

DARIN N. LEE

CONTACT

200 State Street
9th Floor
Boston, MA 02109
T: +1 617 520 0255
darin.lee@compasslexecon.com

EDUCATION

1998, *PhD in Economics*, Brown University
Specialized Fields: Game Theory, Microeconomic Theory, Industrial Organization & Bargaining Theory
1995, *AM in Economics*, Brown University
1993, *MA in Economics*, Queen's University
1991, *BSc, honors*, University of Victoria

PROFESSIONAL EXPERIENCE

2013 - Present, *Executive Vice President*, Compass Lexecon, Boston, MA
2011 - 2013, *Senior Vice President*, Compass Lexecon, Boston, MA
2011, *Director, Transportation and Auction Groups*, LECG, LLC, Cambridge, MA
2005 - 2010, *Principal, Transportation and Auction Groups*, LECG, LLC, Cambridge, MA
2002 - 2005, *Senior Managing Economist, Transportation and Auction Groups*, LECG, LLC, Cambridge, MA
2001 - 2002, *Managing Economist, Transportation and Auction Groups*, LECG, LLC, Cambridge, MA
1998 - 2000, *Senior Economist, Transportation and Auction Groups*, LECG, LLC, Cambridge, MA

TESTIMONY

Testimony & Expert Reports

- Expert report in *American Airlines, Inc. v. Transport Works Union of America, AFL-CIO, International Association of Machinists and Aerospace Workers, and Airline Mechanic and Related Employee Association TWU/IAM*, United States District Court for the Northern District of Texas, Fort Worth Division, May 20, 2019.
- Expert report in *Layla Basilliali v. Allegiant Air, LLC.*, United States District Court, Central District of California. Case No. 2:18-CV-3888 RGK, May 2019.
- Expert report and trial testimony in *Julie Gunther v. Alaska Airlines, Inc.*, California Superior Court of the State of California, County of San Diego. Case No. 37-2017- 00037849-CU-OE-NC, April-May 2019.
- 30(B)(6) Deposition in *City of Dallas v. Delta Air Lines, Inc., Southwest Airlines, Co., Virgin America Inc., American Airlines, Inc., and United Airlines*. United States District Court for the Northern District of Texas, Dallas Division, Civil Action No. 3:15-CV-02069-K.
- Expert report "An Analysis of Serious Prejudice to the Interests of Brazil Attributable to Subsidized Competition from Bombardier's C Series Aircraft," (Joint with Ethan Singer), Canada – Measures Concerning Trade in Commercial Aircraft (DS522), World Trade Organization, December 2018.
- Expert report, rebuttal report, and deposition testimony in *Delta Airlines, Inc. v. The New York City Department of Consumer Affairs and Lorelei Salas*, in her official capacity as Commissioner of the New York

Department of Consumer Affairs, United States District Court for the Eastern District of New York, No. 1:17-cv-1343, November 2018-March 2019.

- Expert report and Declaration in Air Transport Association of America, d/b/a Airlines for America vs. Maura Healey, in her official capacity as Attorney General, Commonwealth of Massachusetts, United States District Court for the District of Massachusetts, No. 1:18-cv-10651-AVB, November 2018.
- Expert report and deposition testimony in Air Transport Association of America, d/b/a Airlines for America v. The Washington Department of Labor & Industries and Joel Sacks, in his official capacity as Director of the Department of Labor & Industries, United States District Court, Western District of Washington at Tacoma, No. 3:18-cv-05092-RBL, July 2018-February 2019.
- Expert report and arbitration testimony in the Matter of Arbitration between the Association of Professional Flight Attendants and American Airlines, Inc. Bonnie Weinstock Arbitrator, Case #SS-98-2017-APFA-2 (PBS Bidding), April 2018.
- Expert report and deposition testimony in Julia Bernstein, Lisa Marie Smith, and Esther Garcia, on behalf of themselves and all others similarly situated vs. Virgin America, Inc., United States District Court, Northern District of California, Case no. 3:15-cv-02277-JST.
- Expert report, rebuttal report and trial testimony in Atlas Air, Inc. and Polar Air Cargo Worldwide, Inc., Plaintiff, v. International Brotherhood of Teamsters; International Brotherhood of Teamsters, Airline Division; and Airline Professionals Association of The International Brotherhood of Teamsters, Local Union No. 1224, Defendant, United States District Court, District of Columbia, September-October 2017.
- Expert report and testimony in the interest arbitration regarding the joint collective bargaining agreement for the pilots of Alaska Airlines and Virgin America; August 2017.
- Expert report, rebuttal report and deposition testimony in Super98, LLC, Plaintiff, v. Delta Air Lines, Inc., Defendant, United States District Court, Northern District of Georgia, Atlanta Division, July 2017.
- Expert declaration in re: Spirit Airlines, Inc. Plaintiff, v. Air Line Pilots Association, International; Spirit Airlines Master Executive Council; Stuart Morrison; Brian Coley; Michael Lorusso; Todd Hirshon; Michael Luckstone; Ryan Pachkofsky; James Ackerman, Tim Connors; And Antonio Nassar, Defendants, United States District Court, Southern District of Florida, Fort Lauderdale Division, Case No. 0:17-cv-60917, May 2017.
- Expert report and arbitration testimony in the matter of the Interest Arbitration between the Association of Professional Flight Attendants and American Airlines, Inc., January 5-7, 2017.
- Expert report, rebuttal report and deposition testimony in Daniel Grace, et al. v. Alaska Air Group, Inc. et al, United States District Court, Northern District of California, San Francisco Division, Case No. 16-cv-05165-WHA, November-December 2016.
- Expert report in a matter between a U.S. air carrier and one of its represented employee groups (records have been sealed by the court), 2016.
- Expert declaration in the matter of arbitration between United Airlines, Inc. and the Air Line Pilots Association, International, Profit Sharing Grievance, Board No. 2012-08, Gr. No. 2012-U-AA-14R, et. al., Before the United Airlines, Inc. - Air Line Pilots Association, International System Board of Adjustment, July 2016.
- Expert report and arbitration testimony in the matter of the Interest Arbitration between the US Airways, Inc., and the Communication Workers of America – IBT, January 23, 2015.
- Expert report and arbitration testimony in the matter of the Interest Arbitration between the Association of Professional Flight Attendants and American Airlines, Inc., December 3-4, 2014.

- Expert report and arbitration testimony in the matter between US Airways Inc., and Association of Flight Attendants – CWA. System Board of Adjustment Case No. 2014-001-30-99-02, June 24-25, 2014.
- Expert report and arbitration testimony in the matter between Southwest Airlines and the Aircraft Mechanics Fraternal Association. System Board of Adjustment Case No. 2933, July 2013.
- Expert report and arbitration testimony in the matter of Republic Airlines, Inc. and US Airways, Inc. American Arbitration Association Case No. 13 125 Y-00-133429-12. February – March 2013.
- Expert report and arbitration testimony in the matter of Christopher Abell and 969 other current and former JetBlue Airways Pilots and JetBlue Airways Corporation. American Arbitration Association Case No. 11-160-01184-10. October 2012 – March 2013.
- Expert testimony in the matter of United Airlines, Inc. and the Air Line Pilots Association, Int'l (Discharge of Anthony Freeman), Board No. 2009-17, ALPA Case No. 2009-U-33-9.
- Expert report and deposition testimony in State of Hawaii vs. Westchester Fire Insurance Company and Coregis Insurance Company, In the Circuit Court of the First Circuit, State of the State, Civil No. 07-1-13949-07 (RAT).
- Expert report and trial testimony in US Airways, Inc. v. US Airline Pilots Association and Michael J. Cleary, United States District Court, Western District of North Carolina, Charlotte Division, Civil Action No. 00371-RJC. July – August 2011.
- Expert testimony in the arbitration matter between US Airline Pilots Association and US Airways, Inc., In re: Transition Agreement Dispute No. 10. April – September 2011.
- Merits and Class Certification Expert reports and deposition testimony in Delta/AirTran Baggage Fee Antitrust Litigation, Civil Action File Number 1:09, md-2089-TCB, United States District Court, Northern District of Georgia, Atlanta Division, 2010 – 2011.
- Expert submission in The Matter of an Arbitration Between Callahan Construction Company, Ltd. and Others. Vancouver, British Columbia, August 2010.
- Expert testimony in the arbitration matter between US Airline Pilots Association and US Airways, Inc., In re: Transition Agreement Disputes Nos. 12, 13 and 14. April 2010.
- Expert report in the matter of Mesa Air Group, Inc. and Freedom Airlines v. Delta Air Lines, Inc. In the United States District Court For The Northern District of Georgia, Atlanta Division. Civil Action File, No. 1:09: CV-0772-ODE. January 2010.
- Expert testimony in the matter of Air Line Pilots Association and United Airlines, Before the System Board of Adjustment in the Grievance of Council 34, Board No. 2009-22, ALPA Grievance No. 2009-U-34-10.
- Expert report and deposition testimony in the matter of US Airways, Inc. vs. Kelly O'Donnell and Gary Tomada, United States District Court, District of New Mexico, No. 07-1235-MCA-LFG.
- Expert report in the matter of United Air Lines vs. Air Line Pilots Association, et. al, No. 08 CV 4317, United States District Court, Northern District of Illinois, Eastern District. (Joint with Daniel M. Kasper)
- Expert declaration in the matter of Congestion Management Rule for John F. Kennedy International Airport and Newark Liberty International Airport, U.S. Department of Transportation Docket No. FAA-2008-0517. (Joint with Daniel M. Kasper)
- Expert declaration in the matter of Congestion Management Rule for LaGuardia Airport, U.S. Department of Transportation Docket No. FAA-2006-25709. (Joint with Daniel M. Kasper)

- Expert report, deposition and trial testimony in Gary H. Ramey, et. al vs. District 141, International Association of Machinists and Aerospace Workers, et. al. United States District Court, Eastern District of New York, 2007.
- Expert report in Republic/NFR & C. Parking of Louisville v. Regional Airport Authority of Louisville and Jefferson County, Civil Action No. 3:01CV-633-S.
- Expert declaration in Star Alliance Application for Antitrust Immunity, Before the U.S. Department of Transportation, Dockets OST-05-22922, OST-96-1434. (Joint with Daniel M. Kasper)
- Expert testimony in SkyTeam Application for Antitrust Immunity, Before the U.S. Department of Transportation, Docket No OST-2004-19214. (Joint with Daniel M. Kasper)

Airline Economics, Competition Policy, and Financial Damages

Dr. Lee is an expert in the airline industry and has in-depth knowledge of the economics of the airline industry, airline data, airline ticket distribution, regulatory and competition policy issues.

- Study (with Mark Israel) on the economics of airline change fees for American Airlines (2017).
- Study for Airlines for America on consumer choices and competition in the U.S. airline industry (2017).
- Whitepaper (with Ethan Singer) for United Airlines and Copa Airlines regarding application for antitrust immunity in Panama (2017).
- Expert consulting to the Partnership for Open & Fair Skies on the effects of subsidized Gulf carrier competition on the U.S. airline industry.
- Expert consulting to American Airlines and US Airways related to the American/US Airways merger.
- Expert consulting to United Airlines and Air Canada related to transborder joint venture, including presentations before the Canadian Competition Bureau.
- Expert consulting to United Airlines and ANA related to Transpacific joint venture, including presentations before the Singapore Competition Commission.
- Expert consulting to United Airlines for United/Continental merger, including presentation of econometric analysis of pricing effects from merger to the U.S. Department of Justice.
- Provide expert consulting services to several major U.S. mainline and regional airlines in connection with Chapter 11 reorganization.
- Expert testimony and econometric analysis of on-time flight performance.
- Provide expert testimony and analysis for international airline alliances in support of antitrust immunity applications.
- Analysis of industry, economic & antitrust issues on behalf of three major U.S. airlines and industry group in class action suit regarding hidden city ticketing.
- Provided valuation of a major carrier's U.S. slot holdings.
- Provided valuation of a major carrier's Narita slots holdings and route authority.
- Comments on behalf of industry airline association regarding the use of market based mechanisms to reduce delay and congestion at U.S. airports.

- Analysis of industry, economic & antitrust issues on behalf of a major U.S. airline regarding the use of baggage templates at Dulles International Airport. (U.S. District Court for the Eastern District of Virginia, Civil Action No. 00-684-A).
- Provide consulting services to major industry group with regards to slot auctions and congestion pricing.
- Analysis of proposed rule making regarding demand management options at New York's LaGuardia airport.
- Industry analysis for major airline in conjunction with post 9/11 workforce reductions.
- Analysis of industry & economic issues on behalf of industry backed Internet travel agency.
- Analysis of industry & economic issues for major U.S. and European alliance partners regarding a potential immunized alliance and Open Skies.
- Analysis of discriminatory airport rates, charges and access fees by U.S. and Canadian airports for air carriers and ground transportation providers.
- Authored whitepaper on behalf of major U.S. airline in support of codesharing application with major Hong Kong airline.
- Analysis of industry & economic issues on behalf of Chamber of Commerce for a U.S. metropolitan hub city.
- Analysis of consolidation strategies for a major U.S. airline in conjunction with the proposed and realized industry mergers of 2001.
- Analysis of industry, economic & antitrust issues on behalf of United Air Lines in *United Air Lines v. Mesa Airlines and Westair Commuter Airlines*. (United States District Court for the Northern District of Illinois Eastern Division, No. 97 C4455).
- Analysis of industry, economic & damage issues on behalf of GATX/Airlog in *GATX/Airlog v Evergreen International Airlines, Bank of New York, AIA, and G.E. Capital*. (U.S. District Court, Oakland Division, No. C96-2494CW).
- Analysis of industry and economic issues on behalf of American Airlines regarding application for new service to China.
- Analysis of industry & damage issues for ValuJet/AirTran in *ValuJet/AirTran vs Sabreliner and SabreTech* (Circuit Court of St. Louis County, State of Missouri #97CV-003725).
- Analysis of industry & economic issues for a major U.S. airline in predatory pricing suit.
- Analysis of industry & economic issues for a major U.S. airline in response of allegations of hub dominance.
- Analysis of industry, regulatory and economic issues for a major U.S. airline and Canadian holding company during negotiations regarding the potential acquisition of Canadian Airlines.

Airline Labor Matters

Dr. Lee is an expert in labor matters regarding the airline and related industries.

- For several major U.S. airlines, statistical analysis of potential labor slowdowns.
- For several major U.S. airlines (both mainline and regional), provided expert analysis regarding labor negotiations in advance of Chapter 11 bankruptcy as well as analyses in conjunction with Section 1113(c), 1113(e) and 1114 contract relief.

- For several major U.S. passenger and cargo airlines, provided expert analysis and testimony in a variety of labor arbitrations.
- Analysis of the impact of a potential pilot strike on a major US airline and local economies.
- For a major U.S. airline, provided expert analysis regarding seniority integration issues.
- For a large airline union, provided independent expert testimony in class action lawsuit brought forth by a class of its members regarding effects of September 11th on U.S. airline industry.
- For an international airline caterer, provided expert analysis in contract interest arbitration.
- For several major U.S airlines, provided expert analysis in forced majeure labor arbitrations.
- For a major U.S. carrier, analysis of industry & economic issues in conjunction with Presidential Emergency Board regarding pilot negotiations.

Auctions and Markets

Dr. Lee also specializes in the auctions, markets and game theory. He has served as Chief Auction Strategist for numerous wireless telecommunication and Internet firms during spectrum auctions in the US, UK, Nigeria, Egypt, Brazil and Switzerland where he was responsible for rules analysis, development of bidding strategies, and round-by-round analysis of bidding behavior. Dr. Lee has also provided auction advice to firms in the electricity, airline and diamond industries and has published articles on auctions and game theory in policy journals such as *Telecommunications Policy* as well as leading economic journals such as the *Journal of Mathematical Economics* and *Economics Letters*.

- Chief auction strategist for a Google in FCC Auction #73, 2007-2008.
- For a U.S. wireless telecommunications firm (2006): Chief auction strategist during FCC auction #66 (AWS).
- For a major auction software company (2006): Provided logic and software beta testing for Illinois electric capacity auction software.
- For MTN of South Africa (2006): Chief auction strategist during Egyptian Mobile License Auction.
- For a major auction software company (2002): Analyzed rules and tested software for Texas Electricity Capacity auction.
- For an industry group representing major U.S. Airlines (2001-2003): Consulting services on the feasibility of airport take-off and landing slot auctions.
- For a major producer and market maker of diamond rough (2001-2002): Consulting services on pricing, auctions, and market microstructure.
- For a major U.S. Electric Utility (2001): Auction Design Consultant, Basic Services Generation Auction (New Jersey).
- For MTN of South Africa (2000/2001): Principal Auction Strategist, Nigerian GSM auction.
- For an international telecommunications firm (2000): Principal Auction Strategist, UK LMDS auction.
- For an international telecommunications firm (1999-2000): Principal Auction Strategist, UK 3G auction.
- Provided analysis of the “winner’s curse” in U.S. vs. Nextwave bankruptcy settlement (U.S. C-block auction). (1999)
- Advised the Colombian government on efficient auction design for PCS service. (1998)

- Provided bid strategy advice to bidder in the Brazil B block auction (1998)

PUBLICATIONS AND PAPERS

- “Product Unbundling in the Travel Industry: The Economics of Airline Bag Fees”, with Jan K. Brueckner, Pierre Picard and Ethan Singer. *Journal of Economic Management & Strategy*, Vol. 24(3), pp. 457-484, Fall 2015.
- “What’s Your Number? Interpreting the ‘Fair and Equitable’ Standard in Seniority Integration for Airlines and Other Industries”, with Ethan Singer. *Economics of Transportation*, Vol. 3 (2014), pp 2-15.
- “City-Pairs Versus Airport-Pairs: A Market-Definition Methodology For The Airline Industry”, with Jan K. Brueckner and Ethan Singer. *Review of Industrial Organization*, Volume 44 (2014), Issue 1, pp. 1-25.
- “Competition and U.S. Domestic Airfares: A Comprehensive Reappraisal”, with Jan K. Brueckner and Ethan Singer. *Economics of Transportation*, Volume 2(1), pp. 1-17, March 2013.
- “Alliances, Codesharing, Antitrust Immunity and International Airfares: Do Previous Patterns Persist?” with Jan K. Brueckner and Ethan Singer. *Journal of Competition Law & Economics*, Volume 7(3), pp. 573-602, 2011.
- “Retracting a Gift: How Does Employee Effort Respond to Wage Reductions?”, with Nicholas Rupp, *Journal of Labor Economics*, Volume 25, Number 4, October 2007, pp. 725-762.
- “Domestic Codesharing, Alliances and Airfares in the U.S. Airline Industry”, with Harumi Ito, *Journal of Law & Economics*, Volume 50, pp. 355-380, 2007.
- “The Impact of Passenger Mix on Reported Hub Premiums in the U.S. Airline Industry,” with María José Luengo Prado. *Southern Economics Journal*, Vol. 72, No. 2, pp. 372-394, 2005.
- “Comparing the Impact of the September 11 Terrorist Attacks on International Airline Demand,” with Harumi Ito, *International Journal of the Economics of Business*, Volume 12, No. 2, pp. 225-249, 2005.
- “Domestic Codesharing Practices in the U.S. Airline Industry”, with Harumi Ito, *Journal of Air Transport Management*, Vol. 11, No. 2, pp. 89-97, 2005.
- “Assessing the Impact of the September 11th Terrorist Attacks on U.S. Airline Demand,” with Harumi Ito, *Journal of Economics and Business*, Volume 57 (1), pp. 75-95, 2005. (Reprinted in *Transnational Terrorism*, S. Chermak and J. Freilich, Eds., Ashgate, 2013).
- “Entry Patterns in the Southwest Airlines Route System,” with Charles Boguslaski and Harumi Ito, *Review of Industrial Organization*, Volume 25 (3), pp. 317-350, 2004.
- “Are Passengers Willing to Pay More for Additional Legroom?” with María José Luengo Prado, *Journal of Air Transport Management*, Volume 10, No. 6, pp. 377-383, 2004.
- “Lessons from the Nigerian GSM Auction,” *Telecommunications Policy*, Volume 27, pp. 407-416, 2003.
- “An Assessment of Some Recent Criticisms of the U.S. Airline Industry,” *Review of Network Economics*, Vol. 2(1), pp. 1-9, March 2003.
- “Concentration and Price Trends in the U.S. Domestic Airline Industry,” *Journal of Air Transport Management*, Volume 9, No. 2, pp. 91 –101, 2003.
- “The Core for Economies with Asymmetric Information: An Axiomatic Approach,” with Oscar Volij, *Journal of Mathematical Economics*, Vol. 38, 1, pp.43-63, 2002.

“A Note on Individualistic Foundations of the Core in Economies with Asymmetric Information,” *Economics Letters*, Volume 61, pp. 203-208, 1998.

Books and Book Chapters

[Advances in Airline Economics](#), Volume 1, *Competition and Antitrust*, Editor. Amsterdam: Elsevier, 2006.

[Advances in Airline Economics](#), Volume 2, *The Economics of Airline Institutions, Operations and Marketing*, Editor. Amsterdam: Elsevier, 2007.

“The Impact of Domestic Codesharing on Market Airfares: Evidence from the U.S.”, with Harumi Ito, in *Advances in Airline Economics*, Volume 1, Darin Lee, Editor, pages 141-162. Amsterdam: Elsevier, 2006.

CONFERENCE AND OTHER INVITED PRESENTATIONS

- Invited speaker at the 2017 IATA Legal Symposium, Washington, DC, February 2017.
- Invited speaker at Jones Day 2014 Railway Labor Act Symposium, Washington, DC, May 1, 2014.
- Invited speaker at Jones Day 2013 Railway Labor Act Symposium, Washington, DC, May 9, 2013.
- University of Vigo, Spain, July 2011.
- International Industrial Organization Conference, Boston, April 2011.
- Invited speaker at American Bar Association, Section of Public Utility, Communications and Transportation Law: An Update on Competition Analysis in Regulated Industries. Washington, DC, March 7, 2011.
- Hamburg Aviation Conference (invited speaker), Hamburg Germany, February 11, 2010.
- Embraer Semi-Annual AMA's Meeting (invited speaker), Sao Jose dos Campos, Brazil, May 29, 2007.
- International Industrial Organization Conference, Atlanta, April 2005.
- American Economic Association Winter Meetings, Philadelphia, January 2005.
- International Industrial Organization Conference, Chicago, April 2004.
- Southern Economics Association Annual Conference, San Antonio, November 2003.
- Federal Reserve Bank of Chicago (invited speaker), June 2003.
- International Industrial Organization Conference, Boston, April 2003.
- Stony Brook International Game Theory Conference, July 1997.

Conference Service

- Session Organizer and Chair, International Industrial Organization Conference, Boston, April 2011.
- Session Chair, International Industrial Organization Conference, Atlanta, April 2005.
- Session Organizer and Chair, American Economic Association Meetings, Philadelphia, January 2005.
- Session Organizer and Chair, International Industrial Organization Conference, Chicago, April 2004.

- Discussant, International Industrial Organization Conference, Boston, April 2004.
- Discussant, Southern Economics Association Conference, San Antonio, November 2003.
- Discussant, International Industrial Organization Conference, Boston, April 2003.

Journal Referee For: *Journal of Industrial Economics*, *Review of Economics and Statistics*, *Southern Economic Journal*, *Journal of Law, Economics & Organization*, *Economics Letters*, *Review of Industrial Organization*, *Journal of Urban Economics*, *Journal of Transport Economics and Policy*, *Telecommunications Policy*, *Journal of Air Transport Management*

CONFERENCE AND OTHER INVITED PRESENTATIONS

1994 and 1995, *Visiting Lecturer*, University of Colorado – Denver, Department of Economics
Courses in Graduate Microeconomics and Mathematical Economics.

1993 - 1997, *Teaching Assistant*, Brown University, Department of Economics
Courses in Microeconomics, Bargaining Theory, Game Theory, Industrial Organization and
Macroeconomics.

HONORS AND AWARDS

1997, *Abramson Dissertation Prize*, Department of Economics, Brown University

1997, *Stephen Ehrlich Foundation Research Grant*, Brown University

1996, *Stephen Ehrlich Foundation Research Grant*, Brown University