

Alden L. Atkins

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Alden is a commercial litigator and trial lawyer with deep experience in high stakes litigation, and he is now an independent arbitrator and counsel. He is also an adjunct professor at the Washington College of Law at American University, teaching a course on damages in international arbitration.

Alden has represented both plaintiffs/claimants and defendants/respondents in federal courts, state courts and domestic and international arbitrations. The matters have involved claims alleging antitrust violations, breaches of contract, breaches of fiduciary duties, fraud and misrepresentation, patents and trademarks, tortious interference, commercial torts, violations of securities laws, and other statutory claims under federal, state and foreign laws. Many of the cases were mass or class actions in federal and state courts. Often, the stakes were enormous, involving hundreds of millions or billions of dollars.

His experience covers a broad range of industries, including airlines, auto parts, banking and finance, chemicals, communications, computers, construction, credit cards, defense and government contracting, electric power generation, energy, LNG, gas distribution, pipeline, polymers, project finance and joint ventures, publishing, railroads, telecommunications, television programming and transportation. He is also expert in e-discovery and Technology Aided Review. He has worked on disputes arising in the U.S., Canada, Afghanistan, Argentina, Brazil, Chile, China, Cyprus, England, India, Iraq, Japan, Kuwait, Namibia, Nigeria, Trinidad and Tobago, Turkey and the United Arab Emirates.

Alden has been recognized “for his vast knowledge of commercial and investment arbitration” (*Legal 500 U.S.* 2018). He was also recognized as a Client Service All Star (BTI 2017). He has been recognized by SuperLawyers (2013-2024); *Legal 500 U.S.*, Antitrust: Civil Litigation and Class Actions (2016–2020), Antitrust: Cartel (2018, 2021–2023); Dispute Resolution (2018–2019), Antitrust: Civil Litigation and Class Actions: Defense (2018–2021 & 2023), and Antitrust: Merger Control (2023), and *Legal 500 Latin America*, International Arbitration (2019).

Alden is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and has been appointed as an arbitrator in domestic and international arbitrations. He has experience in arbitrations brought under AAA, ICDR, LCIA, ICC and UNCITRAL rules, as well as ad hoc arbitrations.

Experience Highlights

- Representing a local gas distribution company in litigation to oppose landowners' efforts to assert local regulatory control over the routing for natural gas pipelines
- Represented several large shippers, and appointed as one of plaintiffs' liaison counsel in 107 cases consolidated as *in re Rail Freight Fuel Surcharge Antitrust Litigation (No. II)*, an MDL alleging that major railroads conspired to adopt fuel surcharges.
- Represented an airline in *In re Delta/AirTran Baggage Fee Antitrust Litigation*, an MDL putative class action alleging price-fixing of checked baggage fees, where plaintiffs sought more than \$1 billion in damages before trebling; won summary judgment in the District Court, and the Court of Appeals summarily affirmed two days after oral argument; recovered substantial statutory costs from the plaintiffs at the conclusion of the case.
- Represented an airline in *In re Domestic Airline Travel Antitrust Litigation*, an MDL putative class action alleging that the major airlines conspired to restrict domestic capacity, as well as parallel federal and state investigations and litigation in Canada.
- Represented an auto parts manufacturer in *In re Automotive Part Antitrust Litigation*, a massive series of MDL putative class actions alleging price-fixing for auto parts
- Represented a manufacturer of chemicals used to manufacture urethane in *In re Diisocyanates Antitrust Litigation*, an MDL antitrust putative class action. Took the lead on complex issues regarding e-discovery and Technology Aided Review, which led to cutting edge opinions by a special master.
- Represented a financial services firm in *In re Municipal Derivatives Antitrust Litigation*, an antitrust MDL putative class action and series of opt-out lawsuits alleging bid-rigging in the municipal derivatives industry.
- Represented a wood chip manufacturer in an AAA arbitration concerning the construction of a plant.
- Represented a government contractor in two AAA arbitrations arising from a teaming agreement to support U.S. troops in Afghanistan, including enforcement of an award in U.S. courts. Recovered more than \$90 million for the client.
- Represented an international energy company in an ad hoc arbitration in Brazil concerning a power plant joint venture. Won an \$80 million award, which was collected after bringing an enforcement action in the U.S.
- Represented an international energy company in an ICDR arbitration concerning a power plan joint venture in Brazil under Brazilian law.
- Represented international energy company in UNCITRAL arbitration arising from LNG joint venture in Trinidad and Tobago, with claims of breach of contract, self-dealing, fiduciary duties, and derivative claims arising under the laws of multiple countries

- Represented an international energy company in an ICDR arbitration concerning the right to certain cargoes of LNG
- Represented a government contractor in an ICDR arbitration with the prime contractor concerning the construction of ships for the U.S. Navy
- Supervised litigation in the courts of Taiwan for a U.S. defense contractor
- Represented a bus company in an ICDR arbitration with its partner under a revenue pooling agreement and in federal court litigation concerning breach of an interline agreement
- Represented a Brazilian petroleum consulting firm in an arbitration with a UK company involving services performed in Namibia.
- Represented a grocery store chain in antitrust litigation brought by the FTC to challenge a merger.
- Represented an international cable television programming channel in litigation brought by content providers in U.S. courts, and supervised litigation in several foreign jurisdictions.
- Represented a government contractor in a series of False Claims Act cases, lawsuits and arbitrations brought by subcontractors, regarding services provided to support troops in Iraq.
- Represented a gas pipeline in regulatory dispute concerning environmental remediation.
- Represented an energy company in regulatory dispute concerning the introduction of regassified LNG into interstate pipelines
- Represented a polymer manufacturer in unique ad hoc arbitration to allocate liability to facilitate a nationwide settlement of consumer products claims involving plastic plumbing systems.
- Represented a polymer manufacturer in product liability lawsuits across the U.S. and the Virgin Islands concerning plastic plumbing systems and pipes. Many were putative class actions.
- Represented a savings and loan in lawsuit against the Government for breach of a forbearance agreement.
- Represented a key figure in the Whitewater investigations by an independent counsel, a Senate Select Committee, a House of Representatives Committee, the FDIC, the FDIC Inspector General, the RTC and the RTC Inspector General.
- Represented the captain of a ship supporting the Navy during the first Persian Gulf War in criminal charges alleging theft of government-owned fuel
- Represented a government contractor in investigations by the Department of Defense Inspector General and DOJ.

- Part of teams representing companies defending hostile takeovers, including in U.S. courts, state regulatory agencies and international proceedings.
- Part of teams representing issuers in securities litigation.
- Part of teams representing cable television companies and programmers in antitrust, First Amendment and breach of contract litigation
- Represented parties in civil rights litigation in district courts, courts of appeals and the Supreme Court, including in *In re Birmingham Reverse Discrimination Employment Litigation*, *Martin v. Wilks*, *United States v. Jefferson County* and *United States v. Paradise*.

Education

- University of Virginia School of Law, J.D., 1984 (Order of the Coif)
- University of Virginia, B.A. with high honors, 1981 (Phi Beta Kappa; Raven Society)