

Global Private Litigation Conference

SCHEDULE OF EVENTS as of 03.10.17

SUNDAY, MAY 7, 2017

08:00 – 16:00

HOLLAND DAY TOUR: THE KEUKENHOF, THE HAGUE, AND MADURODAM

First stop will be Keukenhof Park filled with blooming tulips, hyacinths, daffodils and other spring bulbs. Continue to The Hague and Madurodam, the miniature city with a model of several typical Dutch landmarks on a 1:25 scale. *Additional fee, includes lunch.*

18:30 – 20:30

EVENING SALON BOAT CRUISE WELCOME RECEPTION

Join us for a unique Welcome Reception cruising the famous Amsterdam Canals. The group will depart one of several salon boats each different in style and size. The boats will set off on a two-hour tour of the city. The boats will depart from the landing stage St. Nicolaaskerk, which is located opposite the conference hotel NH Barbizon Palace.

MONDAY, MAY 8, 2017

08:00 – 08:30

BREAKFAST AND REGISTRATION OPENS

08:30 – 08:45 **OPENING REMARKS**

Chris FONTEIJN, Chairman, Netherlands Authority for Consumers and Markets,
The Hague

William C. MACLEOD, Kelley Drye and Warren LLP, Washington, DC

08:45 – 09:30

PANEL I: THE ROLE OF PRIVATE ENFORCEMENT

We start our exploration with the fundamental question “Why private enforcement?” and focus on how best to achieve goals of compensation and deterrence, analyzing perceived abuses in the U.S. system and proposed solutions, including the approach of the EU Directive.

Moderator

Frederieke LEEFLANG, Boekel de Neree, Amsterdam

Panelists

Kris DEKEYSER, Acting Director, Policy and Strategy Directorate,
European Commission Directorate General for Competition, Brussels

Konrad OST, Vice President, Bundeskartellamt, Bonn

Brent SNYDER, Acting Assistant Attorney General, Antitrust Division,
U.S. Department of Justice, Washington DC

09:30 – 10:15

PANEL II: COLLECTIVE ACTIONS ACROSS THE GLOBE

The experts provide a nuts-and-bolts examination of developing approaches to collective actions, including a review of implementing statutes in EU member states during 2016, and discussion of significant opt-out or opt-in actions.

Moderator

Anna MORFEY, Hausfeld, London

Panelists

Ellen BRAUN, Allen & Overy LLP, Hamburg

Nicholas HEATON, Hogan Lovells International LLP, London

Maarten SCHINKEL, University of Amsterdam, Amsterdam

10:15 – 10:30 **BREAK**

10:30 – 11:15

PANEL III: FUNDING ISSUES AND CLAIMS AGGREGATION

Private competition litigation involves substantial resources, and requires balancing risks and rewards. Among the issues – legal, financial, and ethical – that litigants must assess are the vehicles available pre-filing, including for large or aggregated claims; whether contingent fees and success fees can be deployed; potential sources of private or public funding generally; whether preexisting trade associations can fund or play a more integral role; and the impact if “loser pays.”

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Moderator

Till SCHREIBER, Managing Director, Cartel Damages Claims Consulting, Brussels

Panelists

Craig ARNOTT, Managing Director, Burford Capital, London

Jurriaan BRAAT, Partner, Omni Bridgeway, Geneva

Susan DUNN, Head of Litigation Funding, Harbour Litigation Funding, London

11:15 – 12:00

PANEL IV: PUBLIC AND PRIVATE INTERFACE

Potentially game-changing questions: What is the potential for discovery of government files under the EU directive, what stay issues may arise, what collateral estoppel effect arises from Commission findings?

Moderator

Fiona A. SCHAEFFER, Milbank, Tweed, Hadley & McCloy LLP, New York, NY

Panelists

Albrecht BACH, Oppenländer Rechtsanwälte, Stuttgart

Jay L. HIMES, Labaton Sucharow LLP, New York, NY

Belinda HOLLWAY, Scott + Scott LLP, London

Lisa M. PHELAN, Chief, National Criminal Enforcement Section, Antitrust Division, U.S. Department of Justice, Washington, DC

12:00 – 13:30 **LUNCH & SPEAKER**

13:30 – 14:15

PANEL V: CONSOLIDATING PROCEEDINGS

The U.S. has its federal multijurisdictional litigation (MDL) procedure, but managing multiple proceedings on a global scale is a new frontier. What will be the “magnet” jurisdictions for litigation (collective actions or even discovery) and settlement – and what impact will Brexit have? What about vertical consolidations of redress (direct and indirect claims, and others in the distribution chain)?

Moderator

James L. MCGINNIS, Sheppard Mullin Richter & Hampton, LLP, San Francisco, CA

Panelists

Thomas FUNKE, Osborne Clarke Rechtsanwälte Steuerberater, Berlin

Nadine HERRMANN, Quinn Emanuel Urquhart & Sullivan LLP, Hamburg

Jon LAWRENCE, Freshfields Bruckhaus Deringer LLP, London

14:15 – 15:00

PANEL VI: THE ROLE OF EXPERTS

Reflecting on the increasingly critical role of experts in US antitrust cases post-Tyson Foods, and their potential use in nearly every phase of litigation, what are the expectations for them in the EU and in global litigation, and how might their roles differ (e.g., use of the “expert determinator”)?

Moderator

Kristina NORDLANDER, Sidley Austin LLP, Brussels

Panelists

Thilo KLEIN, Compass Lexecon, London

Gunnar NIELS, Oxera Consulting LLP, Oxford

Darrell L. WILLIAMS, Charles River Associates, Los Angeles, CA

15:00 – 15:15 **BREAK**

15:15 – 16:00

PANEL VII: PASS-ON AND CONTRIBUTION ISSUES

The panelists compare the effects of indirect purchaser regimes in the US (*Illinois Brick/ARC America*) and the EU (*Crehan/Manfredi*) and relevant law on pass-on, contribution and joint and several liability, cy pres recovery, and related damages assessments.

Moderator

Kathrin WESTERMANN, Noerr LLP, Berlin

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Panelists

Frédéric JENNY, ESSEC Business School, Paris
Toni KALLIOKOSKI, Dittmar & Indrenius Ltd, Helsinki
Martijn VAN MAANEN, BarentsKrans, The Hague

16:00 – 16:45

PANEL VIII: GLOBAL RESOLUTIONS

The last stop on our journey, appropriately in Amsterdam: Can the resolution in *Parker* (Marine Hose) be replicated for future settlements, and if so, by what mechanism(s) and in what jurisdiction(s)? What is the risk calculus for a settling defendant? And is “global peace” for competition litigation still a pipe dream?

Moderator

Jolling de PREE, De Brauw Blackstone Westbroek, Amsterdam

Panelist

Jeroen KORTMANN, Stibbe, Amsterdam
Elizabeth MORONY, Clifford Chance LLP, London
Marc VAN AUDENRODE, Analysis Group, Montréal

16:45 – 17:15

CONCLUDING REMARKS ROUNDTABLE: “A NEW WORLD: THE IN-HOUSE PERSPECTIVE”

Perspectives from the “principals”: Potential worldwide corporate litigants offer their thoughts on global recovery and highlight a key point of interest that they’ve learned.

Moderator

Bruce L. SIMON, Pearson Simon Warshaw LLP, San Francisco, CA

Panelists Including:

Brian R. HENRY, Vice President & Senior Managing Counsel, The Coca-Cola Company, Atlanta, GA
Melissa L. ZUJKOWSKI, VP, Litigation & Disputes, Flextronics, San Jose, CA

17:15 CLOSING COCKTAIL RECEPTION

18:00

DINE-AROUNDS

Dine-Arounds offer conference participants an opportunity to dine informally with peers. Dine-Arounds will be held at nearby restaurants. Each diner is responsible for his or her own check. Sign-up sheets will be available at registration.