

Andres V. Lerner
Executive Vice President

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Andres Lerner is an Executive Vice President at Compass Lexecon. He has extensive experience applying economic and econometric analysis to a wide range of issues in antitrust matters, including litigation, regulatory proceedings, and mergers. Dr. Lerner also has substantial expertise estimating complex damages and assessing the appropriateness of class certification. These engagements have involved a wide array of industries, including Internet search, e-commerce, online advertising, wireless telecommunications, broadband services, mobile devices, computers and computer components, cable and satellite television, payment cards, retailing, consumer products, pharmaceuticals, motion picture, video games, music, automotive, real estate brokerage services, and airlines.

Dr. Lerner has been named one of the foremost competition economists in *The International Who's Who of Competition Economists* each year since 2013. He also has been selected as one of the leading competition economists aged 45 and under by Who's Who Legal and Global Competition Review for the *Who's Who Legal: Competition – Future Leaders 2017* publication. Dr. Lerner has published scholarly articles in leading economic and legal journals, including the *American Economic Review*, the *Antitrust Law Journal*, and the *Antitrust Bulletin*, and has co-edited a collection of seminal articles in antitrust economics. He has taught Economics as a Visiting Professor at the University of Southern California Marshall School of Business. Dr. Lerner holds a Ph.D. in Economics from the University of California at Los Angeles (UCLA). He is a member of the American Economics Association and the American Bar Association.

EDUCATION

Ph.D., Economics, University of California at Los Angeles, 1999

MA, Economics, University of California at Los Angeles, 1996

BA, Economics, University of California at Berkeley, 1993

PROFESSIONAL EXPERIENCE

Executive Vice President, Compass Lexecon, Los Angeles, California, April 2013 to present.

Senior Vice President, Compass Lexecon, Los Angeles, California, March 2009 to March 2013.

Director, LECG, Los Angeles, California, April 2007 to March 2009.

Principal, LECG Los Angeles, CA, March 2004 to March 2007.

Visiting Professor, University of Southern California, Department of Economics, Los Angeles, California, May to August 2004.

Vice President, Economic Analysis LLC, Los Angeles, California, July 2003 to February 2004.

Senior Economist, Economic Analysis LLC, Los Angeles, California, June 2001 to June 2003.

Economist, Economic Analysis LLC, Los Angeles, California, 1999 to June 2001.

Teaching Associate, Department of Economics, University of California at Los Angeles, 1997 to 1999.

Teaching Associate, School of Public Policy, University of California at Los Angeles, 1998.

Teaching Associate, Anderson Graduate School of Management, University of California at Los Angeles, 1997.

FIELDS OF SPECIALIZATION

Antitrust, Industrial Organization, and Applied Econometrics.

AFFILIATIONS

American Bar Association, Associate Member

American Economics Association

RECENT PROFESSIONAL RECOGNITIONS

Who's Who Legal and Global Competition Review, *Who's Who Legal: Competition – Future Leaders 2017*, economist aged 45 and under.

Global Competition Review, *The International Who's Who of Competition Economists* (2013, 2014, 2015, 2016, 2017).

PAPERS AND PUBLICATIONS

"Price-Cost Tests in Antitrust Analysis of Single Product Loyalty Contracts," (with Benjamin Klein), *Antitrust Law Journal*, Vol. 80, No. 3 (2016), pp. 631-679.

“‘Big Data’ and User Privacy in Antitrust: An Economic Perspective,” prepared for Antitrust and Intellectual Property Conference, American Bar Association, Section of Antitrust Law, October 8, 2015.

“The Role of ‘Big Data’ in Online Platform Competition,” August 26, 2014.

“The Law and Economics of Bundled Pricing: LePage’s, PeaceHealth, and the Evolving Antitrust Standard,” (with Benjamin Klein) *Antitrust Bulletin*, 2008.

“The Firm in Economics and Antitrust Law,” (with Benjamin Klein), in W. Collins (ed.), *Issues in Competition Law and Policy*, American Bar Association Antitrust Section, 2008.

“The Economics Revolution in Antitrust Law,” in *Economics of Antitrust Law, Economic Approaches to Law Series*, (with Benjamin Klein), Benjamin Klein and Andres V. Lerner (eds.), Series editors Richard A. Posner and Francesco Parisi, Edward Elgar Publishing Ltd., April 2008.

“The Expanded Economics of Free-Riding: How Exclusive Dealing Prevents Free-Riding and Creates Undivided Loyalty,” (with Benjamin Klein), *Antitrust Law Journal*, Vol. 74, No. 2 (2007), pp. 473-519.

Economics of Antitrust Law, Economic Approaches to Law Series, (with Benjamin Klein), Series editors Richard A. Posner and Francesco Parisi, Edward Elgar Publishing Ltd., April 2008.

“Competition in Two-Sided Markets: The Antitrust Economics of Payment Card Interchange Fees,” (with Benjamin Klein, Kevin Murphy, and Lacey Plache), *Antitrust Law Journal*, Vol. 73, No. 3 (2006), pp. 571-626.

“The Economics of Copyright ‘Fair Use’ in a Networked World,” (with Benjamin Klein and Kevin Murphy), *American Economic Review Papers & Proceedings*, Vol. 92, No. 2 (May 2002), pp. 205-208.

SELECTED PRESENTATIONS

USC Gould School of Law, Antitrust Enforcement in a Global Context: Extraterritoriality and Due Process, Transparency Requirements in Global Antitrust panel, January 13, 2017.

Antitrust and Intellectual Property Conference, American Bar Association, Section of Antitrust Law, “‘Big Data and User Privacy in Antitrust: An Economic Perspective,” October 8, 2015.

Law & Economics Center, George Mason University School of Law, Briefing on Big Data, Privacy, and Antitrust, “Big Data, User Privacy, and Competition Between Online Platforms,” March 18, 2015.

Federal Trade Commission, Microeconomics Conference, “Economic Challenges in the Antitrust Analysis of Online Platforms,” November 7, 2013.

EXPERT REPORTS, DECLARATIONS, AND PROCEEDINGS

In Re Optical Disk Drive Products Antitrust Litigation

United States District Court, Northern District of California, Case No. 3:10-md-02143 RS.

(Expert reports: April 3, 2017; Deposition: May 8-9, 2017)

European Commission v. Google Inc. and Alphabet Inc., CASE COMP/AT.40099 – Google Android

(Report: November 11, 2016)

Verizon Corporate Services Group Inc. v. Comcast Corporation and SportsChannel New England, LLC, American Arbitration Association, Case No. 01-16-000-2320

(Expert report: August 17, 2016; Rebuttal expert report: September 20, 2016; Live hearing testimony: October 7, 2016)

Federal Communications Commission, In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28

“The ‘Terminating Access Monopoly’ Theory and the Provision of Broadband Internet Access,” (with Janusz Ordovery), January 15, 2015.

Declaration of Andres V. Lerner, “*Competition in Broadband and ‘Internet Openness’*,” July 15, 2014.

Federal Communications Commission, Policies Regarding Mobile Spectrum Holdings, WT Docket 12-269

Declaration of Michael L. Katz, Philip A. Haile, Mark A. Israel, and Andres V. Lerner, “Sprint’s Proposed Weighted Spectrum Screen Defies Economic Logic and Is Inconsistent with Established Facts,” March 14, 2014.

Reply Declaration of Michael L. Katz, Philip A. Haile, Mark A. Israel, and Andres V. Lerner, “Comment on the Submission of the U.S. Department of Justice Regarding Auction Participation Restrictions,” June 13, 2013.

Supplemental Reply Declaration of Michael L. Katz, Philip A. Haile, Mark A. Israel, and Andres V. Lerner, “Comments on Appropriate Spectrum Aggregation Policy with Application to the Upcoming 600 MHz Auction,” June 13, 2013.

Federal Communications Commission, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket 12-268

Declaration of Michael L. Katz, Philip A. Haile, Mark A. Israel, and Andres V. Lerner, “Spectrum Aggregation Policy, Spectrum-Holdings-Based Bidding Credits, and Unlicensed Spectrum,” March 12, 2013.

Federal Trade Commission Investigation of Google Search Practices

(October 2010 to January 2013)

Western Pacific Kraft, Inc. v. Duro Bag Manufacturing Company

U.S. District Court, Central District of California, Western Division, Case No. 2:10-cv-06017-DDP.

(Expert report: January 2013; rebuttal expert report: October 2013)

Department of Justice Assessment of Joint Venture and Licensing Agreements between Verizon, Comcast, Time Warner Cable, Cox Communications, and Bright House Networks

(November 2011 to August 2012)

New Zealand Commerce Commission Evaluation of Dairy Industry Restructuring Act (DIRA) of 2001

Robert D. Willig, Meg Guerin-Calvert, and Andres V. Lerner, "The Effectiveness of DIRA in Fostering Competition and Economic Efficiency in New Zealand Dairy Markets," July 2011.

Robert D. Willig, Meg Guerin-Calvert, and Andres V. Lerner, "Comments on the Proposed Changes to the Milk Price Provisions in the Dairy Industry Restructuring Amendment Bill," February 2012.

Robert D. Willig, Meg Guerin-Calvert, and Andres V. Lerner, "Supplemental Comments on the Dairy Industry Restructuring Amendment Bill," April 2012.

Board of Governors of the Federal Reserve System, Debit Interchange Fees and Routing

Benjamin Klein, Andres V. Lerner, and Kevin Green, "Economic Analysis of the Federal Reserve Board's Proposed Regulations to Implement EFTA Section 920," February 2011.

Platino Records, Inc. v. Univision Music, LLC

Superior Court for the State of California, for the County of Los Angeles, Case No.: BC375405

(Expert report: September 2008)

News Corporation and The DIRECTV Group, Inc. (Transferors) and Liberty Media Corporation (Transferee), Federal Communications Commission

Benjamin Klein, Andres V. Lerner, and Emmett Dacey, "An Economic Analysis of Requiring DIRECTV to Provide Local-into-Local Service via Satellite in All 210 DMAs," January 2007.

United Nursing International, LLC

U.S. Department of Justice

(Expert report: May 2003)

SELECTED CONSULTING EXPERIENCE

In the Matter of Applications of AT&T Inc. and DIRECTV For Consent to Assign or Transfer Control of Licenses and Authorizations

U.S. Department of Justice; U.S. Federal Communications Commission.

(April 2014 to July 2015)

In re Optical Disk Drive Antitrust Litigation

United States District Court, Northern District of California, Case No. 3:10-md-02143 RS.

(October 2012 to October 2015)

Pecover et al. v. Electronic Arts, Inc.

United States District Court, Northern District of California, Case No. 08-cv-02820 VRW.

(July 2009 to April 2012)

In Re Abbott Labs Norvir Antitrust Litigation

United States District Court, Northern District of California, Case No. C-04-1511 CW.

(November 2006 to March 2011)

In Re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation
United States District Court, Eastern District of New York, Case No. 1:05-md-1720-JG-JO.
(August 2006 to February 2011)

Behrend et al. v. Comcast Corporation et al.
United States District Court, Northern District of Pennsylvania, Case No. 03-6604.
(April 2008 to September 2010)

Sun Microsystems, Inc. v. Hynix Semiconductor Inc., et al.
United States District Court, Northern District of California, Case No. C-07-01381-PJH.
(June 2006 to April 2008)

In the Matter of Realcomp II LTD.
United States of America, Before Federal Trade Commission, Docket No. 9320.
(November 2006 to June 2007)

Illinois Tool Works v. Independent Ink, Inc.
United States District Court, Central District of California, Case No. CV 98-6686-NM.
(April 2001 to April 2007)

Visa U.S.A. Inc. v. First Data Corp.
U.S. District Court, Northern District of California, Case No. C 02-1786-JSW.
(June 2004 to May 2006)

AIDS Healthcare Foundation v. GlaxoSmithKline
United States District Court, Central District of California, Case No. 02-5223-TJH.
(June 2004 to April 2006)

ChoiceParts LLC v. General Motors, DaimlerChrysler, Ford Motor, and OEConnection
U.S. District Court for the Northern District of Illinois, Case No. 01 C 0067.
(August 2002 to December 2004)

Spirit Airlines, Inc., v. Northwest Airlines, Inc.
United States District Court for the Eastern District of Michigan, Case No. 00-71535.
(January to December 2002)

George Lussier Enterprises Inc. et al. v. Subaru of New England et al.
United States District Court, District of New Hampshire, Case No. 03-2715.
(February 2001 to December 2002)

Universal Avionics Systems Corporation v. Rockwell International Corporation, et al.
United States District Court, District of Arizona, Case No. CV97-28 TUC-ACM.
(December 2000 to June 2001)

Metro-Goldwyn-Mayer Studios Inc., et al. v. RecordTV.com and David Simon
United States District Court, Central District of California, Case No. 00-06443 MMM (MANx).
(February 2001 to March 2001)

Arthur Simon et. al. v. American Telephone and Telegraph Corp., et. al.
United States District Court, Central District of California, Case No. CV 99-11641 RSW.
(April 2000 to January 2001)

Wal-Mart, et al. v. Visa, et al.
United States District Court, Eastern District of New York, Case No. CV-96-5238.
(February to April 2000)

The Coca-Cola Company, et al. v. Omni Pacific Company, et al. and related counterclaims.
United States District Court, District of Northern California, Case No. C-98-0784-SI.
(November 1999 to October 2000)

Kropinski, et al. v. Johnson & Johnson, et al.
Superior Court of New Jersey, Case No. 8886-96.
(September 1999 to January 2000)