



## **DYLAN M. CARSON**

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### **Service Areas**

Antitrust & Competition Law; Business Litigation; Class Action Litigation; Mass Tort & Product Liability; Medical & Pharmaceutical Liability

### **Bar Admissions**

Colorado, 2011

California, 2005

Massachusetts, 1997

New York, 1999

District of Columbia, 2000

United States District Court, District of Colorado

United States District Court, District of Massachusetts

United States District Court, Northern District of Ohio, 2010

United States Court of Appeals, District of Columbia

United States Court of Appeals, First Circuit

### **Education**

Suffolk University Law School (J.D., *cum laude*, 1997)

*Suffolk University Law Review*, Lead Articles Editor

Vassar College (B.A., 1994)

### **Bio**

Dylan M. Carson is a Partner in the Denver office of Tucker Ellis & West. He is a trial lawyer and member of the Trial Group and Medical and Pharmaceutical Liability Group. He practices complex commercial litigation, antitrust law and products liability defense before state and federal courts, mediation and arbitration panels, government agencies, and appellate courts. Prior to joining TEW, Mr. Carson was an associate with two prominent national antitrust law firms in Washington, D.C. After law school, he served as a federal law clerk to the Honorable Frank Freedman in the United States District Court for the District of Massachusetts. During law school, he interned for Judge Bruce Selya of the United States Court of Appeals for the First Circuit and Judge William Bodoh of the United States Bankruptcy Court for the Northern District of Ohio.

Dylan's practice focuses on both criminal and civil antitrust and trade regulation matters, as well as medical device and pharmaceutical products liability litigation. His work since 1999 has spanned a wide variety of industries. He has handled criminal antitrust work in the healthcare industry, and has represented parties to merger investigations and administrative litigation in the food and soft drink manufacturing, cable and satellite television, Hispanic broadcasting, coal mining, supermarket, casino and electricity industries. Among other areas, he has engaged in private litigation and arbitrations for video and DVD distribution, computer software, telecommunications, natural gas distribution and Internet backbone network clients.

### **Representative Cases**

*IREF v. Pfizer Inc.*, Santa Clara Superior Court, San Jose, California. Represented Pfizer in eight week trial arising out of the alleged theft of trade secrets from a database as part of a clinical trial to have a new drug indication

approved; jury trial.

*RLH Industries v. SBC Communications*, Orange County Superior Court, Santa Ana, California. Defended AT&T in a four week antitrust trial involving claims of alleged tying of telephone service and electric surge protection equipment by AT&T subsidiaries in 13 states; jury trial.

*In re LICAP*, Federal Energy Regulatory Commission. Represented state electricity regulator in three week administrative trial before federal energy agency involving New England power transmission system; bench trial.

*Federal Trade Commission v. H.J. Heinz, Inc.*, United States District Court for the District of Columbia. Represented food company two week trial regarding proposed merger of baby food businesses; bench trial.

*Cable & Wireless v. MCI WorldCom*, private arbitration. Represented foreign telecommunications company in two week contract arbitration involving purchase of Internet access business; bench trial.

*Coney v. Mylan Pharmaceuticals, Inc.*, 2011 WL 3607166 (S.D.Ga. Aug. 16, 2011). Dismissal of claims in pharmaceutical products liability lawsuit.

*Chambers v. Actavis Totowa, LLC*, 2010 WL 2509774 (S.D.W.Va., June 17, 2010). Summary judgment granted on claims of proposed class representative in economic class action.

*Myers–Armstrong v. Actavis Totowa, LLC*, 2009 WL 1082026 (N.D.Cal. Apr. 22, 2009). Consumer cannot recover purchase price of drug deemed to be adulterated where drug was consumed without incident.

*Clark v. Actavis Group Hf*, 567 F. Supp. 2d 711 (D.N.J. 2008). Plaintiffs' attempt to amend recall notices were barred by primary jurisdiction because FDA controlled pharmaceutical recall process.

## **Civic & Professional Involvement**

American Bar Association

*Antitrust Section*

Defense Research Institute