



Eva Cole

Partner
Co-Chair, Antitrust/Competition Practice

New York
+1 212-294-4609

Eva helps clients navigate the complex area of antitrust law, identifying and mitigating risks before they turn into problems and effectively managing and resolving problems that have unavoidably turned into disputes. As co-chair of the firm's Antitrust/Competition Practice, she focuses her practice on civil antitrust litigation, class actions, and international cartel investigations led by enforcement agencies around the world. She has particularly distinguished experience representing clients in the electronics, financial, and sports industries.

Eva regularly represents clients in complex commercial class action and litigation, and in connection with a wide array of federal and state antitrust issues, including monopolization, price-fixing, wage-fixing, no-poach agreements, group boycotts, exclusive dealing, tying, price discrimination, predatory pricing, unfair competition, and other restraints of trade. She regularly coordinates joint defense group efforts in cases involving conspiracy claims against multiple defendants.

Eva also has significant experience representing clients facing international cartel investigations and related follow-on civil class actions. She has helped clients navigate the difficult web of facing multiple, simultaneous government

investigations around the world and has experience defending antitrust investigations brought by antitrust authorities in the United States, Australia, Brazil, Canada, the Czech Republic, Europe, Hungary, Japan, Korea, Mexico, Singapore, and New Zealand. She represents clients in both civil and criminal antitrust matters and, in addition to her representation of major U.S. and multinational corporations, she also represents individual executives facing criminal antitrust claims. Eva also regularly advises companies with respect to antitrust compliance. Among other things, she helps companies such as private equity funds with numerous portfolio companies help prevent antitrust problems by developing comprehensive and consistent antitrust compliance programming.

In addition to Eva's experience in the antitrust context, she has also represented clients facing consumer fraud and other business tort and breach of contract claims, as well as various constitutional claims. She has represented clients across multiple industries, including consumer electronics, food and beverage, finance, sports and entertainment, and retail. Eva has represented clients in all stages of litigation, including appeals, and through trial as a first-chair litigator. Clients benefit from her deep engagement, strategic thinking, practical approach, and efficient management of complex matters.

Key Matters

Antitrust Government Investigations & Internal Investigations Experience:

- **Global Cartel Defense.** Regularly represents multinational corporations in global cartel investigations and related proceedings requiring the coordination of responses to government agencies spanning various jurisdictions across Asia, Europe, and the United States.
- **Cartel-Related Internal Investigations.** Efficiently manages large-scale internal investigations to evaluate compliance with antitrust laws and to assess whether companies should apply for leniency with the DOJ and other government agencies.
- **Individual Cartel Defense.** Represents high-level executives facing criminal antitrust charges.

Antitrust Class Actions and MDLs Experience:

- **Susan Giordano, et al., v. Saks Incorporated et al (E.D.N.Y.).** Represents certain subsidiaries of multinational corporation specializing in luxury goods against allegations of no-poach agreements in the luxury retail employee sector in violation of Section 1 of the Sherman Act.
- **In re Automotive Parts Antitrust Litigation (E.D. Mich.).** Represents foreign and domestic auto parts manufacturers and sellers accused by direct and indirect purchasers, opt-out plaintiffs, and various State Attorneys General of allegedly price-fixing and bid-rigging a variety of automobile parts in civil actions arising out of the DOJ's largest cartel investigation on record.
- **In re Cathode Ray Tube (CRT) Antitrust Litigation (N.D. Cal.).** Represents Japanese multinational electronics corporation and various affiliates in a multidistrict class action and related Attorney General actions that have lasted over a decade and have involved multiple appeals to the Ninth Circuit. Successfully argued to the Ninth Circuit on behalf of defendants that it should not reverse the approval of settlement agreements entered into with indirect purchaser plaintiffs.
- **In re Capacitors Antitrust Litigation (N.D. Cal.).** Represents Japanese multinational electronics corporation and its U.S. subsidiary against allegations of price-fixing in the capacitors industry. Assisted in successfully narrowing scope of claims and achieving favorable settlements.
- **Iowa Public Employees' Retirement System, et al. v. Bank of America Corporation, et al. (S.D.N.Y.).** Assisted in the defense of a global financial institution against claims that several companies conspired with certain trading platforms to stifle competition in the US\$1 trillion-plus stock loan sector. The allegations include claims that defendants boycotted start-up lending platforms and colluded to prevent price transparency and competition in trade execution in violation of federal antitrust laws.

- ***B&R Supermarket, et al. v. Bank of America, et al. (E.D.N.Y.)***. Assisted in the defense of a leading digital bank and payments services company against allegations relating to payment card interchange fees and merchant discounts. Aided in successfully defeating plaintiffs' first motion for class certification.
- ***In re Resistors Antitrust Litigation (N.D. Cal.)***. Represented Japanese multinational electronics corporation and its U.S. subsidiary against allegations of price-fixing and bid-rigging in the resistors industry. Successfully resolved cases through early settlements.
- ***In re Lithium Ion Batteries Antitrust Litigation (N.D. Cal.)***. Represented Japanese multinational electronics corporation and its affiliates against allegations of price-fixing of lithium ion battery cells. Successfully obtained several denials of class certification in the direct and indirect actions, as well as a partial striking of testimony by indirect purchaser plaintiffs' expert economist.
- ***In re Refrigerant Compressors Antitrust Litigation (E.D. Mich.)***. Represented global electronics manufacturer and its U.S. subsidiary in private class action lawsuits stemming from an investigation by the DOJ into alleged price-fixing by manufacturers of refrigerant compressors for household use. Obtained major victories through dismissals and narrowing of claims and the eventual successful settlements of remaining claims.

Other Representative Complex Litigations and Arbitrations Experience:

- ***EJ MGT LLC v. Zillow Group, Inc. and Zillow, Inc. (D.N.J.)***. Assisted in obtaining a major victory for online real estate database company accused of a litany of antitrust, consumer protection, and common law claims revolving around the alleged impropriety of an algorithmically generated estimate of real estate market value. Successfully achieved dismissal of claims twice.
- ***Preston Hollow Capital LLC v. Nuveen LLC (Del. Ch. Ct.)***. Led team of lawyers through expedited litigation resulting in bench trial on behalf of global investment manager accused of defamation, tortious interference of contract and prospective business relations, and group boycott claims under the New York Donnelly Act.
- ***Thales Avionics, Inc. v. Matsushita Avionics Systems Corp. (C.D. Cal.)***. Represented avionics company in major defeat on summary judgment against claims of unlawful monopolization and predatory pricing.
- ***Consumer Fraud Class Actions***. Defended various multinational consumer electronics companies against class action claims involving allegations of violations of various state statutes including California's Unfair Competition Law, California's Consumer Legal Remedies Act, and New Jersey's Consumer Fraud Act relating to plasma televisions, cordless telephones, and DVD players. Successfully resolved actions through motions to strike class allegations, motions to dismiss, and favorable non-class settlements.
- ***Sports & Entertainment Arbitrations & Litigations***. Represented five members of the U.S. Women's National Soccer Team in a landmark action before the Equal Employment Opportunity Commission accusing the U.S. Soccer Federation of wage discrimination on the basis of gender. Represents NFL players in arbitrations and litigations involving player free agency rights, licensing issues, and other issues arising under collective bargaining agreements. Represents other sports and entertainment organizations in connection with various disputes under state and federal law.

Antitrust Counseling Experience:

- ***Antitrust Risks***. Counsels international and U.S. corporations regarding antitrust risks associated with trade association participation, information exchanges, most-favored-nation (MFN) clauses, hiring and recruitment practices, pricing structures, price discrimination, resale price maintenance, territorial restrictions, and other vertical resale restrictions.
- ***Joint Venture-Related Counseling***. Counsels joint ventures and affiliated companies in connection with minimization of competitively sensitive information exchanges, firewalls, potential spillover conduct, and no poach issues.
- ***M&A Related Counseling***. Counsels corporations involved in mergers and acquisitions concerning potential antitrust risks.

- ***Jurisdictional & Foreign Trade Related.*** Counsels international corporations regarding jurisdictional issues relating to foreign activities and the Foreign Trade Antitrust Improvements Act.

Antitrust Compliance, Audits, Program, and Trainings Experience:

- ***Program Design and Implementation.*** Designs and institutes antitrust compliance programs, including designing antitrust audits, customized educational materials, and discipline for violations.
- ***Antitrust Training.*** Provides antitrust training to corporate employees, in particular senior executives.

Pro Bono Experience:

- ***Children's Rights.*** Involved in various pro bono efforts on behalf of children and children's rights organizations.
- ***Equal Rights Amendment.*** Involved in firm's efforts to assist and support the ratification of the Equal Rights Amendment.
- ***Affirmative Asylum Cases.*** Successfully obtained affirmative asylum on the behalf of client with well-founded fear of persecution on the basis of her religious affiliation and marital status in her home country.
- ***International Abduction Cases under the Hague Convention.*** Represented clients in connection with international child abduction cases pursuant to international treaty, the goal of which is to secure immediate return of a child wrongfully removed from or retained outside of home country.

Recognitions

Individual Awards

- Named as a “Leading Lawyer” in the area of Cartels, *The Legal 500 US*, 2020–2023
 - Named as a “Next Generation Partner” in the area of Civil Litigation/Class Actions: Defense, *The Legal 500 US*, 2022–2023
 - Recognized in *Lawdragon*, “500 Leading Lawyers in America,” 2020–2024
 - Recognized in *Lawdragon*, “500 Leading Litigators in America” for Antitrust & Competition Law, M&A, Investigations, and Litigation, 2023–2024
 - Recognized in *Chambers USA* for Antitrust, 2020–2023
 - Recognized in *The Best Lawyers in America*®, Commercial Litigation and Antitrust, 2020–2023
 - Named as a “New York Litigation Star” in the area of Competition/Antitrust, *Benchmark Litigation US*, 2020, 2023, and 2024
 - Recognized in *Business Today News*, “Top 10 Influential New York Antitrust Lawyers,” 2023
 - Named as a “Future Star” in the area of Competition/Antitrust, *Benchmark Litigation US*, 2020
 - Named as one of the “Top 250 Women in Litigation,” *Benchmark Litigation*, 2019–2023
 - Recommended as a “Global Leader” in *Who’s Who Legal: Competition*, 2022
 - Shortlisted for the Euromoney LMG’s Americas Rising Star award for Antitrust/Competition, 2019
 - Named as a “Next Generation Lawyer” in Antitrust: Cartel and Civil Litigation/Class Actions, *The Legal 500 US*, 2018–2019
 - Recognized on the “40 & Under Hot List,” *Benchmark Litigation*, 2016–2019
 - Recognized as one of the “40 Under 40,” *Global Competition Review*, 2012
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Activities

Eva is co-chair of the firm’s Antitrust/Competition Practice, co-chair of the New York office Women’s Leadership Initiative, and member of the firm’s Diversity and Inclusion Committee. She is also a member of the ABA Section of Antitrust Law’s International Cartel Task Force and an active member of the Inter-Pacific Bar Association’s Competition Law Committee. She is also a member of the Women in Compliance committee of the National Association of Women Lawyers.

Credentials

EDUCATION

Eva received a J.D., *cum laude*, from Boston University School of Law in 2003. She received a B.A., *magna cum laude*, from Washington University in St. Louis in 2000.

ADMISSIONS

- New York

Related Insights & News

- Speaker, “Convergence of Antitrust and TMT/Data Privacy Issues,” IPBA Annual Meeting and Conference 2024, April 2024
- Speaker, “Getting to Yes,” ABA International Cartel Workshop, June 2022
- Speaker, “Tacit Collusion—What Does It Mean To ‘Agree?’” GCR Live: Cartels 2022, April 5, 2022
- Co-author, “Compliance Challenges for Foreign Investment in the U.S.,” *Asia Business Law Journal’s Japan Outbound Investment Guide*, April 21, 2022
- Co-author, “Compliance Challenges for Foreign Investment in the U.S.,” *Asia Business Law Journal’s Japan Outbound Investment Guide*, April 14, 2021
- Speaker, “Antitrust 360 and Me,” New York State Bar Association, Jan. 27, 2021
- Regular contributor to, and editor of, Winston & Strawn’s Competition Corner blog posts and podcast, featuring insights on recent legal developments in the antitrust arena as well as user-friendly guidance and practical tips for compliance.
- Speaker, “Anti-Bribery / Anti-Corruption (ABAC) Compliance,” National Association of Women Lawyers, Feb. 24, 2020
- Co-author, “Collective or Class Actions and Claims Aggregation in the United States,” GCRs Private Litigation Guide, First Edition, Jan. 2020
- Speaker, “Equal Pay, Equal Play, and the Equal Rights Amendment,” National Association of Women Lawyers, Nov. 7, 2019
- Speaker, “Antitrust Law Basics CLE Re: Vertical Restraints of Trade,” New York State Bar Association, New York, June 10, 2019
- Co-author, “Compliance,” ABA International Antitrust Cartel Handbook, June 2019
- Speaker, “Women in Sports,” 7th Annual NYU Sports Law Colloquium, New York, March 30, 2018
- Speaker, IPBA Competition Roundtable 2018, 28th IPBA Annual Meeting and Conference, Philippines, March 15, 2018
- Speaker, “Effective Discovery Strategies in Class Action Litigation: Managing Data, Overcoming Challenges of E-Discovery, the Use of Survey Evidence, and Pursuing Discovery in the Most Efficient and Cost-Effective Way for Your Client,” ACI’s 2nd Cross-Industry Interdisciplinary Summit on Defending and Managing Class Actions, April 4, 2017
- Speaker, “Navigating Ethical Grey Areas in Class Action Litigation, With a Focus on Privilege,” ACI Class Actions Conference, April 12, 2016
- Author, “The Class Action Mechanism and Courts’ Continued Focus on Class Certification and Settlement Requirements,” *Inside the Minds: Recent Trends in Class Action Lawsuits*, Sept. 17, 2015
- Panelist, “Criminal Antitrust Enforcement: Fundamentals and Best Practices,” ABA Section of Antitrust Law, Jan. 20, 2015
- Speaker, “Antitrust Update for In-House Counsel,” ABA Corporate Counseling Committee, Dec. 8, 2014
- Panelist, “Witness Interview Fundamentals,” ABA Section of Antitrust Law Cartel and Criminal Practice Committee, March 5, 2014
- Co-author, “The Antitrust Divisions New Model Corporate Plea Agreement,” ABA Cartel & Criminal Practice Committee Newsletter, Spring 2014

- Co-author, “U.S. Private Antitrust Treble Damages Class Actions,” Antitrust between EC Law and National Law, Treviso, 2008
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BLOG

Winston’s Women Partners Hone Their Business Development Skills With Sara Holtz and Joan Fife

FEBRUARY 22, 2024

RECOGNITIONS

Winston and Yuanda China Law Offices Recognized in *Chambers Global 2024*

FEBRUARY 16, 2024

RECOGNITIONS

Winston Attorneys Featured on the 2024 *Lawdragon 500* Leading Lawyers in America List

JANUARY 12, 2024

PRO BONO IN ACTION

Winston and Cisco Collaborate to Support Migrants in NYC

OCTOBER 30, 2023

RECOGNITIONS

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

RECOGNITIONS

Winston & Strawn Partners Recognized in 2024 *Lawdragon 500* Leading Litigators in America

SEPTEMBER 8, 2023

BLOG

USDA and State AGs Join Forces to Target Competition Concerns in Food and Agriculture

AUGUST 3, 2023

RECOGNITIONS

Winston Partners Named to *Benchmark Litigation’s* 2023 List of the Top 250 Women in Litigation

AUGUST 3, 2023

BLOG

Global Strategies for Antitrust Settlements

JUNE 15, 2023

PODCAST

JUNE 14, 2023

SPEAKING ENGAGEMENT

Eva Cole Speaks at ABA Antitrust Global Private Litigation Conference

JUNE 12, 2023

BLOG

Cartel Enforcement Updates

JUNE 8, 2023

Capabilities

Antitrust/Competition

Commercial Litigation & Disputes

Government Investigations, Enforcement & Compliance

Class Actions & Group Litigation

Compliance Programs

Media & Entertainment

Automotive & Mobility

Sports

Financial Services