



Joshua Hafenbrack

Partner

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Josh focuses his practice on representing both plaintiffs and defendants in complex civil antitrust litigation and investigations, with a particular focus on serving clients in the technology industry. His experience encompasses all areas of antitrust claims, including monopolization, conspiracy, unfair competition, and other restraints of trade. He leverages his prior role as a Senior Litigation Counsel for the U.S. Department of Justice's Antitrust Division to provide strategic insights and effective advocacy in high-stakes antitrust matters.

While at the DOJ, Josh served as a member of the litigation and trial team in the *United States v. Google* search monopolization case. During the ten-week trial, Josh examined and cross-examined key expert and fact witnesses. Josh also helped lead merger and conduct antitrust investigations in a variety of industries, including the technology, media, and sports industries.

Key Matters

Some of the experience represented below may have been handled at a previous firm.

- Represented the United States in a closely watched Section 2 monopolization case in the technology industry, which culminated in a ten-week trial in Fall 2023. *United States v. Google*, No. 1:20-cv-03010 (D.D.C.).
- Represented Fubo TV in a high-profile antitrust litigation concerning the streaming television industry. At a five-day preliminary injunction hearing in the Southern District of New York, Josh conducted examinations and cross-examinations and delivered the closing argument on the antitrust merits. *FuboTV Inc. v. The Walt Disney Co.*, 24-CV-01363 (S.D.N.Y.).
- Represented several plaintiffs in a large antitrust MDL against the two leading providers of auto dealer software management systems, CDK Global, LLC and The Reynolds & Reynolds Company. *In re Dealer Management Systems Antitrust Litigation*, MDL No. 2817 (N.D. Ill.).
- Represented the Arizona Automobile Dealers Association and the State of Arizona in successfully defending the constitutionality of a consumer protection law concerning the use of data in the automotive industry. Helped defend the law at a preliminary-injunction hearing, where he cross-examined the key corporate witnesses, and on appeal in the Ninth Circuit. *CDK Global v. Brnovich*, No. 2019-cv-04849 (D. Ariz.).
- Represented Verizon and AT&T in telecommunications disputes in federal and state courts and before the Federal Communications Commission.
- Briefed and argued an appeal in the Ninth Circuit concerning a question of first impression in the prisoner civil rights context. The panel unanimously ruled for the client and ordered a new trial based on an improper jury instruction. *Hoard v. Hartman*, 904 F.3d 780 (9th Cir. 2018).

Credentials

EDUCATION

Josh earned his J.D., *summa cum laude*, from Georgetown University Law Center in 2013, where he was elected to the Order of the Coif, was awarded the George P. Mickum III Prize for the highest first-year GPA, and was the senior articles editor and on the senior board of *The Georgetown Law Journal*. He received his B.A., *cum laude*, from the University of Charleston in 2003.

ADMISSIONS

- District of Columbia
- Maryland

CLERKSHIPS

- USCA- Ninth Circuit for the Honorable Judge M. Margaret McKeown

Related Insights & News

PRESS RELEASE

Winston & Strawn Adds Joshua Hafenbrack as a Partner in Washington, D.C.

DECEMBER 12, 2024

Capabilities

Antitrust/Competition

Technology Antitrust

Antitrust Transactions

Commercial Litigation & Disputes

Sports

Media & Entertainment

Technology, Media & Telecommunications

Automotive & Mobility