

Parker Erkmann

Special Counsel



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Antitrust and Competition
Aviation – Manned and Unmanned
Antitrust Litigation and Enforcement
Aviation Regulatory
Spacetechnology and Satellite

Parker Erkmann is a special counsel in Cooley's antitrust & competition practice. He was associated with Dow Lohnes, which merged with Cooley in 2014. His practice focuses on antitrust, competition and regulatory issues in the aviation and communication industries. He joined Dow Lohnes after spending three years at the United States Department of Justice Antitrust Division. Parker's antitrust experience includes merger, civil non-merger and criminal matters involving the airline, broadcast, cable television, video programming, telecommunications, and higher education industries. His experience includes investigations initiated by both the Federal Trade Commission and the Antitrust Division as well as private litigation. He regularly advises clients about how to minimize the antitrust risks arising from competitor collaborations, joint ventures, acquisitions and other transactions, including compliance with the Hart-Scott-Rodino Antitrust Improvements Act.

In addition to antitrust matters, Parker represents aviation clients before the Department of Transportation on a variety of regulatory issues, including the acquisition of slots and foreign route authorities, enforcement proceedings and compliance matters. He also represents clients in litigation in arbitrations, trial courts and appellate courts.

Representative Matters

- Represented Finicity Corporation, a leading provider of real-time access to financial data and insights, in its \$985 million sale to MasterCard, achieving unconditional clearance from DOJ.
- Represented NetScout, a provider of performance analytics and operational intelligence solutions for telecommunications service provider and enterprise customers, in obtaining unconditional DOJ clearance of NetScout's proposed \$2.6 billion acquisition of the Communications Business of Danaher Corporation. DOJ issued a Second Request in December 2014 but ended up closing its investigation early and without imposing any remedial conditions on the parties.
- Representation of top domestic airline in connection with issues related to landing authorities at high-density airports (or "slots"), including contested proceedings and Antitrust Division investigations of slot transactions.
- Representation of top 5 cable operator in connection with Antitrust Division investigation of marketing agreement, including negotiation of consent decree.
- Representation of airlines in connection with acquisition of foreign route authorities, including contested proceedings before the Department of Transportation.
- Representation of broadcasters in connection with antitrust issues presented by merger transactions.

- Representation of financing division of automotive auction in connection with acquisition of rival during FTC investigation, resulting in clearance of the transaction prior to issuance of a second request.
- Representation of airlines and investors in connection with the restrictions on foreign ownership of U.S. airlines, including the representation of Hawaiian Airlines in its refinancing that resulted in the Department of Transportation's issuance of the "Hawaiian Letter" liberalizing said restrictions.
- Representation of airlines before Department of Transportation's Office of Aviation Enforcement and Proceedings.
- Successfully defended Airline Tariff Publishing Company in lawsuit brought by airline customer alleging gross negligence in distribution of airfare data.
- Representation of regional airline in arbitration with engine maintenance provider.
- Representation of broadcaster in connection with antitrust suit brought by competitor for acquisition of network affiliation.
- Representation of foreign airline in the Antitrust Division's Air Cargo Price-Fixing Investigation.
- Advice with respect to Hart-Scott-Rodino Antitrust Improvements Act of 1976.

Publications & Speaking Engagements:

- "Drama at the Courthouse Door: the US Airways-American Merger," American Bar Association Forum on Air & Space Law newsletter, Spring 2014
- "Developments in Antitrust Law and the Shifting Competitive Landscape," Update Conference, American Bar Association Forum on Air & Space Law (February 2014) – Panelist

Education

University of Michigan Law School
JD, 1999

Yale University
AB, 1995

Admissions & Credentials

District of Columbia

Memberships & Affiliations

American Bar Association - Section of Antitrust Law

Aero Club of Washington

International Aviation Club