



JOSHUA B. GRAY

Shareholder

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AREAS OF PRACTICE

- Antitrust
- Complex Business Litigation

EDUCATION

- Columbia University School of Law, J.D., 1996
 - Stone Scholar
- Harvard University, A.B., *magna cum laude*, 1990
 - Harvard College Scholar

ADMITTED TO PRACTICE

- Florida, 2021
- New York, 1999
- District of Columbia, 2012
- Massachusetts, 2012
- U.S. District Court, Southern District of New York, 2003
- U.S. District Court, Eastern District of New York, 2008
- Supreme Court of the United States, 2014

AWARDS & HONORS

- *Best Lawyers in America*, Litigation – Antitrust “Lawyer of the Year,” 2023
- *Best Lawyers in America*, 2022
 - present
 - Litigation - Antitrust

PROFESSIONAL MEMBERSHIPS

- District of Columbia Bar
- New York State Bar Association

Joshua Gray focuses his practice on antitrust litigation. Josh worked at the Federal Trade Commission (“FTC”) for eight years during two Democratic administrations and served in several senior positions in both policymaking and litigation roles.

After graduating from law school, Josh clerked for The Honorable James L. Oakes, Senior Circuit Judge on the United States Court of Appeals for the Second Circuit. Following his clerkship, Josh joined the FTC during the Clinton administration, where he served for two years (1997 to 1999) on the personal staff of the renowned, progressive FTC Chairman Robert Pitofsky in the role of an Attorney-Advisor. In addition to supporting the Chairman in drafting a landmark antitrust opinion, Josh assisted the Commission and agency staff with antitrust investigations and case development, including mergers in the pharmaceutical and hospital industries and the first group of Hatch-Waxman “pay-for-delay” investigations.

Most recently, during the Obama administration, Josh held a policy position in the FTC’s Office of International Affairs (OIA) (July 2012 to September 2014) and a litigation position in the Bureau of Competition’s Anticompetitive Practices Division (September 2014 to March 2018). In OIA, Josh was the coordinator and principal point of contact for the FTC’s most important bilateral international relationship, the European Commission’s antitrust agency DG Competition. In that role, he headed joint policy workshops and initiatives with his EU counterparts and coordinated all joint investigations, including several high-profile technology industry matters. Later, as a Trial Attorney in the Bureau of Competition, Josh investigated and litigated antitrust conduct cases, routinely deposed senior executives, and managed expert witnesses through discovery and trial. Although this work focused on technology industry matters, Josh also collaborated with other groups within the FTC on specific healthcare cases and policy issues.

PUBLICATIONS

- Co-Author: "USA: Law & Practice," Chambers Global Practice Guide on Cartels 2020
- Co-Author: "USA: Trends & Developments," Chambers Global Practice Guide on Cartels 2020
- *The Future of the ICN*, Antitrust Magazine (Summer 2012) (co-authored with Ian John).
- *The International Competition Network: A Decennial Retrospective*, Antitrust Magazine (Spring 2012) (co-authored with Ian John).
- *Proving Anticompetitive Effect, Issues In Competition Law And Policy*, W. Dale Collins, ed. (2008) (co-authored with John Harkrider).
- *Exporting Antitrust Law to China*, Global Competition Review (February 2006) (co-authored with John Harkrider).
- *Use of Econometrics in Class Certification*, Handbook On Econometrics In Antitrust Law & Analysis, authored legal discussion, Daniel Rubinfeld & John Harkrider eds. (2005).
- *Class Action Reaction: Amended Rule 23 Enhances Judicial Supervision in Class Litigation*, Antitrust Magazine (Spring 2004).
- *Antitrust Issues Involving Intellectual Property*, Antitrust Law Developments V, authored significant revision of chapter in 2002 to accurately state current law and agency practices.

Between his two tenures at the FTC, Josh worked in private practice as an antitrust lawyer in New York City. At Skadden Arps (from 2006 to 2012), Josh worked on antitrust aspects of numerous matters in the healthcare sector, including mergers involving medical device and pharmaceutical manufacturers, pharmacy benefit managers, pharmacy chains, and hospital and health care facility operators.

Josh earned his A.B. from Harvard University, magna cum laude, where he was also a Harvard College Scholar. He earned his J.D. from Columbia University School of Law where he was Stone Scholar.

Josh grew up on a farm in Northern Vermont and currently lives in Miami with his wife Deborah and their four children.

REPRESENTATIVE MATTERS

- Federal Trade Commission. As part of the 1-800 Contacts trial team, managed FTC principal economic expert witness and coordinated strategy for other experts in administrative litigation.
- *Rosales v. Quarterman*. As co-counsel with NAACP Legal Defense & Education Fund, represented death row inmate in attaining a writ of habeas corpus from United States District Court for the Southern District of Texas. Cross-examination of lead prosecutor produced several credibility findings adverse to Texas. <http://www.naacpldf.org/document/opinion-granting-habeas-relief>
- *CF Industries, Inc.* in its \$4.7 billion unsolicited acquisition of Terra Industries and simultaneous defense of a hostile offer by Agrium, which the Financial Times recognized as the most innovative M&A transaction in 2010.
- *Oracle Corporation* in its defense of Connecticut AG's *parens patriae* suit to enjoin Oracle from acquiring PeopleSoft.
- *Yeshiva University* in *In re Resident Physician Antitrust Litigation*. Drafted successful dismissal motion premised on insufficient allegations of conspiracy as to Yeshiva. Yeshiva was the only medical school or hospital dismissed from the case for failure to state a claim. See *Jung v. Ass'n of Am. Med. Colleges*, 300 F. Supp. 2d 119 (D.D.C. 2004).
- *MSC Software Corporation* in FTC administrative litigation challenging consummated acquisitions by MSC Software of two other engineering software firms.