

JAMES LANGENFELD

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SUMMARY

Dr. James Langenfeld is a managing director at BRG, based in Washington, DC. He provides economic analyses and expert testimony for litigation, regulatory actions, and economic policy in a wide variety of industries. This work involves types of matters including antitrust, damages, class actions, labor, mergers, statistical analyses, and regulations' impact on firms and consumers. He also serves on the editorial board of several professional journals and has published numerous articles in journals and books on diverse topics in applied economics and econometrics.

EDUCATION

Ph.D., Economics

Washington University, 1983

A.B., English and Economics

Georgetown University, 1971

PROFESSIONAL EXPERIENCE

Senior Managing Director, Ankura, 2020

Adjunct Professor, Johns Hopkins University, 2017 – 2019

Managing Director and Head of Antitrust & Applied Economics, Navigant Economics, 2010 – 2018

Adjunct Professor, Loyola University Chicago, School of Law, 2002 – 2018

Director, LECG, LLC, 1995 –2010

Vice President, Lexecon Inc., 1994 – 1995

Director for Antitrust, Bureau of Economics, Federal Trade Commission, 1988-1993

Deputy Director of Economic Policy Analysis, Associate Director for Special Projects, Bureau of Economics, Federal Trade Commission, 1987-1988

Senior Economist, Economics staff, General Motors Corporation, 1985-1987

Economic Advisor, Commissioner, Federal Trade Commission, 1984-1985

Assistant to the Director, Bureaus of Competition and Consumer Protection, Federal Trade Commission, 1982-1984

Economist, Bureau of Economics, Federal Trade Commission, 1979-1982

Instructor, University of Missouri, St. Louis, MO, 1978-1979

Consultant, Conference on Education, 1977

Researcher, Center for the Study of American Business, Economics Dept., Washington University, 1973-1977

Instructor, University College, Washington University, 1974-1976

Statistical Analyst, Section of Market Development, Amtrak, 1972-1973

Economist, Bureau of Economics, Interstate Commerce Commission, 1971-1972

REFEREE

Antitrust Bulletin

Antitrust Law Journal

Economic Inquiry

Global Competition Review

International Journal of the Economics of Business

Journal of Industrial Economics

Review of Industrial Organization

Stanford Journal of Complex Litigation

PROFESSIONAL ACTIVITIES

Co-Chair, ABA Section of Antitrust Law's Economics Committee

Advisory Board, American Antitrust Institute

Advisory Board, The Capitol Forum

American Economic Association

Editorial Board, *International Journal of the Economics of Business*

Editor-in-Chief, *Research in Law and Economics*

Liaison, American Bar Association Section of Litigation, Class Actions and Derivative Suits Committee

Member, American Bar Association Antitrust, Healthcare, Intellectual Property and Litigation Sections

U.S. Advisory Board, Institute for Consumer Antitrust Studies

AWARDS

Washington University in St. Louis Distinguished Alumni Award, 2018

Adolph G. Abramson Scroll for an outstanding article in *Business Economics*, 2005

Listed in Global Competition Review's *The Handbook of Competition Economists*, 2005-2018 and the Economist section of *An International Who's Who of Competition Lawyers*, 1997-2018

Honoree, Celebration of the Twentieth Anniversary of the 1982 Merger Guidelines, Department of Justice, June 10, 2002

FTC Distinguished Service Award, 1993

SES Meritorious Service Award, 1992

DISSERTATION

Federal Automobile Regulations, 1983

PAPERS AND PUBLICATIONS

- 1) "A Step Forward or Backward: The Court's Application of Geographic Market Definition Principles in *FTC et al. v. Thomas Jefferson University and Albert Einstein Healthcare*", (with David Eisenstadt), *CPI Antitrust Chronicle*, May 11, 2021. Available at <https://www.competitionpolicyinternational.com/a-step-forward-or-backward-the-courts-application-of-geographic-market-definition-principles-in-ftc-et-al-v-thomas-jefferson-university-and-albert-einstein-healthcare/>.
- 2) "Regulating digital platforms: interoperability and data portability" (with Chris Ring and Samuel Clark), *The New US Antitrust Administration*, *Concurrences*, January 2021, 44-51. Available at <https://www.concurrences.com/fr/revue/issues/no-1-2021/dossier/the-new-us-antitrust-administration>.
- 3) "Analysis of Literature on Technology and Alternative Workforce Arrangements", prepared for the Coalition for Workforce Innovation, filed with comments to the U.S. Department of Labor, Wage and Hour Division, regarding independent contractor status under the Fair Labor Standards Act: Notice of Proposed Rulemaking and Request for Comments, October 26, 2020.

- 4) "Price Gouging in the Time of COVID-19 (with Chris Ring and Luke Gelber), *ABA Economics Committee Newsletter*, Summer 2020, 1-7.
- 5) "How COVID-19 Applies To Weakened Competitor M&A Defense (with Chris Ring), *Law360* June 2, 2020. Available at <https://www.law360.com/articles/1278639/how-covid-19-applies-to-weakened-competitor-m-a-defense>
- 6) "Prevention or Cure? Damages in Private Antitrust Claims in the US and the EU", *Global Competition Litigation Review*, Volume 13, January 1, 2020.
- 7) "Does Crime Pay? Cartel Fines and Damages", *ABA Economics Committee Newsletter*, Vol 19, No. 2, Spring 2018, 41-46.
- 8) "Reply to Connor and Lande on Cartel Overcharges", *International Journal of the Economics of Business*, Vol. 24, Iss. 3, September 19, 2017, 339-343.
- 9) "The Empirical Basis for Antitrust: Cartels, Mergers, and Remedies", *International Journal of the Economics of Business*, Vol. 24, Iss. 2, January 27, 2017, 233-250.
- 10) "The Need to Revise the U.S. Non-Horizontal Merger Guidelines", *Concurrences*, No. 4, 2016, 51-58. Available at <http://ssrn.com/abstract=2877780>.
- 11) *Antitrust Law and Economics of Product Distribution*, 2nd ed. (ALEPD 2nd), co-editor (with Quentin Wittrock and Theodore Banks), American Bar Association, 2016.
- 12) "Economics Tools Used in Merger Control," 7th ed. (with S Murthy Kambhampaty), *The Merger Control Review*, Law Business Research, July 2016, 10-29.
- 13) "Hicks-Marshall Conditions and Defining Antitrust Markets for Intermediate Goods," (with Jonathan T. Tomlin, David A. Weiskopf and Georgi Giozov), *Research in Law and Economics*, Vol. 27, November 23, 2015, 67-90.
- 14) "Bayer or Walgreen's? The Relationship of Premium and Value Brands in the United States," (with Wenqing Li and Sophie Yang), in *Brands, Competition Law and IP*, Deven Desai, Ioannis Lianos and Spencer Waller (eds.), 2015, 25-47.
- 15) "Economics Tools Used in Merger Control," 6th ed. (with S Murthy Kambhampaty), *The Merger Control Review*, Law Business Research, July 2015, 3-19.
- 16) "The Role of the Economic Expert in Damages Analyses," (with Robert Kneuper), *Expert Witnesses*, American Bar Association Section of Litigation, October 6, 2014.
- 17) "Antitrust Economics: Analysis of Alleged Illegal Tying," (with Raleigh Richards), *The Colorado Lawyer*, Vol. 43, No. 10, October 2014, 27-32.
- 18) "Asymmetric Price Increase in Critical Loss Analysis: Surreply to Daljord, Sørsgard, and Thomassen," (with Wenqing Li), *Journal of Competition Law & Economics*, Vol. 10, No. 3, August 2014, 769-772.
- 19) "The Role of Economics in Truncated Rule of Reason Analysis," (with David Eisenstadt), *Antitrust*, Vol. 28, No. 3, July 2014.
- 20) "Experts and Expert Depositions in Class Actions," (with Daniel Barsky), *Class Actions & Derivative Suits*, American Bar Association Section of Litigation, June 3, 2014.
- 21) "The Law and Economics of Class Actions: Yesterday, Today, and Tomorrow," (with Raleigh Richards), *Research in Law and Economics*, Vol. 26, May 2014, 1-9. Also appears in *Economic Perspectives on Today's Business Challenges*, May 2014, 33-39.
- 22) "*FTC v. Actavis*: Courts Bring Economics Back to Reverse Payment Cases," (with Sophie Yang), *Economic Perspectives on Today's Business Challenges*, May 2014, 40-43.
- 23) "Chapter 12: Using Econometrics to Estimate Damages," (with Wenqing Li, Greg Leonard, and John Morris), in *Econometrics: Legal, Practical and Technical Issues*, Charles Biggio and Lawrence Wu (eds.), ABA Section of Antitrust Law, 2nd ed., March 2014.

- 24) "Asymmetric Price Increase in Critical Loss Analysis: A Reply to Daljord, Sørsgard, and Thomassen," (with Wenqing Li), *Journal of Competition Law & Economics*, Vol. 10, No. 2, February 2014, 495-503.
- 25) "Evaluating the Size of 'Reverse Payments' in Light of the Supreme Court's Decision in *FTC v. Actavis*," *Competition Policy International Antitrust Chronicle*, Vol. 2, September 2013.
- 26) "State Aid and Supply-Side Geographic Market Definition" (with Christopher Alexander), *European State Aid Law Quarterly*, Vol. 2, 2013, 362-370.
- 27) "Commissioner Joshua Wright on Dynamic Competition and Innovation," *Antitrust Source* 12, No. 4, April 2013, 78-82.
- 28) "Overview of Antitrust Economics in the United States," (with Stephan Levy), *The Handbook of Competition Economics*, 2013, 121-123.
- 29) "Economic Analysis of Allegations in Cigarette Litigations and the Impact of FTC Regulation," (with Brad Noffske), *Research in Law and Economics*, Vol. 25, 2013, 129-233.
- 30) "Chapter 8: Economic Experts," (with Gregory G. Wrobel and Michael J. Waters), in *Private Enforcement of Antitrust Law in the United States*, ed. Albert A. Foer, et al. (Northampton, MA: Edward Elgar, 2012), 395-443.
- 31) Review of *Market Power Handbook: Law and Economic Foundations*, 2nd edition, ABA Section of Antitrust Law, *Word Competition Law and Economics Review*, Vol. 35, No. 4, December 2012, 711-713.
- 32) "Chapter 2: Manufacturing Input Markets," (with William Nye, Louis Silvia, and Jonathan Tomlin) in ABA Section of Antitrust Law, *Market Definition in Antitrust: Theory and Case Studies*, 2012, 49-89.
- 33) "Overview of Antitrust Economics in the United States," (with Stephan Levy), *The Handbook of Competition Economics*, 2012, 115-116.
- 34) "The Potential Role of Civil Antitrust Damage Analysis in Determining Financial Penalties in Criminal Antitrust Cases," (with Robert Kneuper), *George Mason Law Review*, Vol. 18, No. 4, Summer 2011, 953-986.
- 35) "Troubleshooting ACO Antitrust Enforcement," *Law360*, (with Tracey Klein), August 22, 2011. Available at <http://www.law360.com/articles/263798/troubleshooting-aco-antitrust-enforcement>
- 36) "*Daubert* and Other Gatekeeping Challenges of Antitrust Experts: Appendix," (with Christopher Alexander), *Antitrust Source* 10, No. 6, August 2011, 21-28.
- 37) "*Daubert* and Other Gatekeeping Challenges of Antitrust Experts," (with Christopher Alexander) *Antitrust* 25, No. 3, Summer 2011, 21-28.
- 38) "Comment regarding the Proposed Policy Statement regarding Accountable Care Organizations (ACOs) participating in the Medicare Shared Savings Program (MSSP)", (with Tracey Klein), May 31, 2011.
- 39) "Upward Pricing Pressure Analysis Under the 2010 Horizontal Merger Guidelines," *Antitrust* 25, Fall 2010, No. 1, 21-27.
- 40) "2010 Horizontal Merger Guidelines: Changes in Policy, Transparency, & Predictability," *CPI Antitrust Chronicle* 2, October 28, 2010. Available at <https://www.competitionpolicyinternational.com/2010-horizontal-merger-guidelines-changes-in-policy-transparency-predictability/>
- 41) "Chapter 6: Econometrics and Regression Analysis," (with Wenqing Li, Greg Leonard and John Morris), *Proving Antitrust Damages: Legal and Economic Issues*, ABA Section of Antitrust Law, 2nd ed., 2010.
- 42) "Daubert and Other Gatekeeping Challenges of Antitrust Economists," (with Chris Alexander), AAI Working Paper #08-06, March 10, 2010. Available at <http://ssrn.com/abstract=1337081>
- 43) "Revising the Merger Guidelines," *GCP*, Release 1, December 2009.

- 44) "Is GM the New Amtrak?" *The Daily Beast*, June 5, 2009. Available at <http://www.thedailybeast.com/blogs-and-stories/2009-06-05/is-gm-the-new-amtrak/>
- 45) "Non-Horizontal Merger Guidelines in the United States and the European Commission: Time for The United States to Catch Up?," *George Mason Law Review*, Vol. 16, No. 4, Summer 2009, 851-884.
- 46) "Needed Revisions of the Non-Horizontal Merger Guidelines," *The Threshold*, Vol. 9, No. 2, Spring 2009, 30-39.
- 47) "Supplemental LECG Report Regarding Proposed Highmark/IBC Consolidation," (with Rob Kneuper), January 30, 2009. Available at <http://www.ins.state.pa.us/ins/lib/ins/highmark-ibc/1768.pdf>
- 48) "LECG Report to the Pennsylvania Insurance Department Regarding Proposed Highmark/IBC Consolidation" (with Robert Kneuper), September 10, 2008. Available at <http://www.ins.state.pa.us/ins/lib/ins/highmark-ibc/1355.pdf>
- 49) "The Potential Impact of *Twombly* on Antitrust Class Actions," (with Wendy Bloom) *GCP*, Release 2, June 2008.
- 50) "Natural Experiments," (with Mary Coleman), *Issues in Competition Law and Policy*, ABA Section of Antitrust Law, Vol. 1, 2008, 743-772.
- 51) "Price Discrimination and the Cruise Line Industry: Implications for Market Definition, Competition, and Consumer Welfare," (with Wenqing Li), *International Journal of the Economics of Business*, Vol. 15, Issue 1, February 2008, 1-25.
- 52) "Q&A: James Langenfeld on Using Econometrics to Estimate Damages," *LECG Library*, January 2008.
- 53) "The Future of US Federal Antitrust Enforcement: Learning From Past and Current Influences," (with Daniel R. Shulman), *The Sedona Conference Journal*, Vol. 8, Fall 2007, 1-15.
- 54) "Refining the *Matsushita* Standard and The Role Economics Can Play," (with James Morsch), *Loyola University Chicago Law Journal*, Vol. 38, No. 3, Spring 2007, 507-512.
- 55) "The Economics of High Tech Antitrust," (with Anne Layne-Farrar and Jorge Padilla), *Global Competition Review*, Vol. 10, Issue 4, April 2007, 35-38.
- 56) "Book review of Michael Whinston's *Lectures on Antitrust Economics*," *World Competition Law and Economics Review*, Vol. 30, March 2007, 174-175.
- 57) "The FTC's Study of Pharmacy Benefits Managers," (with Robert Maness), *Antitrust Health Care Chronicle*, Vol. 19, No. 4, January 2006, 23-29.
- 58) "The Benefits of Free Trade to U.S. Consumers," (with James Nieberding), *Business Economics*, Vol. 40, July 2005, 41-51.
- 59) "Economic Analyses of Patent Settlement Agreements: The Implementation of Specific Economic Tests, the Evaluation of Dynamic Efficiency, and the Scope of Patent Rights," (with Wenqing Li), *University of San Francisco Law Review*, Vol. 39, Issue 1, Fall 2004, 57-80.
- 60) "Federal Trade Commission Horizontal Restraint Cases: An Update," (with Louis Silvia), *The Antitrust Bulletin*, Vol. XLIX, No.3, Fall 2004, 521-591.
- 61) "How the 'Other Half' Lives: FTC Non-Merger Antitrust Enforcement," *The Antitrust Bulletin*, Vol. XLIX, No. 3, Fall 2004, 457-469.
- 62) "Competition, Consumer Awareness, and Distribution in the Contact Lens Industry," (with Robert Maness), June 24, 2004.
- 63) "Elzinga-Hogarty Tests and Alternative Approaches for Market Share Calculations in Hospital Markets," (with H.E. Frech III and R. Forrest McCluer), *Antitrust Law Journal*, Vol. 71, No. 3, 2004, 921-947.
- 64) "The Cost of PBM "Self-Dealing" Under a Medicare Prescription Drug Benefit," (with Robert Maness), September 2003.

- 65) "Economic Literature on Price Discrimination and its Application to the Uniform Pricing of Gasoline," (with Wenqing Li and George Schink), *International Journal of the Economics of Business*, Vol. 10, No. 2, July 2003, 179-193.
- 66) "Intellectual Property and Agreements to Settle Patent Disputes: The Case of Partial Settlement Agreement with Payments from Branded to Generic Drug Manufacturers," (with Wenqing Li), *Antitrust Law Journal*, Vol. 70, Issue 3, Spring 2003, 777-818.
- 67) "The Impact of Increases in Health Costs on Employment-Based Health Spending, the Number of Uninsured, Employment, and Wages for the United States and Each State 20003 – 2007," (with Richard Shin), prepared for the American Association of Health Plans, January 13, 2003.
- 68) "Oregon's Measure 23 Could Increase State Health Care Expenditures by 30% in 2005," (with Richard Shin), prepared for the American Association of Health Plans, October 9, 2002.
- 69) "Estimates of Private Employment-Based Insurance Spending In the United States and by State (and the District of Columbia) 2003-2007," (with Richard Shin), prepared for the American Association of Health Plans, September 24, 2002.
- 70) "Intellectual Property and Antitrust: Steps Toward Striking a Balance," *Case Western Reserve Law Review*, Vol. 52, No. 1, Fall 2001, 91-110.
- 71) "The Perfect Caper? Private Damages and The Microsoft Case," *The George Washington Law Review*, Vol. 69, No. 5/6, October/December 2001, 902-914.
- 72) "Oil Pipelines' Effects on Refined Products Prices," (with Mary Coleman and George Schink), presented Federal Trade Commission conference, *Factors that Affect Prices of Refined Petroleum Products*, August 2, 2001.
- 73) "The Use and Misuse of Critical Loss Analysis," (with Wenqing Li), *LECG Perspectives*, Vol. 2, No. 3, July 2001.
- 74) "Critical Loss Analysis in Evaluating Mergers," (with Wenqing Li), *Antitrust Bulletin*, Summer 2001, 299-337.
- 75) "Has Microsoft Committed the Perfect Caper?" (with Robert H. Lande), *FTC Watch*, No. 564, April 16, 2001, 11-13.
- 76) "Skepticism Overdone: Managed Care and Costs," (with H.E. Frech III), *Health Affairs*, November/December 2000, Vol. 19, No. 6, 305.
- 77) "Challenges to Managed Care Practices in Healthcare And Their Potential Effects," (with Michaelyn Corbett), *LECG Perspectives*, Vol. 1, No. 4, October 2000, 1-4.
- 78) "The Economics of Geographic Market Definition in the Sutter Health/Summit Merger," (with Wenqing Li), *Antitrust Health Care Chronicle*, Vol. 14, No. 3, Fall 2000, 11-12.
- 79) "Competition in U.S. Healthcare and Its Future," (with Michaelyn Corbett), *Global Competition Review*, Vol. 3, No. 4, August-September 2000, 29-30.
- 80) "Lost Profits from Patent Infringement: The Simulation Approach," (with Gregory J. Werden and Luke M. Froeb), *International Journal of the Economics of Business*, Vol. 7, No. 2, 2000, 213-227.
- 81) "The Impact of Antitrust Exemptions for Health Care Professionals on Health Care Costs," (with H.E. Frech III), Monograph, Prepared for the American Association of Health Plans, June 2000.
- 82) "Quantitative Techniques in Competition Analysis," (with Tom Hoehn, Melori Meschi and Len Waverman), *Global Competition Review*, Vol. 2, No. 5, October-November 1999, 27-28.
- 83) "Quantitative Techniques in Competition Analysis," (with Tom Hoehn, Melori Meschi and Len Waverman), prepared for the U.K. Office of Fair Trading, October 1999.
- 84) "Recent Trends in Merger Enforcement in the United States: The Increasing Impact of Economic Analysis," (with Robert H. Lande), *Comparative Law*, Vol. 15, 1998, 73-96.
- 85) "The Use of Customer Complaints in Antitrust Analysis," *Government Antitrust Litigation Advisory*, July 1998, 1-5.

- 86) "Antitrust Analysis and Remedies in High-Tech Industries," (with Mary Coleman), *Global Competition Review*, Vol. 1, No. 3, June/July 1998, 42-43.
- 87) ABA Antitrust Section, 1997 *Annual Review of Antitrust Law Developments* (1998) (Contributor).
- 88) "Programming Concerns in German Pay-TV," (with Steve Wildman and William Wagener), *The Global Competition Review*, Vol. 1, No. 2, April/May 1998, 47.
- 89) "The Triumph and Failure of the U.S. Merger Guidelines in Litigation," *The Global Competition Review*, Issue 1, December 1997/January 1998, 36-37.
- 90) "Cash Machines: Fee Disclosure and Competition v. Regulation," (with Alan Frankel), *The Global Competition Review*, August/September 1997, 31-32.
- 91) "Sea-Change or Submarkets? Federal Trade Commission v. Staples, Inc. and Office Depot, Inc.," (with Alan Frankel), *The Global Competition Review*, June/July 1997, 29-30.
- 92) "Antitrust and Intellectual Property: Landing on Patent Avenue in the Game of Monopoly," (with James Gould), *IDEA - The Journal of Law and Technology*, Vol. 37, No. 3, 1997, 449-89.
- 93) "From Surrogates to Stories: The Evolution of Federal Merger Policy," (with Robert Lande), *Antitrust*, Vol. 37, No. 3, Spring 1997, 5-9.
- 94) "The Merger Guidelines As Applied," in Malcolm Coate and Andrew Kleit (eds.), *The Economics of the Antitrust Process*, 1996, 41-64.
- 95) *Proving Antitrust Damages*, Section of Antitrust Law, American Bar Association, William Page (ed.), (co-author), 1996, 41-64.
- 96) "Antitrust and Agreements Among Health Care Providers: 'The Messenger Model,' Efficiencies, and Non-Exclusive Contracts," (with Richard Higgins), Southern Economic Association Meetings, New Orleans, LA, November 19, 1995.
- 97) "Competition Policy and Privatization During the Transition of Central and Eastern Europe to a Market Economy: An Organizational Perspective," (with Dennis Yao), in H. Thomas, D. O'Neal and J. Kelly (eds.), *Strategic Renaissance and Business Transformation*, 1995, 33-55.
- 98) "Competition Policy and Privatization in a Transition Economy: An Organizational Perspective," (with Dennis Yao), in H.J. Blommestein and B. Steunenberg (eds.) *Government and Markets*, 1994, 195-218.
- 99) "Economic Theories of the Potential Anticompetitive Impact of Physician Owned Joint Ventures," (with Michael Black), *Antitrust Bulletin*, Summer 1994, 385-414.
- 100) "Entry Under the Merger Guidelines, 1982-1992," (with Malcolm Coate), *Antitrust Bulletin*, Fall 1993, 557-592.
- 101) "The Federal Trade Commission's Horizontal Restraint Cases: An Economic Perspective," (with Louis Silvia), *Antitrust Law Journal*, Spring 1993, 653-697.
- 102) "Frontiers in Monopolization," (with Michael Black), in John Clark and Mary Lou Steptoe (eds.), *The Antitrust Division and the FTC Speak on Current Developments in Federal Antitrust Enforcement*, 1992 (New York: Practising Law Institute), Chapter 26, 647-662.
- 103) "Efficiencies in U.S. Merger Analysis," (with Timothy Deyak), *International Merger Law*, No. 25, September 1992.
- 104) "Chapter 19: Analysis of Nonprice Horizontal Restraints," (with Louis Silvia and Terry Winslow), in Von Kalinowski (ed.), *Antitrust Counseling and Litigation Techniques*, (New York: Matthew Bender, 1992), 19-1 – 19-57.
- 105) "Liberal Trade and Antitrust in Developing Nations," (with Roger Boner), *Regulation*, Spring 1992, 5-6.
- 106) "Hospital Mergers: Do U.S. Antitrust Agencies Follow the Government Guidelines?" (with Paul Pautler), *International Merger Law*, February 1992.
- 107) "Analyzing Agreements Among Competitors: What Does the Future Hold?" (with John Morris), *Antitrust Bulletin*, Fall 1991, 651-679.

- 108) "Is Competition Policy the Last Thing Central and Eastern Europe Need?" (with Marsha Blitzer), *American University Journal of International Law and Policy*, Vol. 6, No. 3, Spring 1991, 347-398.
- 109) "In Defense of Antitrust" (with John Morris), *Regulation*, Spring 1991, 2-4.
- 110) "Antitrust Enforcement: The Gray Area of Agreements Among Competitors," *ATRS Report*, Spring 1991, 3-20.
- 111) "Economic Analysis in Health Care Antitrust," (with M. Vita, P. Pautler, and L. Miller), *The Journal of Contemporary Health Law and Policy*, Vol. 7, Spring 1991, 73-116.
- 112) "The FTC in the 1980's," (with David Scheffman), *Industrial Organization Review*, Summer 1990, 79-98.
- 113) "Comment on Baker, 'Identifying Cartel Policing Under Short-Term Uncertainty'," *Journal of Law and Economics*, Vol. 32, No. 2, October 1989, S77-S82.
- 114) "Innovation and U.S. Competition Policy," (with David Scheffman), *Antitrust Bulletin*, Spring 1989, 1-63. Also published in *Aussenwirtschaft*, 43, Jahrgang 1988, 45-95.
- 115) "The Use of Customer Complaints in Antitrust Analysis," (with Steve Stockum), *ATRS Report*, Spring 1989, 3-13.
- 116) "Regulatory Reform: the Right Way and the Wrong Way," (with Thomas Walton), in Roger Meiners and Bruce Yandle (eds.), *Regulation and the Reagan Era: Politics, Bureaucracy and the Public Interest*, 1989, 41-71.
- 117) "Attorney Advertising and Competition at the Bar," (with Terry Calvani and Gordon Shuford), *Vanderbilt Law Review*, Vol. 41, May 1988, 761-788.
- 118) "How Can Guidelines Reduce the Uncertainties of Antitrust Enforcement?," *Antitrust Bulletin*, Fall 1987, 643-659.
- 119) "Settlement vs. Litigation in Antitrust Enforcement," (with Robert Rogowsky), in Mackay, Miller, and Yandle (eds.), *The Federal Trade Commission: The Political Economy of Regulation*, 1987, 205-219.
- 120) "Evolution or Revolution--What is the Future of Antitrust?" (with David Scheffman), *Antitrust Bulletin*, Summer 1986, 287-300.
- 121) "The Impact of Antitrust Guidelines on Business," *Contemporary Policy Issues*, July 1986, 22-29.
- 122) "The Effect of Warranties: A Comment," in Ippolito and Scheffman (eds.), *Empirical Approaches to Consumer Protection Economics* (Washington, D.C.: F.T.C., 1986), 105-107.
- 123) "CAFE Estimation Errors and Their Causes," (with Richard Schneider), presented at the Western Economic Association Meetings, San Francisco, July 1986.
- 124) "Financial Deregulation and Geographic Market Delineation: An Application of the Justice Guidelines to Banking," (with Joseph McKenzie), *Antitrust Bulletin*, Fall 1985, 695-712.
- 125) "An Overview of the Current Debate on Resale Price Maintenance," (with Terry Calvani), *Contemporary Policy Issues*, Spring 1985, 1-8.
- 126) "The Failing Industry Merger Defense: A Market Alternative to MITI," presented at the Southern Economic Association Meetings in Atlanta, Georgia, November 1984.
- 127) "Antitrust Enforcement and the Oil Industry: Mergers in an Industry of Giants," presented at the National Association of Attorneys General Oil Merger Seminar, Denver, Colorado, April 24-25, 1984.
- 128) "An Economic Analysis of the Law of Evidence Applied to the Subjective and Objective tests in an Entrapment Defense," (with Richard Higgins), presented at the International Atlantic Economic Conference in San Juan, Puerto Rico, March 1984.
- 129) "The Costs and Benefits of Automobile Emissions Controls and Safety Regulations," Working Paper of the Center for the Study of American Business, Washington University in St. Louis, October 1983, Revised January 1984.

- 130) "Federal Automobile Regulations," presented at the Industrial Organization Society Meetings in San Francisco, California, December 1983.
- 131) "Comment of the Staff of the F.T.C. on Certain Motor Vehicle and Certain Chassis and Bodies Therefore, before the U.S. International Trade Commission, TA-201-44," (co-authored), October 1980.
- 132) "Demand Effects of Automobile Regulations," presented at the Econometric Society Meetings in Atlanta, Georgia, December 1979.
- 133) "The New Wave of Regulation: An Appraisal," *The Alternative: An American Spectator*, March 1976.
- 134) "Motor Carriers of Passengers," ICC Annual Report to Congress, 1972.
- 135) "Empirical Findings on Self Esteem: A Selected Survey," Appendix to P.S.L. Office of Education contract, 1971.
- 136) Assisted Murray L. Weidenbaum on Government Mandated Price Increases (AEI: 1975), "Private Advisors and Government Policymaking," *Policy Analysis*, Winter 1975, and "The Advantages of Credit on the Personal Income Tax," *George Washington Law Review*, March 1974.

While at the FTC, contributed to the U.S. Department of Justice and Federal Trade Commission 1992 Horizontal Merger Guidelines and the 1993 Statements of Enforcement Policy Relating to Health Care and Antitrust.

EXPERT TESTIMONIAL AND RELATED EXPERIENCE

Dr. Langenfeld has made many presentations and submitted reports to the Federal Trade Commission, the Department of Justice, various state agencies such as the Pennsylvania Insurance Department, the Department of Defense, the European Commission, and the Canadian Bureau of Competition Policy since leaving the FTC. These presentations involved a number of industries, including petroleum, healthcare, pharmaceuticals, medical devices, insurance, chemicals, construction equipment, computers, communications, defense, aerospace, food processing, baking, automobiles and trucks, and a large variety of consumer and industrial products. They covered economic analyses of mergers, monopolistic practices, collusion, consumer protection, and government regulation. He also often presents at conferences and seminars, covering a wide variety of economic, policy, damages, and strategic planning topics.

In addition to these presentations, Dr. Langenfeld has extensive experience testifying in federal and state courts, as well as before the European Commission. This formal testimonial and related experience covers antitrust, damages, class certification, intellectual property relating to patents and trade secrets, taxation regulation, and economic policy. Dr. Langenfeld's testimonial experience includes the following matters:

- 1) Arbitration Testimony of James Langenfeld, Ph. D. in US Worldmeds, LLC., v. Piramal Pharma Solutions, INC., Case No. 01-20-0000-5191, American Arbitration Association, May 11-12, 2021.
- 2) Deposition of James Langenfeld, Ph.D. in US Worldmeds, LLC v. Piramal Pharma Solitons, INC., Case No. 01-20-0000-5191, American Arbitration Association, March 12, 2021.

- 3) Deposition of James Langenfeld, Ph.D. in Bellin Memorial Hospital, INC., v. Kinsey & Kinsey, Inc., Brad Kinsey, and Brian M. Thome, Case No. 18-cv-348, State of Wisconsin Circuit Court Brown County, September 21, 2020.
- 4) Trial Testimony of James Langenfeld, Ph.D. in Ashraf O. Hamideh, an individual, Pouya Abdolrasoul, an individual, all in their representative capacity on behalf of themselves and other current and former employees. Plaintiffs vs. Wells Fargo Bank, N.A., Case No. 37-2017-00045253-CU-OE-CTL, in the Superior Court of the State of California County of San Diego, February 20, 2020.
- 5) Deposition of James Langenfeld, Ph.D. in re Bearings Cases, Case No. 12-MD-02311, in the United States District Court, Eastern District of Michigan, Southern Division, November 15, 2019.
- 6) Deposition of James Langenfeld Ph.D in Barbara Ruotolo, Edward Williams, and Chris Kalhoon, v. Lyft, Inc., Case Nos. AAA 01-18-0003-9788, 01-18-0003-9792, 01-18-0003-9782, American Arbitration Association, August 22, 2019.
- 7) Deposition of James Langenfeld, Ph.D. in Sushama Gokhale v. Dolby Laboratories, Inc., Case No. 3:17-cv-03845, in United States District Court, Northern District of California, San Francisco Division, December 20, 2018
- 8) Arbitration Testimony of James Langenfeld, Ph. D. in USG Boral Korea Company, Limited v. Byucksan Corporation, ICC Case No. 22377/PTA, in the International Chamber of Commerce, International Court of Arbitration, June 1, 2018 & September 27, 2018.
- 9) Deposition of James Langenfeld, Ph.D. in re Bearings Cases, Case No. 12-MD-02311, in the United States District Court, Eastern District of Michigan, Southern Division, December 7, 2017.
- 10) Deposition of James Langenfeld, Ph.D. in Ohio Harness Horsemen's Association, Inc., v. Northfield Park Associates, LLC., Case No. 5:16-CV-01780, in the United States District Court for the Northern District of Ohio, Eastern Division, November 14, 2017.
- 11) Deposition of James Langenfeld, Ph.D. in re Bearings Cases, Case No. 12-MD-02311, in the United States District Court, Eastern District of Michigan, Southern Division, June 16, 2017.
- 12) Deposition of James Langenfeld, Ph.D. in re Lidoderm Antitrust Litigation, Case No. 14-md-02521-WHO, in the United States District Court, Northern District of California, May 10, 2017.
- 13) Deposition of James Langenfeld, Ph.D. in Alvin Todd, Melody Todd, et al. v. Tempur Sealy International, Inc., Case No. 3:13-CV-04984-JST, in the United States District Court, Northern District of California, San Francisco Division, May 24, 2016.
- 14) Deposition of James Langenfeld, Ph.D. in United States of America v. State of Florida, Case No. 12-60460-ZLOCH/HUNT, in the United States District Court, Southern District of Florida, April 20, 2016.
- 15) Deposition of James Langenfeld, Ph.D. in Daniel Rivera et al. v. Allstate Insurance Company, and Judy Greffin, Case No. 1:10-CV-01733, in the United States District Court, Northern District of Illinois, Eastern Division, January 19, 2016.
- 16) Trial Testimony of James Langenfeld, Ph.D. in ClarkWestern Dietrich Building Systems, LLC. v. Ware Industries, Inc., Case No. CV 2013 10 2809, in the Court of Common Pleas, Butler County, Ohio, November 5, 2015.

- 17) Deposition of James Langenfeld in Equal Employment Opportunity Commission v. DHL Express (USA), Inc., Case No. 10 C 6139, in the United States District Court, Northern District of Illinois, Eastern Division, October 7, 2015.
- 18) Deposition of James Langenfeld in Ginger Matsumoto-Herrera v. Continental Casualty Company, Case No. CGC-14-540137, in the Superior Court of the State of California, County of San Francisco, August 18, 2015.
- 19) Deposition of James Langenfeld in The Solyndra Residual Trust v. Suntech Power Holdings Co., et al., Case No. 12-CV-5272, in the United States District Court, Northern District of California, Oakland Division, July 28, 2015.
- 20) Trial Testimony of James Langenfeld, Ph.D. in Hoskin Hogan et al. v BP West Coast Products LLC, Case No. BC 460880, in the Superior Court for the State of California, City of Los Angeles, July 15-16, 2015.
- 21) Deposition of James Langenfeld in Hoskin Hogan et al. v BP West Coast Products LLC, Case No. BC 460880, in the Superior Court for the State of California, City of Los Angeles, June 4, 2015.
- 22) Deposition of James Langenfeld in Susan Hunt v. Continental Casualty Company, et al., Case No. 3:13-CV-05966-HSG in the United States District Court, Northern District of California, May 14, 2015.
- 23) Trial Testimony of James Langenfeld, Ph.D. in Mark E. Idstrom v. Alliance Radiology, P.A., et al., Case No. 12-CV-03757, in the United States District Court of Johnson County, Kansas, May 12, 2015.
- 24) Deposition of James A. Langenfeld, Ph.D. in ClarkWestern Dietrich Building Systems LLC, v. Certified Steel Stud Association, Inc., et al., Case No. CV 2013 10 2809 in the Court of Common Pleas, Butler County, Ohio, May 5-7, 2015.
- 25) Deposition of James Langenfeld in Hoskin Hogan et al. v BP West Coast Products LLC, Case No. BC 460880, in the Superior Court for the State of California, City of Los Angeles, April 23-24, 2015.
- 26) Arbitration Testimony of James Langenfeld in Alfa Gomma, S.P.A. v. Veyance Technologies, Inc., before the American Arbitration Association, Case No. 50 154 T 00738 1313, March 19, 2015.
- 27) Deposition of James Langenfeld in Lena K. Thodos and David Miller, individually and on behalf of others similarly situated v. Nicor Inc, Northern Illinois Gas Company, d/b/a Nicor Gas, and Nicor Energy Services Company d/b/a Nicor Services, Case No. 11-CH-06556, in the Circuit Court of Cook County, Illinois, County Department, Chancery Division, February 5, 2015.
- 28) Arbitration Testimony of James Langenfeld in Florida East Coast Railway, L.L.C. v. Norfolk Southern Railway Company, before the American Arbitration Association, Case No. 33 125 00161 13, June 2, 2014.
- 29) Deposition of James Langenfeld in Florida East Coast Railway, L.L.C. v. Norfolk Southern Railway Company, before the American Arbitration Association, Case No. 33 125 00161 13, April 22, 2014.
- 30) Trial Testimony of James A. Langenfeld in Ateliers de la Haute-Garonne and F2C2 System S.A.S., v. Broetje Automation-USA Inc., and Broetje-Automation GmbH, Civil Action No.: 09-598-LPS, in the United States District Court for the District of Delaware, April 10, 2014.
- 31) Trial Testimony of James A. Langenfeld in Collins Inkjet Corporation v. Eastman Kodak Company, Case No. 13-CV-00664, in the United States District Court for the Southern District of Ohio Western Division, December 4, 2013.

- 32) Deposition of James Langenfeld, Ph.D. in Collins Inkjet Corporation v. Eastman Kodak Company, Case No. 13-CV-00664, in the United States District Court for the Southern District of Ohio Western Division, November 30, 2013.
- 33) Deposition of James Langenfeld, Ph.D. in Mark E. Idstrom v. Alliance Radiology, P.A., et al., Case No.12-CV-03757, in the United States District Court of Johnson County, Kansas, September 17, 2013.
- 34) Deposition of James A. Langenfeld in Astra Aktiebolag, et al. v. Andrx Pharmaceuticals, Inc., Case Nos. 99-CIV-8926, 99-CIV-9887, in the United States District Court for the Southern District of New York, August 8, 2013.
- 35) Trial Testimony of James A. Langenfeld in Regas Christou, R.M.C. Holdings, LLC d/b/a The Church, Bouboulinea, Inc. d/b/a/ Vinyl, Molon Lave, Inc. d/b/a 2 A.M., City Hall, LLC, 1037 Broadway, Inc. d/b/a Bar Standard f/k/a The Shelter, 776 Lincoln St., Inc. d/b/a Funky Buddha Lounge, 1055 Broadway, Inc. d/b/a The Living Room, v. Beatport, LLC, Bradley Roulier, BMJ&J, LLC d/b/a Beta Nightclub and Beatport Lounge, AM Only Inc., Case No. 2010-cv-2912-RBJ-KMT, in the United States District Court for the District of Colorado, July 2-3, 2013.
- 36) Deposition of James A. Langenfeld in Marilou McGirr v. Continental Casualty Co., et al., Case No. 11-L-4206, in the Circuit Court of Cook County, Illinois, March 5, 2013.
- 37) Trial Testimony of James A. Langenfeld in Regas Christou, R.M.C. Holdings, LLC d/b/a The Church, Bouboulinea, Inc. d/b/a/ Vinyl, Molon Lave, Inc. d/b/a 2 A.M., City Hall, LLC, 1037 Broadway, Inc. d/b/a Bar Standard f/k/a The Shelter, 776 Lincoln St., Inc. d/b/a Funky Buddha Lounge, 1055 Broadway, Inc. d/b/a The Living Room, v. Beatport, LLC, Bradley Roulier, BMJ&J, LLC d/b/a Beta Nightclub and Beatport Lounge, AM Only Inc., Case No. 2010-cv-2912-RBJ-KMT, in the United States District Court for the District of Colorado, January 15, 2013.
- 38) Deposition of James A. Langenfeld in Margaret Lamb and Eileen M. Buser on behalf of themselves and all others similarly situated v. Graco Children's Products, Inc. and Newell Rubbermaid, Inc., in the United States District Court for the Northern District of Florida Tallahassee Division, Case No. 4:11-cv-00477-RH-WCS, September 20, 2012.
- 39) Deposition of James A. Langenfeld in All Star Carts and Vehicles, Inc., H.B. Millwork, Inc., and Kussmaul Electronics Company, Inc. v. BFI Canada Income Fund, IESI, Corp., IESI NY, Corp., Winters Bros. Recycling, Corp., Winters Bros. Waste Systems, Inc., Waste Management, Inc., Waste Management of New York, LLC., Allied Waste Industries, Inc., Allied Waste of Long Island, Inc., and Island Waste Services, LTD., in the United States District Court Eastern District of New York, Civil Action No. CV 08-1816 (LDW)(AKT), March 9, 2012.
- 40) Deposition of James A. Langenfeld in Regas Christou, R.M.C. Holdings, LLC d/b/a The Church, Bouboulinea, Inc. d/b/a/ Vinyl, Molon Lave, Inc. d/b/a 2 A.M., City Hall, LLC, 1037 Broadway, Inc. d/b/a Bar Standard f/k/a The Shelter, 776 Lincoln St., Inc. d/b/a Funky Buddha Lounge, 1055 Broadway, Inc. d/b/a The Living Room, v. Beatport, LLC, Bradley Roulier, BMJ&J, LLC d/b/a Beta Nightclub and Beatport Lounge, AM Only Inc., Case No. 2010-cv-2912-RBJ-KMT, in the United States District Court for the District of Colorado, January 13, 2012.
- 41) Deposition of James A. Langenfeld in Sheridan Healthcorp, Inc., v. AvMed, Inc., Case No. 06 002992(7), in the Circuit Court Seventeenth Judicial District In and For Broward County, Florida, September 22, 2011.

- 42) Arbitration Testimony of James A. Langenfeld in Robert Bosch GmbH and Robert Bosch (France) S.A.S. v. Honeywell International Inc. f/k/a AlliedSignal Inc., International Chamber of Commerce, International Court of Arbitration, ICC Case No. 17521/VRO, September 12-13, 2011.
- 43) Deposition of James A. Langenfeld in Ateliers de la Haute-Garonne and F2C2 Systems S.A.S. v. Broetje Automation-USA, Inc. and Broetje Automation GmbH, Civil Action No.: 09-598-LPS, in the United States District Court for the District of Delaware, August 30, 2011.
- 44) Deposition of James A. Langenfeld in Sheridan Healthcorp, Inc., v. AvMed, Inc., Case No. 06 002992(7), in the Circuit Court Seventeenth Judicial District In and For Broward County, Florida, July 22-23, 2011.
- 45) Deposition of James A. Langenfeld in Bayer Schering Pharma AG, and Bayer Healthcare Pharmaceuticals Inc., v. Lupin Ltd. and Lupin Pharmaceuticals, Inc., Case No. 2:10-cv-01166-KJD-RJJ, in the United States District Court for the District of Nevada, May 11, 2011.
- 46) Deposition of James A. Langenfeld in Carl Blessing et al., v. Sirius XM Radio Inc., Case No. 09-cv-10035 (HB), in the United States District Court for the Southern District of New York, February 18, 2011.
- 47) Deposition of James A. Langenfeld in The City of St. Louis, et al., v. American Tobacco Co., et al. in the Circuit Court of the City of St. Louis, Missouri, Case No. 982-09652A, September 17, 2010.
- 48) Deposition of James A. Langenfeld in Safeway, Inc., Walgreen Co., The Kroger Co., New Albertson's, Inc., American Sales Company, Inc., and HEB Grocery Company, LP, v. Abbott Laboratories, in the United States District Court Northern District of California Oakland Division, Case No. C 04-1511(CW), et al., June 17, 2010.
- 49) Deposition of James A. Langenfeld in PPO Check, Ltd. v. Midwestern Regional Medical Center, Southwestern Regional Medical Center, and Cancer Treatment Centers of America, Inc., in the United States District Court For the Northern District of Illinois Eastern Division, Civil Action No. 4:07-CV-4767, June 9, 2010.
- 50) Deposition of James A. Langenfeld in Federal Trade Commission v. Innovative Marketing, Inc., et al., in the United States District Court for the District of Maryland, Civil No. RDB 08-CV-3233, May 18, 2010.
- 51) Testimony of James A. Langenfeld before the Department of Justice and Federal Trade Commission, Horizontal Merger Guidelines Review Project, Chicago, IL, December 10, 2009.
- 52) Deposition of James A. Langenfeld in Linda Adams, et al., v. Philip Morris Incorporated, et al., in the Circuit Court of Ohio County, West Virginia, Case No. 00-C-5000, November 23, 2009.
- 53) Deposition of James A. Langenfeld in Public Consulting Group, Inc., v. Unisys Corp., before the American Arbitration Association, Case No. 16181Y0000509, October 13, 2009.
- 54) Deposition of James A. Langenfeld in All Star Carts and Vehicles, Inc., H.B. Millwork, Inc., and Kussmaul Electronics Company, Inc. v. BFI Canada Income Fund, IESI, Corp., IESI NY, Corp., Winters Bros. Recycling, Corp., Winters Bros. Waste Systems, Inc., Waste Management, Inc., Waste Management of New York, LLC., Allied Waste Industries, Inc., Allied Waste of Long Island, Inc., and Island Waste Services, LTD, in the United States District Court Eastern District of New York, Civil Action No. CV 08-1816 (LDW)(AKT), September 18, 2009.
- 55) Trial Testimony of James A. Langenfeld in re: Universal Service Fund Telephone Billing Practices, in the United States District Court for the District of Kansas, Case No. 02-1468, November 13, 2008.

- 56) Testimony of James A. Langenfeld in Public Informational Hearings of the Pennsylvania Insurance Department in Form A Filings for Highmark, Inc. and Independence Blue Cross, Pittsburgh, July 8, 2008, Harrisburg, July 10, 2008, and Philadelphia, July 15, 2008.
- 57) Testimony of James A. Langenfeld before the European Commission in the Hearing in the Airfreight case, Comp39.258, July 2, 2008.
- 58) Testimony of James A. Langenfeld before PA Senate Banking and Insurance Committee in Form A Filings for Highmark, Inc. and Independence Blue Cross, Harrisburg, Pennsylvania, June 11, 2008.
- 59) Deposition of James A. Langenfeld in Nikki Pooshs v. Altria Group, Inc.; Philip Morris USA, Inc.; Philip Morris Companies, Inc.; Kraft Foods North America, Inc.; R.J. Reynolds Tobacco Holdings, Inc.; R.J. Reynolds Tobacco Company; Nabisco Group Holdings Corp; Nabisco, Inc.; Brown & Williamson Tobacco Corporation individually and as successor by merger to The American Tobacco Company and its predecessors in interest; British American Tobacco Company, Plc.; Lorillard Tobacco Company, Plc.; Lorillard, Inc.; Loews Corporation; Liggett Group, Inc.; Liggett & Myers, Inc.; Liggett & Myers Tobacco Co.; Vector Group Ltd.; Hill & Knowlton, Inc.; The Tobacco Institute, Inc.; The Council for Tobacco Research U.S.A., Inc.; DNA Plant Technology Corporation; Safeway, Inc.; and DOES 1 through 300, inclusive in the Superior Court of California County of San Francisco, No. CGC - 04-427-969, May 29, 2008.
- 60) Deposition of James A. Langenfeld in United States Gypsum Company v. Lafarge North America, Inc., Lafarge S.A., et al., in the United States Court for the Northern District of Illinois, Civil Action No. 03-CV-6027, December 7, 2007.
- 61) Trial Testimony of James A. Langenfeld in Gray v. Ford Motor Co., Tompkins v. Ford Motor Co., Katz v. Ford Motor Co., Montoya and McLachlan v. Ford Motor Co., in the Superior Court of the State of California County of Sacramento, JCCP Nos. 4266 & 4270, July 10-12, 2007 & September 24, 2007.
- 62) Deposition of James A. Langenfeld in The Regents of the University of California, et al., v. Micro Therapeutics, Inc., et al., in the United States District Court Northern District of California San Jose Division, No. C 03 05669 JW (RS), June 7, 2007.
- 63) Deposition of James A. Langenfeld in Gray v. Ford Motor Co., Tompkins v. Ford Motor Co., Katz v. Ford Motor Co., Montoya and McLachlan v. Ford Motor Co., in the Superior Court of the State of California County of Sacramento, JCCP Nos. 4266 & 4270, August 10 & 11, 2006.
- 64) Trial Testimony of James A. Langenfeld in PostX Corporation v. Secure Data in Motion, Inc. d/b/a Sigaba, Clearswift Corporation and James Reid and Secure Data in Motion, Inc. d/b/a Sigaba v. PostX Corporation, Mayfield Associates Fund VI, Mayfield Associates Fund IV, L.P., Mayfield IX, L.P., Mayfield XI, Mayfield XI Qualified and Mayfield Principals Fund II, United States District Court Northern District of California, Case No. C02-04483 SI, March 14, 2006.
- 65) Deposition of James A. Langenfeld in Thales Avionics, Inc., v. Matsushita Avionics Systems Corporation, Matsushita Electric Industrial Co. Ltd., and DOES 2-100, in the United States District Court Central District of California Southern Division, Case No. SACV 04-454-JVS, January 10, 2006.
- 66) Deposition of James A. Langenfeld in Federal Trade Commission v. Aloha Petroleum, Ltd., and Truststreet Properties, Inc. in the United States District Court District of Hawaii, August 19, 2005.

- 67) Trial Testimony of James A. Langenfeld in Government Employees Medical Plan a/k/a GemPlan, an Idaho legal entity; Board of Trustees of GemPlan, in their capacity as Trustees of the Trust Fund of GemPlan's Self-funded health care plan, and Mutual Insurance Assurance Associates, Inc., an Idaho Corporation v. Regence Blue Shield of Idaho, Inc., and Blue Cross of Idaho Health Services Inc., an Idaho Corporation, in the United States District Court for the District of Idaho, Case No. CIV 04-284-E-BLX, August 5, 2005.
- 68) Deposition of James A. Langenfeld in Qualitest Pharmaceuticals, Inc. v. Usher-Smith Laboratories, Inc., Case No. 03 C 4734, in the United States District Court for the Northern District of Illinois Eastern Division, May 25, 2005.
- 69) Deposition of James A. Langenfeld in PostX Corporation v. Secure Data in Motion, Inc. d/b/a Sigaba, Clearwsift Corporation and James Reid; Counterclaimant Secure Data in Motion, Inc. d/b/a Sigaba v. Post X Corporation, Mayfield Associates Fund VI, Mayfield Associates Fund IV, L.P., Mayfield IX, L.P., Mayfield XI, Mayfield XI Qualified and Mayfield Principals Fund II, Counterdefendants, in the United States District Court Northern District of California, May 19, 2005.
- 70) Deposition of James A. Langenfeld in Government Employees Medical Plan a/k/a GemPlan, an Idaho legal entity; Board of Trustees of GemPlan, in their capacity as Trustees of the Trust Fund of GemPlan's Self-funded health care plan, and Mutual Insurance Assurance Associates, Inc., an Idaho Corporation v. Regence Blue Shield of Idaho, Inc., and Blue Cross of Idaho Health Services Inc., an Idaho Corporation, in the United States District Court for the District of Idaho, Case No. CIV 04-284-E-BLX, May 5, 2005.
- 71) Arbitration Testimony of James A. Langenfeld in United Healthcare of Illinois Inc., and UnitedHealth Networks, Inc., v Advocate Health Care Network, Advocate Health Partners, Advocate Health and Hospitals Corporation, and Advocate Northside Health Network, in arbitration before the American Arbitration Association, Chicago, IL, April, 25-26, May 9, 2005.
- 72) Trial Testimony of James A. Langenfeld in Bernard Walker, individually, and on behalf of those similarly situated, 122 Reef Drive, Ocean City, NJ 08226 v. TAP Pharmaceutical Products, Inc., Abbott Laboratories and Takeda Chemical Industries, Ltd., Docket No. CPML-682-01, in the Superior Court of New Jersey, Law Division, Cape May County, April 21, 2005.
- 73) Trial Testimony of James A. Langenfeld in Norma Rose and Leonard Rose v. Brown & Williams, as successor in interest to American Tobacco, Philip Morris, USA, Inc., and R.J. Reynolds Tobacco Company, Index No. 101996/02, Supreme Court of the State of New York, County of New York, March 23, 2005.
- 74) Trial Testimony of James A. Langenfeld in United States of America v. Philip Morris Incorporated, et al., Civil Action No. 99-2496 (GK) in the United States District Court for the District of Columbia, March 10, 14, 2005.
- 75) Deposition of James A. Langenfeld in United Healthcare of Illinois Inc., and UnitedHealth Networks, Inc., v. Advocate Health Care Network, Advocate Health Partners, Advocate Health and Hospitals Corporation, and Advocate Northside Health Network, in arbitration before the American Arbitration Association, Chicago, IL, February 23, 2005.
- 76) Deposition of James A. Langenfeld in Qualitest Pharmaceuticals, Inc. v. Upsher-Smith Laboratories Inc., Case No. 03 C 4734, in the United States District Court for the Northern District of Illinois Eastern Division, February 17, 2005.
- 77) Deposition of James A. Langenfeld in Marsh USA Inc.; Marsh & McLennan Companies, Inc. v. James S. Wylie; Palmer & Cay, Inc., Case No. 03-C-3597, in the United States District Court for the Northern District of Illinois, January 27, 2005.

- 78) Deposition of James A. Langenfeld in Bernard Walker, individually, and on behalf of those similarly situated, 122 Reef Drive, Ocean City, NJ 08226 v. TAP Pharmaceutical Products, Inc., Abbott Laboratories and Takeda Chemical Industries, Ltd., Docket No. CPML-682-01, in the Superior Court of New Jersey, Law Division, Cape May County, August 11, 2004.
- 79) Deposition of James A. Langenfeld in Marsh USA Inc.; Marsh & McLennan Companies, Inc., v. Brent Vickery, John Sileo, Joella Mullin, and Palmer and Cay, in the District Court of Dallas County, Texas, 298th Judicial District, August 3, 2004.
- 80) Deposition of James A. Langenfeld in Re: Lupron Marketing and Sales Practices Litigation, MDL No. 1439 CA No.01-CV-10861, in the United States District Court of Massachusetts, July 9, 2004.
- 81) Deposition of James A. Langenfeld in Re: Terazosin Hydrochloride Antitrust Litigation RE: Pro-Competitive Justifications, Case Number 99-MDL-1317 in The United States District Court Southern District of Florida Southern Division, March 19, 2004.
- 82) Deposition of James A. Langenfeld in Estate of Janet G. Rosol, by her executor, Raymond R. Rosol and Raymond R. Rosol v. R.J. Reynolds Tobacco Company, No. C99-2089 EJM, in the United States District Court Northern District of Iowa Eastern Division, February 18, 2004.
- 83) Deposition of James A. Langenfeld in Lockwood International, B.V and Lockwood Engineering, B.V. v. Volm Bag Company, Inc., Case No. 96-C-673, in the United States District Court for the Eastern District of Wisconsin, January 23, 2004.
- 84) Deposition of James A. Langenfeld in United States of America v. Philip Morris Incorporated, et al., Civil Action No. 99-2496 (GK) in the United States District Court for the District of Columbia, December 11, 2003.
- 85) Deposition of James A. Langenfeld in Auto-Chlor System of Minnesota, Inc.; Auto-Chlor System Incorporated of Denver; Auto-Chlor System of Albuquerque Inc.; Golden Light Equipment Co., Auto-Chlor System of Jacksonville; Auto-Chlor System of Fresno, Inc.; and Auto-Chlor System of Kansas, Inc., v. DiverseyLever, A Delaware Corporation; JohnsonDiversey, A Delaware Corporation; and Auto-C, LLC, A Delaware Limited Liability Company, Case No. 02-535 RHK/SRN, United States District Court District of Minnesota, November 24, 2003.
- 86) Arbitration Testimony of James A. Langenfeld in Hyundai Motor Company v. Bering Truck Distribution, LLC & Bering Truck Corporation and BTC Resolution, LLC v. Hyundai Motor Company, International Arbitration Panel, November 21, 2003.
- 87) Trial Testimony of James A. Langenfeld in Original IFPC Shareholders, Inc. v. AT&T Wireless Services, Inc., case No. 93 CH 1065, in the Circuit Court of DuPage County, Illinois Eighteenth Judicial Circuit, October 16, 2003.
- 88) Deposition of James A. Langenfeld in Original IFPC Shareholders, Inc. v. AT&T Wireless Services, Inc., case No. 93 CH 1065, in the Circuit Court of DuPage County, Illinois Eighteenth Judicial Circuit, August 14, 2003.
- 89) Trial Testimony of James A. Langenfeld in DTM Research, L.L.C v. AT&T Corporation, Civil Action No. PJM 96-1852 in the United States District Court for the District of Maryland Southern Division, July 2-3, 2003.
- 90) Deposition of James A. Langenfeld in Original IFPC Shareholders, Inc. v. AT&T Wireless Services, Inc., case No. 93 CH 1065, in the Circuit Court of DuPage County, Illinois Eighteenth Judicial Circuit, June 5, 2003.

- 91) Deposition of James A. Langenfeld in DTM Research, L.L.C v. AT&T Corporation, Civil Action No. PJM 96-1852 in the United States District Court for the District of Maryland Southern Division, May 16, 2003.
- 92) Testimony of James A. Langenfeld before the joint DOJ/FTC Hearings on Healthcare and Competition Law and Policy. Washington, DC. Health Insurance/Providers-Countervailing Market Power, May 7, 2003.
- 93) Testimony of James A. Langenfeld before the joint DOJ/FTC Hearings on Healthcare and Competition Law and Policy. Washington, DC. Health Insurance and Monopoly Issues-Entry and Efficiencies, April 23, 2003.
- 94) Deposition of James A. Langenfeld in The Iams Company v. Nutro Products, Inc; Nutro Products, Inc, Counterclaimant v. The Iams Company, The Proctor and Gamble Company, and DOES 1-10 inclusive, Case No. C-3-00-566, in the United States District Court for the Southern District of Ohio, Western Division (Dayton), March 10-11, 2003.
- 95) Deposition of James A. Langenfeld in Willard R. Brown, et al. v. American Tobacco Co., et al., San Diego Superior Court Case No. 711400, January 14, 2003.
- 96) Trial Testimony of James A. Langenfeld in United States of America v. Boston Scientific Corporation, Civil Action No. 00-12247-PBS in the United States District Court for the District of Massachusetts, September 18-20, 2002.
- 97) Deposition of James A. Langenfeld in United States of America v. Philip Morris Incorporated, et al., Civil Action No. 99-02496 (GK) in the United States District Court for the District of Columbia, August 28-29, 2002.
- 98) Deposition of James A. Langenfeld in Menasha Corporation v. News America Marketing In-Store, Inc., and News America Marketing In-Store Services, Inc., Civil Action No. 00C-1895 in the United States District Court for the Northern District of Illinois Eastern Division, July 23-25, 2002.
- 99) Deposition of James A. Langenfeld in Women's Clinic et al., v. St. John's Health System, Inc., and St. John's Physicians and Clinics, Inc., F/k/a St. John's Health Systems, Cause No. 01-3245-CV-S AE-ECF In the United States District Court for the Western District of Missouri Southern Division, June 13, 2002.
- 100) Deposition of James A. Langenfeld in United States of America v. Boston Scientific Corporation, Civil Action No. 00-12247-PBS in the United States District Court for the District of Massachusetts, June 6-7, 2002.
- 101) Deposition of James A. Langenfeld in Super Natural Distributors Inc., v. Muscletech Research and Development, Civil No.00-CV-1361 in the United States District Court Eastern District of Wisconsin, May 30, 2002.
- 102) Deposition of James A. Langenfeld in Susan Miles and Linda J. McHatton individually and on behalf of all others similarly situated v. Philip Morris Companies, Inc and Philip Morris Inc., Cause No. 00-L-112 in the Circuit Court Third Judicial Circuit Madison County, Illinois, May 15, 2002.
- 103) Deposition of James A. Langenfeld in Devin Daniels, et al., v. Philip Morris Incorporated, et al., Case No. 719446 In the Superior Court of the State of California City and County of San Diego, May 9, 2002.
- 104) Deposition of James A. Langenfeld in Alan Harvey and Madeline Harvey v. ABB Lummus Global Inc., et al., Case No. 312112_in the Superior Court of California in and for The County of San Francisco, May 3, 2002.

- 105) Deposition of James A. Langenfeld in Re: Terazosin Hydrochloride Antitrust Litigation Case Number 99-MDL-1317 in The United States District Court Southern District of Florida Southern Division, April 25-26, 2002.
- 106) Deposition of James A. Langenfeld in Bandag, Inc., v. Michelin Retread Technologies, Incorporated and Michelin North America, Incorporated, Counterclaimants, v. Bandag, Incorporated Counterdefendant, and Bridgestone/Firestone, Inc., Counterdefendant, Civil Action NO. 3-99-CV-80165 in the United States District Court Southern District of Iowa Davenport Division, April 10, 2002.
- 107) Testimony of James A. Langenfeld, FTC/DOJ Hearings on the Implications of Competition and Patent Law and Policy, "Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy," Washington, D.C, February 20, 2002.
- 108) Deposition of James A. Langenfeld in Fieldturf International, Inc., a Florida corporation, and Fieldturf Inc., a Canadian corporation v. Southwest Recreational Industries, Inc., a Texas corporation, Civil No. 00-12, in the United States District Court Eastern District of Kentucky at Lexington, February 15, 2002.
- 109) Deposition of James A. Langenfeld in Mutual Wholesale Services, Inc., Keystone Tobacco Co., Inc., and F&F Tobacco Product v. United States Tobacco Sales and Marketing Company, Inc., et al., Case No. 5:98-CV-00108 in the United States District Court Western District of Kentucky Paducah Division, February 8, 2002.
- 110) Deposition of James A. Langenfeld in Morris Communications Corporation, a Georgia Corporation v. PGA Tour, Inc. Case No: 3:00-cv-1128-J-20C in the United States District Court Middle District of Florida Jacksonville Division, February 6, 2002.
- 111) Telephone Deposition of James A. Langenfeld in Lawrence Lucier and Laurie Lucier vs. Philip Morris, Incorporated, R.J. Reynolds Tobacco Company, Safeway, Inc.; and First Doe through Five Hundredth Doe, inclusive. No. 312610 in the Superior Court of the State of California in and for the County of San Francisco, January 29, 2002.
- 112) Trial Testimony of James A. Langenfeld in American Trucking Associations, Inc., a District of Columbia corporation, CRST, Inc., a Iowa corporation, USF Reddaway, Inc., an Oregon corporation, Kenneth E. Mansigh Trucking Inc., a Washington corporation, On Behalf of Themselves and All Other Similarly Situated Weight-Distance Taxpayers v. State of Oregon, Oregon Department of Transportation, Grace Crunican, Director, Department of Transportation. Case No. 00C-16242 in the Circuit Court of the State of Oregon for the County of Marion, December 18-19, 2001.
- 113) Trial Testimony of James A. Langenfeld in Heritage Provider Network & Bakersfield Family Medical Group, Inc., D.B.A. Bakersfield Family Medical Center, D.B.A. Heritage Physician Network, IPA v. San Joaquin Community Hospital et al., Case No.S-1500-CV-241324-RDR in the Superior Court of the State of California for the County of Kern, October 17, 2001.
- 114) Deposition of James A. Langenfeld in Heritage Provider Network & Bakersfield Family Medical Group, Inc., D.B.A. Bakersfield Family Medical Center, D.B.A. Heritage Physician Network, IPA v. San Joaquin Community Hospital et al., Case No.S-1500-CV-241324-RDR in the Superior Court of the State of California for the County of Kern, September 23, 2001.
- 115) Deposition of James A. Langenfeld in Fieldturf International, Inc., a Florida corporation, and Fieldturf Inc., a Canadian corporation v. Southwest Recreational Industries, Inc., a Texas corporation, Civil No. 00-12, in the United States District Court Eastern District of Kentucky at Lexington, August 31, 2001.

- 116) Deposition of James A. Langenfeld in Areta Kowal Vern, M.D. v. Loyola University Chicago, Loyola University Physician Foundation, Loyola University Medical Center and Kenneth D. McClatchey, D.D.S., M.D. Case No.97 C 6409, Judge Blanche M. Manning in the United States District Court for the Northern District of Illinois Eastern Division, August 13, 2001.
- 117) Deposition of James A. Langenfeld in Christa J. Blankenship and Mae Sibbo, on behalf of themselves and all others similarly situated v. Philip Morris Incorporated, et al., Civil Action No.00-C-6000 in the Circuit Court of Ohio County, West Virginia, August 3, 2001.
- 118) Deposition of James A. Langenfeld in Enterprise Rent-A-Car Company, a Missouri Corporation, et al. v. Firemans' Fund Insurance Companies, Fireman's Fund Insurance Company, American Automobile Insurance Company, Interstate Fire & Casualty Company and Does 3-100, No. 00CC-000270-J-CV in the Circuit Court for the County of St. Louis State of Missouri, July 26, 2001.
- 119) Deposition of James A. Langenfeld in Pullman Supply Company, LLC, a Colorado corporation v. Cashway Electric Supply Co., Inc., in the United States District Court for the District of Colorado, June 7, 2001.
- 120) Testimony of James A. Langenfeld, FTC Public Workshop "Emerging Issues for Competition Policy in the World of E-Commerce", Washington, D.C., May 8, 2001.
- 121) Deposition of James A. Langenfeld in KW Plastics v. United States Can Company, CV-99-D-0286-N in the United States District Court for the Middle District of Alabama, January 12, 2001.
- 122) Deposition of James A. Langenfeld in AVID Identification Systems Inc., a California Corporation v. Schering-Plough, a New Jersey Corporation, Case No: EDCV 99-170 VAP (BQRx), in the United States District Court Central District of California, January 10, 2001.
- 123) Trial Testimony of James A. Langenfeld in Silicon Metals from Argentina, Brazil and China Investigations Nos. 731-TA-470-472 (Review), before the International Trade Commission, Washington D.C., November 15, 2000.
- 124) Deposition of James A. Langenfeld in Anthony D. Viazis, D.D.S. M.S., P.C., partnership, OSI: Orthosystems, Inc., a Delaware corp., and Trigon Distribution, LTD., a Texas Ltd. Partnership v. American Association of Orthodontists, Southwestern Society of Orthodontists, T.L. Daugherty, R.A. McFarland, Mark S. Geller, William W. Robinson, Doug Crosby, and Dean Jensen in the United States District Court for The Eastern District of Texas Sherman Division, September 1, 2000.
- 125) Deposition of James A. Langenfeld in Serta, Inc. v. Simmons Company, Case No.98 C 2067 in the United States District Court for the Northern District Illinois Eastern Division, June 22-23 & July 14, 2000.
- 126) Trial Testimony of James A. Langenfeld in European Union Review of Alcoa Inc. & Reynolds Metals Co. Merger before the European Commission, Brussels, Belgium, March 24, 2000.
- 127) Trial Testimony of James A. Langenfeld in United States Can Company v. KW Plastics, et al., Civil Action No. CV-99-D286-N in the United States District Court for the Middle District of Alabama, Northern Division, March 3, 2000.
- 128) Deposition of James A. Langenfeld in United States Can Company v. KW Plastics, et al., Civil Action No. CV-99-D286-N in the United States District Court for the Middle District of Alabama , Northern Division, February 23, 2000.
- 129) Deposition of James A. Langenfeld in Commercial Tissue Products Antitrust Litigation. MDL Docket No.1189 in the Unites States District Court for the Northern District of Florida Gainesville Division, January 11-12, 2000.

- 130) Trial Testimony of James A. Langenfeld in State of California v. Sutter Health: Alta Bates Medical Center, and Summit Medical Center, Case NO. C-99-3803-MMC in the United States District Court for the Northern District of California, October 25-28, 1999.
- 131) Deposition of James Langenfeld in State of California v. Sutter Health: Alta Bates Medical Center: and Summit Medical Center, Case No. C-99-3803-MMC in the United States District Court for the Northern District of California, September 27, 1999.
- 132) Trial Testimony of James A. Langenfeld in Re: Industrial Silicon Antitrust Litigation, Case No. 95-2104, in the United States District Court for the Western District of Pennsylvania, April 27-28, 1999.
- 133) Trial Testimony of James A. Langenfeld in MEMTEC America Corporation v. Puroflow Incorporated, Case No. 03-C-95-011701, in the Circuit Court for Baltimore County, January 22, 1999.
- 134) Deposition of James A. Langenfeld in Asyst Technologies, Inc. v. Emtraak, Inc., Jenoptik AG, Jenoptik Infab, Inc. and Meissner +Wurst GmbH, in U.S. District Court for the Northern District of California, San Jose Division, January, 15, 1999.
- 135) Depositions of James A. Langenfeld in MEMTEC America Corporation v. Puroflow Incorporated, Case No. 03-C-95-011701, in the Circuit Court for Baltimore County, December 16, 1998, January 5 and 20, 1999.
- 136) Trial Testimony of James A. Langenfeld in Litton Systems, Inc. v. Honeywell, CV-90-4823 MRP (EX), in the United States District Court for the Central District of California, November 10, 12, 1998.
- 137) Deposition of James Langenfeld in Maxicare Health Plans of the Midwest, Inc. v. The Foundation for Medical Care of Central Illinois and James D. Blankenship, Case No. 97-3091, United States District Court for the Central District of Illinois, October 26, November 25, 1998.
- 138) Trial Testimony of James Langenfeld in Re: Industrial Silicon Antitrust Litigation, Master File No. 95-2104, U.S. District Court for the Western District of Pennsylvania, October 13-14, 1998.
- 139) Deposition of James Langenfeld in Century Shopping Center Fund I, and Century Management Group, Ltd., v. Fleming Companies, Inc., Joseph A. Crivello, and Crivello Properties, Case No. 88-CV-018071, Marquette Pharmacy, Inc., and Susan L. Kulinski v. Fleming Companies, Inc., Joseph A. Crivello, and Crivello Properties, Case No. 93-CV-008413, Ronald P. Huntley, as and only as Trustee in Bankruptcy of Howell Plaza, Inc., v. Fleming Companies, Inc., Case No. 88-CV-018071, Circuit Court of Milwaukee County, State of Wisconsin, September 17, 1998.
- 140) Deposition of James Langenfeld in Re: Industrial Silicon Antitrust Litigation, Master File No. 95-2104, U.S. District Court for the Western District of Pennsylvania, August 12-13, 1998.
- 141) Deposition of James A. Langenfeld in Litton Systems, Inc. v. Honeywell, CV-90-4823 MRP (EX), in the United States District Court for the Central District of California, July 27-28, 1998.
- 142) Deposition of James A. Langenfeld in Hospital Corporation International, Ltd., and American Medical Centers, Inc. v. PepsiCo, Inc., 94 CvS 888, in the General Court of Justice, Superior Court Division, Craven County, North Carolina, April 23, May 15-16, July 21, 1998.
- 143) Depositions of James Langenfeld in The Appraisers Coalition, et. al. v. Appraisal Institute, et. al., Civil Action No. 93 C 913, U.S. District Court, Northern District of Illinois, Eastern Division, March 24, 1997 and April 25, 1997.
- 144) Trial Testimony of James Langenfeld in Chabra v. Southern Monterey County Memorial Hospital, Inc., Case No. C-94 220335 EAI, U.S. District Court, Northern District of California at San Jose, February 27, 1997.

- 145) Depositions of Dr. James Langenfeld in GTE Directories v. Children's Seashore House., Civil Action No. 95 CV-4602, U.S. District Court for the Eastern District of Pennsylvania, July 10-11, 1996.
- 146) Deposition of Dr. James Langenfeld in Re: The Celotex Corporation, et al., Chapter 11 Consolidated Case Nos: 90-10016-8B1 and 90-10017-8B1, U.S. Bankruptcy Court, Middle District of Florida, Tampa Division, May 31, 1996.
- 147) Trial Testimony of James A. Langenfeld in Litton Systems, Inc. v. Honeywell, Inc., Case No. CV-90-4823 MRP (Ex), in the United States District Court for the Central District of California, January 26, 1996.
- 148) Depositions of James A. Langenfeld In Re: Brand Name Prescription Drugs Antitrust, Case No. 94 C 897, in the United States District Court for the Northern District of Illinois, Eastern Division, January 4-5, 1996.
- 149) Depositions of James A. Langenfeld in Litton Systems, Inc. v. Honeywell, Inc., Case No. CV-90-4823 MRP (Ex), in the United States District Court for the Central District of California, August 24-26 and October 6, 1995.
- 150) Trial Testimony of James A. Langenfeld in C.R. Bard v. M3 Systems, Inc., Case No. 93-C-4788, in the United States District Court for the Northern District of Illinois, Eastern Division, September 25, 1995.
- 151) Testified before the Physician Payment Review Commission, "Antitrust in Evolving Health Care Markets," September 22-23, 1994.
- 152) Deposition of James A. Langenfeld in THK America, Inc. v. NSK Ltd., et al., Civil Action No. 90 C 6049 (N.D. Ill.); July 14-15, 1994.
- 153) Trial Testimony of James A. Langenfeld in Petrolon Management, Inc. v. Howe Laboratories, Inc., et al., Civil Action No. 93-511, in the U.S. District Court for the District of Delaware; February 10, 1994.
- 154) Deposition of James A. Langenfeld in Petrolon Management, Inc. v. Howe Laboratories, Inc., et al., Civil Action No. 93-511, in the U.S. District Court for the District of Delaware; February 1, 1994.