workload-Reduction Measures in the Court of Appeals," *Georgia State University Law Review*, Vol. 30, No. 4, Summer 2014.

- “Halliburton Case Could Affect Consumer Class Actions,” *Law360*, March 5, 2014.
- “Constitutional Standing, Numerosity, and the Beer Drinker’s Burden,” *Product Liability Law & Strategy*, Vol. 32, Nos. 2 & 3, September 2013.
- “Strategic Considerations for Appellees in the Federal Courts of Appeals,” *The Federal Lawyer*, March 2013.
- *Georgia Appellate Practice Handbook*, 7th ed., 2012.

## **Presentations**

- “The Evolution of COI Litigation: Changing Theories and Impactful Developments in Recent Years,” ALIC Annual Meeting, Palm Beach, FL, May 22-24, 2022.
- “Views from the Bench: Mergers,” ABA Antitrust Law Section Spring Meeting, chair and moderator, Washington, D.C., Washington, D.C., April 5-8, 2022.
- “IP and Arbitration,” 10th Annual Conference of the Atlanta International Arbitration Society, September 12-14, 2021.
- “The Year in Review, a Guide Through Essentials,” 2nd Annual GAR Live Atlanta, Atlanta, GA, September 9, 2019.
- “Pros and Cons of Arbitration in the Intellectual Property Context,” GIPA-WIPO’s Fundamentals and Trends in IP and Tech Mediation and Arbitration, Atlanta, GA, March 19, 2019.
- “Antitrust Issues Involving Standard-Development Organizations,” LeadersHIP 2018: IP, Antitrust, and Innovation Policy – Enabling the Fourth Industrial Revolution, Washington, D.C., April 10, 2018.
- “The Year in Review – Cases, Institutional Developments, Politics,” moderator, Global Arbitration Review Live, Atlanta, GA, March 6, 2018.
- “Introduction to International Commercial Arbitration, Part II,” When ICC Met Atlanta, Atlanta, GA, March 5, 2018.

## **Professional & Community Engagement**

- Atlanta International Arbitration Society (AtIAS), Executive Committee, past president
- Bobby Dodd Institute, board of directors, chair (2022–2024)
- American Bar Association, Section of Antitrust Law, Intellectual Property Committee, co-chair
- Federal Bar Association, Atlanta Chapter, Executive Committee, past president
- Atlanta Legal Aid Society, board of directors
- International Chamber of Commerce, Young Arbitrators Forum, North American regional representative (2016–2018)
- Harvard Business School, Executive Education Program in Governing for Nonprofit Excellence

## **Education**

- University of Georgia (J.D., 2006)
- Vanderbilt University (B.E., 2000)

## **Admitted to Practice**

- Georgia
- New York

- U.S. Patent and Trademark Office

## *Related Services*

Litigation | Commercial | International Arbitration & Dispute Resolution | Antitrust | Appellate | Class Action & Multidistrict Litigation | Technology & Telecommunications Litigation | Insurance Litigation & Regulation | High Exposure Claims, Coverage & Bad Faith Defense