



David C. Lundsgaard Partner

 206.777.7520
  Seattle Office
 david.lundsgaard@millernash.com
 @millernashllp

“I am proud to use my experience and knowledge to provide clients with litigation and counseling services tailored to match the goals of each individual client, case, and transaction. I work hard to give every client not only quality advocacy in court and in regulatory settings but also candid assessments of their case in advance so that the most appropriate legal strategies for their situation can be crafted.”

For more than twenty years, David Lundsgaard has represented clients in complex civil litigation, primarily in the areas of antitrust, securities, consumer protection, and commercial disputes. He has extensive experience defending and managing class-action suits involving antitrust and consumer issues.

A significant portion of David’s practice involves counseling with respect to antitrust and consumer protection laws, including dealing with state and federal antitrust and consumer protection regulators.

He has also counseled numerous clients as to antitrust issues arising out of mergers and acquisitions, including negotiating resolutions of regulatory antitrust issues with state and federal regulators.

Professional Activities

- Washington State Bar Association
 - Antitrust, Consumer Protection & Unfair Business Practices Section, Past Chair
- American Bar Association
 - Antitrust Section, Member
 - Litigation Section, Member

Civic Activities

- Garfield High School Band & Drumline Boosters, Cochair

Representative Experience

Class Action Defense

- Defended seafood processing company against class action claims alleging industry price-fixing in the purchase of raw seafood.

Education

J.D., Yale Law School, 1992

- Senior Editor, *Yale Law Journal*

B.A., University of Washington, *cum laude*, 1988

Bar Admissions

Washington, 1995

- Defended telecommunications company against class action claims alleging violation of telemarketing rules.
- Defended real estate company against class action claims of violation of telemarketing rules.
- Defended home builder against class action claims of violation of Washington Consumer Protection Act.
- Defended real estate services company and founder against class-action claims of violation of Washington Consumer Protection Act.
- Defended multiple telemarketing companies against class action and individual claims of violation of telemarketing rules, including do-not-call rules.

Litigation & Dispute Resolution

- Acted as Washington counsel in multidistrict proceedings alleging international price-fixing conspiracies in the computer industry.
- Defended internet company against securities fraud claims from early investors.
- Defended startup founders against securities fraud claims by early investors.
- Successfully prosecuted trademark claims and obtained injunction against reseller improperly using manufacturer's trademarks in internet marketing.
- Defended health insurer against federal and state government challenge to acquisition of competing insurer as unduly restricting local competition.
- Defended food processing company against attorney general claims that acquisition of part interest in competing company would unduly restrict competition.
- Defended broadcasting company against claims by buyer of radio stations that purchased assets were defective.
- Successfully prosecuted claims by buyer of seafood processing company that purchased assets did not meet representations made in purchase agreement.

Antitrust

- Advised target health insurer in responding to state and federal antitrust concerns raised regarding acquisition.
- Assisted dozens of companies in successfully navigating the antitrust notice rules of the Hart-Scott-Rodino Act.

Publications

- "The U.S. Supreme Court Substantially Opens the Door for Branded Hotel Companies to Set Rates for Hotel Franchisees," Graham & Dunn (July 2007)
- "The U.S. Supreme Court Opens the Door for Manufacturers and Franchisors to Set Resale Prices," Graham & Dunn (July 2007)
- "Timing is Everything: The Supreme Court Tightens the Rules for Proving Harm in Securities Fraud Suits," Findlaw's Writ (May 2005)
- "Verizon v. Trinko: A Substantial, if Not Fatal, Blow to the Unilateral Refusal-to-Deal Claim," Washington State Bar Association, *Antitrust, Consumer Protection & Unfair Business Practices* (2004)
- Washington State Bar Association, *Washington Antitrust and Consumer Protection Handbook*, contributing editor (2001)
- "Taking the Consumer Out of Consumer Protection: The Seventh Circuit Rejects Actual Consumer Confusion as a Basis for Determining How Consumers Perceive Advertising Claims," Washington State Bar Association, *Antitrust, Consumer Protection & Unfair Business Practices* (2000)

Presentations

- "The Intersection of Antitrust Law and Intellectual Property Protection," Intellectual Property Licensing in 2008 (Aug. 2008)
- "Does Your Company Need a Compliance Program? What Should It Look Like?" Washington State Bar Association, 23rd Annual Antitrust and Consumer Protection Seminar (Nov. 2006)

Recognition & Honors

- Fellow, Litigation Counsel of America
- Washington CEO, “League of Justice,” 2006
- Selected for inclusion in *The Best Lawyers in America*® (Seattle, WA)
 - Litigation—Antitrust, 2013-present; “Lawyer of the Year,” 2023
- Selected for inclusion as a Washington Super Lawyer, 2015-2018
 - Selected as a Rising Star, 2000-2002 and 2004-2007