

## **Dionne Lomax**

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### *Curriculum Vitae*

Visionary legal professional with 20+ years of experience representing high-profile clients in complex commercial transactions and disputes with federal and/or state antitrust officials. Accomplished author and sought-after speaker with proven success organizing detailed and complex information and presenting to a varied audience. Positioned to leverage that skill in developing and expanding courses in antitrust and trade regulation and health care antitrust while integrating best practices and analysis of current legal trends.

### **EDUCATION**

#### **Juris Doctorate (1995)**

*University of Pennsylvania Law School, Philadelphia, PA*

#### **Bachelor of Business Administration, Finance (1992), *summa cum laude***

*Howard University, Washington, D.C.*

#### **Licenses**

*Bar Admission: New Jersey, District of Columbia*

#### **Awards and Honors**

Outstanding Healthcare Antitrust Lawyers, *Nightingale's Healthcare News* (2006)

America's Leading Business Lawyers, *Antitrust, Chambers USA* (2006)

Legal 500 US, *M&A Antitrust* (2012-2013)

Washington D.C. *Super Lawyers* (2013-2018)

Leading Practitioner, *Expert Guides – Competition and Antitrust* (2016-2018)

*City Year Idealist of the Year* (2016)

#### **Professional Affiliations**

Board of Directors, *Greater Washington Urban League, Inc.* (2008-2014)

Vice President, Board of Directors, *Dress for Success D.C.* (2012-2014)

Board of Trustees, *District of Columbia Legal Aid Society* (2007-2017)

Co-Chair, *Health Law Forum, The Women's Bar Association of the District of Columbia* (2014-2015)

Vice-Chair, *American Health Lawyers Association, Antitrust Practice Group* (2016 to Present)

Board of Directors, *Network for Victim Recovery of DC* (2018-2019)

*American Bar Association, Antitrust Section and Healthcare Committee*

### **PROFESSIONAL EXPERIENCE**

#### **Affiliated Monitors, Inc., Boston MA**

**March 2, 2020-Present**

#### ***Managing Director, Antitrust and Trade Regulation***

Serving as an independent monitor to identify and correct systemic problems and/or to test company compliance systems and ethical cultures. Utilizing antitrust expertise and experience developed over the years to help companies facing challenges that may put them at risk for antitrust fines, treble damages, consumer protection penalties or reputational harm.

## **Dionne Lomax**

**Boston University School of Law**  
**Co-Faculty, Competition in Health Care Seminar**

**January 2020- April 2020**

Served as co-faculty with Professor Kathryn Zeiler in a health care competition seminar during the Spring 2020 semester. This seminar examined the role that competition and regulation play in the health care industry in the United States.

**Boston University, Boston, MA**  
**Questrom School of Business**  
**Markets, Public Policy & Law Department**  
**Lecturer**

**August 1, 2019-Present**

Developing curriculum and delivering lectures for LA245: Introduction to Business Law. I am responsible for the entire range of teaching duties, including syllabus development, research and writing assignments, developing exams, documenting and evaluating class participation, and assessing each student's overall course performance.

LA245 E1: Fall 2019 - Instructor Average 4.76 out of 5.0, Course Average: 4.52 out of 5.0

LA245 I1: Fall 2019 - Instructor Average 5.0 out of 5.0, Course Average: 4.91 out of 5.0

LA245 C1: Spring 2020 – Instructor Average 4.73 out of 5.0, Course Average: 4.67 out of 5.0

LA245 H1: Spring 2020 – Instructor Average 4.81 out of 5.0, Course Average: 4.59 out of 5.0

**Loyola University Chicago School of Law, Chicago, IL**  
**Adjunct Professor**

**January 2019-May 2019**

Taught online classes in Antitrust Law that involve examining the value of competitive markets and the role antitrust law plays in addressing problems posed by mergers and acquisitions, joint ventures, monopolies, and other competitive collaborations in health care and other industries, with a special emphasis on providing students real-world experience as they analyze antitrust issues routinely faced by antitrust practitioners.

**Mintz Levin Cohn Ferris Glovsky and Popeo PC, Washington, D.C.**  
**Partner**

**July 2014-July 2019**

Represent health systems, medical associations, multi-specialty physician groups, pharmaceutical companies and medical device manufacturers in merger and non-merger activities before the U.S. Department of Justice Antitrust Division (DOJ), Federal Trade Commission Bureau of Competition (FTC), and various State Attorneys General.

### *Selected Contributions:*

- Provided antitrust advice to a leading global pharmaceutical manufacturer regarding a joint venture with another pharmaceutical company.
- Provided antitrust advice to one of the country's largest operators of medical groups and physician networks regarding a joint venture with a large regional health system.
- Advised an international pharmaceutical client on the antitrust implications of certain patent litigation settlements.
- Advised a regional health system on the acquisition of various long-term care, rehabilitation, and outpatient facilities.
- Successfully defended an international luggage shipping company against antitrust claims in the U.S. District Court for the Eastern District of Texas.

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**Vinson & Elkins LLP, Washington, D.C.**

**Partner**

**Associate**

**Jan. 2006-June 2014**

**Nov. 2000-Dec. 2005**

Represented clients concerning mergers, acquisitions, joint ventures, and other commercial arrangements before the DOJ, FTC and various State Attorneys General. Advised clients on information exchange, pre-merger coordination, price fixing, exclusive dealing, bid rigging, joint purchasing, and other antitrust issues.

### *Selected Contributions:*

- Represented an administrator of Medicaid dental programs before the FTC in its successful \$95 million transaction with a national commercial dental insurer.
- Represented a national health system before the Pennsylvania State Attorney General resulting in the successful \$100 million acquisition of hospital assets in southeastern Pennsylvania.
- Represented one of the largest multi-specialty physician groups in Northern Virginia regarding the structure and operation of various joint ventures.
- Represented a national pharmaceutical distributor before the FTC in its successful \$13 billion acquisition of pharmaceutical distribution assets.
- Represented a major master limited partnership (MLP) in the oil and gas industry before the FTC in connection with its successful \$1.3 billion sale of midstream assets to a large midstream MLP.
- Represented an energy company in an FTC investigation of its \$1.1 billion acquisition of a financial interest in another energy company.
- Represented a global producer of titanium dioxide pigments before the FTC in connection with its acquisition of another titanium dioxide producer in a multi-jurisdictional transaction valued at approximately \$1 billion. Worked closely with EU antitrust counsel to coordinate antitrust defense and clearance strategy.
- Represented a software company in the multi-jurisdictional merger review of its \$219 million transaction with another software and equipment supplier.
- Represented a private equity company before the FTC in connection with its investment in taking one of the largest oil and gas midstream companies in the U.S. private. Developed firewalls and other compliance measures to comply with the consent decree negotiated with the FTC to resolve competitive concerns.

**U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION, Washington, D.C.      Oct. 1996 to Oct. 2000**  
***Trial Attorney, Health Care Section (Attorney General Honor's Program)***

Investigated and prosecuted mergers and acquisitions and other commercial arrangements primarily in the health care industry. Conducted witness interviews, prepared witness declarations, took and defended depositions, participated in settlement negotiations, and reviewed and analyzed white papers. Played a significant role in several litigated matters, including: *United States v. Dentsply International Inc.*, *United States v. Microsoft*, and *United States v. Long Island Jewish Medical Center and North Shore Health System*.

### *Selected Contributions:*

- *United States v. Dentsply International Inc.*: Played a major role in the development of case strategy. Key member of discovery team, took and/or defended over two dozen depositions (of product managers, sales representatives, dental labs and tooth dealers), drafted interrogatories and issued subpoenas to third parties.
- *United States v. Microsoft*: Interviewed various original equipment manufacturers and corporate end users in preparation for trial, worked closely with a testifying expert to develop a demonstrative exhibit to support trial testimony, defended the deposition of a third-party

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software company.

- *United States v. Long Island Jewish and North Shore Health System*: Drafted and issued Civil Investigative Demands to over two dozen hospitals and managed care plans and negotiated the receipt of materials, second-chaired depositions, and prepared direct and cross-examination outlines at trial.
- *United States v. Aetna, Inc. and The Prudential Insurance Company of America*: Conducted witness interviews, drafted Civil Investigative Demands, drafted complaint and the competitive impact statement, and played a major role in the preparation of the consent decree which resulted in significant asset divestitures.

### Additional Experience

#### **Judicial Law Clerk, Eastern District of Pennsylvania, Philadelphia, PA**

The Honorable Clifford Scott Green, U.S. District Judge

#### **Summer Associate, Newark, NJ**

Podvey, Sachs, Meanor, Catenacci, Hildner & Cocozziello

#### **Judicial Intern, Southern District of New York, New York, NY**

The Honorable Charles S. Haight, U.S. District Judge

### **PUBLICATIONS**

Author, Consolidation in Health Care, American Health Lawyers Association, *Health Law Watch* 2020 (06.2020).

Co-author, Price Transparency: Friend or Foe? How Price Transparency May Impact Competition in the Health Care Industry, *Competition Policy International, CPI Antitrust Chronicle* (04.2020).

Author, Health Care Antitrust Trends to Watch in 2020, AHLA Connections Magazine, *The American Health Lawyers Association Top 10 Health Law Issues 2020*, Vol. 24, Issue 1 (01.2020).

Editor, AHLA – Antitrust Advisor Vol. II, Issue I, *Antitrust Advisor* (02.20.2019).

Editor, AHLA – Antitrust Advisor Vol. I, Issue 2, *Antitrust Advisor* (09.24.18).

Co-author, Using “Old Cases,” District Court Applies Per Se Standard of Review to Blue Cross BlueShield’s Restrictive Practices in Antitrust MDL, *Antitrust Alert* (04.12.2018).

Editor, AHLA – Antitrust Advisor Vol. I, Issue I, *Antitrust Advisor* (03.15.2018).

Author, Private Employer Petition to Challenge Hospital Merger Highlights Options When Health Care Authorities Approve CON Applications, *AHLA – Antitrust Advisor, Vol. I, Issue I* (03.15.2018).

Author, Pharmaceutical Distribution Trade Association Sued for Unlawful Restraint of Trade and Monopolization, *AHLA - PG Bulletin* (10.31.2017).

Co-author, A Tie Too Far: Antitrust Class Action Alleging Physician Association Tied Board Certification to Association Membership Survives Motion to Dismiss, *Health Care Antitrust Alert* (06.19.2017).

Co-author, Seventh Circuit OKs Exclusive Network Agreements Between “Must-Have” Hospital and Health Insurers, *Health Care Antitrust Alert* (06.12.2017).

Co-author, Antitrust Suit Against Michigan Hospital Moves Forward as Both Sides Denied Summary Judgment, *Health Care Antitrust Alert* (06.05.2017).

Co-author, DOJ Anti-Steering Suit Against Carolinas Healthcare Survives Preliminary Motion, *Health Care Antitrust Alert* (04.03.2017).

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- Co-author, The FTC and State of Illinois Solidify Victory Blocking Chicago Hospital Merger, *Health Care Antitrust Alert* (03.24.2017).
- Co-author, DOJ and NC File Antitrust Suit Challenging Anti-Steering Restrictions in Payor Contracts, *Health Care Antitrust Alert* (06.10.2016).
- Co-author, Federal Court Relies on “Evolving Landscape of Health Care” Post-Affordable Care Act to Reject FTC Challenge to Hospital Merger, *Health Care Antitrust Advisory* (05.11.2016).
- Co-author, Provider Consolidation: Prescription for Surviving Antitrust Investigations, *The American Health Lawyers Association’s Top 10 Health Law Issues 2016* (02.2016).
- Author, A Return to Evanston: FTC Revisits Old Ground in Yet Another Hospital Merger Challenge, *The M&A Lawyer* (01.2016).
- Author, How FTC Answered the Call for Guidance on Active Supervision, *Law360* (10.22.2015).
- Author, FTC Answers the Call for Guidance Regarding Antitrust Compliance for State Regulatory Boards Controlled by Market Participants, *Antitrust Alert* (10.19.2015).
- Co-author, Mergers and Acquisitions: Understanding the Antitrust Issues, Fourth Edition, *American Bar Association* (10.2015).
- Co-author, Investment Fund Violates “Investment-Only” HSR Exemption, *Antitrust Alert* (08.26.2015).
- Co-author, DOJ Sues Four Michigan Hospitals for Secret Agreements Not to Compete, *Health Care Antitrust Alert* (06.29.2015).
- Co-author, CMS Releases Final Rule for the Medicare Shared Savings Program, *Mintz Levin Health Law and ML Strategies Alert* (06.09.2015).
- Co-author, For NY Medicaid, It’s Health Reform vs. Antitrust Law, *Law360* (05.21.2015).
- Co-author, FTC Says New York’s Medicaid Redesign Program May Promote Anticompetitive Behavior, *Health Care Antitrust Advisory* (05.04.2015).
- Author, Justices Spar Over Pre-Emption as High Court Allows State Law Antitrust Claims to Proceed Against Interstate Pipelines, *Antitrust Alert* (04.27.2015).
- Co-author, FTC Settles Radioactive Allegations Against Cardinal Health with a Near Record-Breaking Disgorgement Agreement, *Health Care Antitrust Alert* (04.21.2015).
- Co-author, DOJ’s Endorsement of IEEE Patent Policy Takes Center Stage at IP Antitrust Conference, *Antitrust Intellectual Property Alert* (04.16.2015).
- Author, Playing in Peoria: Hospital Exclusive Dealing Case Proceeds, *Law360* (04.06.2015).
- Co-author, Hospital Wins First Round Against Largest Rival in Antitrust Suit Alleging Illegal Exclusive Dealing Agreements with Insurers, *Health Care Antitrust Alert* (03.30.2015).
- Co-author, Ninth Circuit Affirms FTC’s Challenge to Hospital-Physician Group Merger, While Rejecting Efficiencies and Health Care Quality Arguments, *Health Care Antitrust Alert* (02.11.2015).
- Co-author, An Early Test of Antitrust Ramifications of FDA’s REMS, *Law360* (01.27.2015).
- Co-author, Medtronic Deal Highlights FTC Focus on Future Competition, *Law360* (01.22.2015).
- Co-author, District Court Permits Section 2 Claim to Proceed Against Pharmaceutical Manufacturer for Denying Generic Rival Access to Branded Drug Samples, *Antitrust Alert* (01.09.2015).
- Author, FTC Centennial: How Health Care Antitrust Has Evolved, *Law360* (12.15.2014).
- Co-author, Medtronic and Covidien’s Blockbuster Medical Products Merger Clears FTC Antitrust Review with Divestiture, *Antitrust Advisory* (12.05.2014).
- Co-author, Managing and Minimizing Antitrust Risks in Dealings with Competitors (Part Three), *Inside Counsel* (12.01.2014).

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Author, Halliburton, Baker Hughes Prepared for Antitrust Scrutiny, *Law360* (11.21.2014).

Co-author, Managing and Minimizing Antitrust Risks in Dealings with Competitors (Part Two), *Inside Counsel* (11.18.2014).

Author, Ohio District Court Deems Hospital Alliance a Single Entity Incapable of Conspiring Under the Antitrust Laws, *Antitrust Alert* (11.12.2014).

Co-author, Managing and Minimizing Antitrust Risks in Dealings with Competitors (Part One), *Inside Counsel* (10.28.2014).

Author, High Court Continues to Examine State Action Immunity, *Law360* (10.16.2014).

Author, Supreme Court Examines Boundaries of Antitrust Immunity in *North Carolina State Board of Dental Examiners v. FTC*, *Antitrust Alert* (10.15.2014).

Co-author, The Evolution of Efficiencies and Treatment of Quality of Care Defenses in Light of Changing Health Care Industry Dynamics, *CPI Antitrust Chronicle* (09.30.2014).

Co-author, Medtronic Ruling Creates Hurdles for Antitrust Defendants, *Law360* (08.14.2014).

Co-author, No Bones About It: Tenth Circuit Permits Narrowest Market Definition and Raises the Bar for an Entry Defense When Reinstating Monopolization Suit, *Antitrust Alert* (08.11.2014).

Co-author, What Companies Don't Know Can Hurt Them: An Introduction to the Basics of U.S. Antitrust and Competition Laws, *Corporate Counsel Section of the State Bar of Texas Newsletter* (2013).

Co-author, FTC Holds Workshop on FTC and DOJ Proposed Policy Statement of Antitrust Enforcement Policy on Accountable Care Organizations, *Antitrust News & Notes* (06.2011).

Co-author, DOJ Challenges Blue Cross Blue Shield's Use of Most Favored Nation Provisions, *Antitrust News & Notes* (01.2011).

Author, Failure to Establish Drugs in Same Product Market Dooms FTC's Antitrust Suit, *Antitrust News & Notes* (10.2010).

## CONFERENCES & PRESENTATIONS

Speaker, Antitrust Considerations in Negotiating and Preparing for a Merger or Joint Venture, Health Care Transactions Conference, American Health Lawyers Association, Nashville, TN (05.01.19).

Speaker, The ABCs of Antitrust in Healthcare: Introduction and Antitrust Overview, Part I, American Health Lawyers Association (02.06.2018).

Speaker, Challenging Transactions: Confronting Difficult Regulatory, Tax, Antitrust and Business Issues in Hospital to Hospital Transactions and Hospital-Physician Arrangements, American Health Lawyers Association Annual Meeting, Denver, CO (06.28.2016).

Speaker, With Expansion Comes Competition: The Antitrust Implications of an Evolving Telemedicine Market, American Telemedicine Association Annual Meeting, Minneapolis, MN (05.17.2016).

Speaker, Contracting Issues Facing Providers, 2016 Antitrust in Health Care Conference, ABA Health Law Section, ABA Section of Antitrust Law and American Health Lawyers Association, Arlington, VA (05.12.2016).

Panelist, How Professional Relationships Help Women Break Through, Physicians and Hospitals Law Institute, AHLA Women's Leadership Council Breakfast, Austin, Texas (02.09.2016).

Speaker, The Antitrust Treatment of Provider Mergers and Affiliations in a Post-ACA World, Physicians and Hospitals Law Institute, American Health Lawyers Association, Austin, TX (02.08.2016).

## **Dionne Lomax**

Moderator, Woodman's Food v. Clorox: Does Package Size Constitute a Promotional Service Under the Robinson-Patman Act?, American Bar Association (02.02.2016).

Moderator, Managed Care Mega Mergers, Part I: Antitrust Analysis, American Health Lawyers Association (10.30.2015).

Panelist, Antitrust and Other Regulatory Issues Raised by Laboratory Transactions, 33rd Annual Lab Institute, G2 Intelligence Conference, Washington, DC (10.15.2015).

Panelist, Antitrust and Provider Mergers and Affiliations: Competition vs. More Affordable Care?, American Health Lawyers Association Annual Meeting, Washington, DC (06.30.2015).

Panelist, Health Care Antitrust Trends In 2015: What Is the Government Really Up To?, Mintz Levin, Webinar (04.23.2015).

Faculty, Healthcare Antitrust Fundamentals CLE, American Bar Association (03.19.2015).

Panelist, Antitrust Perspectives on Evolving Provider and Payment Models, Examining Health Care Competition Workshop sponsored by the FTC and DOJ, Washington, DC (02.25.2015).

Speaker, United States v. Adobe, Inc.: DOJ's Rules of the Road For Competitors Collaborating on Employee Non-solicitation Agreements, ABA Section of Antitrust Law (12.10.2010).

Moderator, The Use of Price Effects Evidence in Consummated Merger Analysis, ABA Section of Antitrust Law's Mergers & Acquisitions and Healthcare & Pharmaceuticals Committees (02.26.2009).