



Justin T. Toth

Shareholder

801-323-3343

Practice Areas

- Antitrust and Trade Regulation Law and Litigation
- Litigation
- Personal Injury and Insurance Litigation
- Products Liability Litigation
- Transportation Law
- Winter Sports Practice Group
- Direct Selling

Mr. Toth is a shareholder, member of the firm's Executive Committee and serves as the firm's Business Development Director. He is the former Chair of the firm's Litigation Section. Mr. Toth practiced law for six years for a global law firm in Houston, Texas before returning to Utah. Mr. Toth's practice involves all types of commercial litigation with an emphasis on antitrust and unfair competition matters, including claims under the Sherman Act, Clayton Act, and Robinson-Patman Act. Mr. Toth's clients include many of Utah's largest publically-traded and privately-held companies, including multi-national chemical companies, natural gas utilities, private equity funds, members of the health care industry and retailers. He has extensive expertise in counseling companies in establishing effective antitrust compliance programs, responding to subpoenas and inquiries from the U.S. Department of Justice, Federal Trade Commission and Utah Attorney General's office. Mr. Toth also has a broad range of experience representing plaintiffs and defendants in product liability, toxic tort, medical malpractice, and premises liability claims throughout the country. He has represented manufacturers and distributors of automobiles, heavy equipment, medical devices, prescription drugs, sports equipment and other products.

Mr. Toth joined the Firm in 2002 after serving as Assistant General Counsel to the Salt Lake Olympic Committee where he managed a wide range of litigation matters, including trademark enforcement, licensing disputes, construction claims, and wrongful termination claims. He also now serves as legal counsel on the Salt Lake 2030 Committee to bring the Olympic Winter Games back to Salt Lake City.

Since joining the Firm, Mr. Toth has been consistently recognized as one of the preeminent litigators in Utah by virtually every rating service, including the following:

- *Chambers USA: America's Leading Lawyers for Business* as a leading attorney in General Commercial Litigation in Utah (Band 3, 2017-2018) (Band 2, 2016) (Band 1, 2007-2015)



- *Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms and Attorneys* as a "Future Star" (2009-2011)
- *The Best Lawyers in America* (2010-2017)
 - Antitrust Law (*Lawyer of the Year - 2013*)
 - Commercial Litigation
 - Litigation - Antitrust (*Lawyer of the Year - 2017*)
- *Mountain States Super Lawyers*
 - *The Top 100 Lawyers in Mountain States* (2014-2016)
 - Business Litigation (2014-2017)
 - Antitrust Law (2010-2013)
- Fellow, Litigation Counsel of America (2013-2015)
- *Utah Business Magazine's* "Legal Elite" in the category of Civil Litigation (as published in *Utah Business Magazine*) (2004-2018 editions)
- *AV Preeminent* (5.0) rating with Martindale-Hubbell (the highest rating awarded to attorneys for professional competence and ethics) (2005-2015)

RECENT REPRESENTATIVE HIGHLIGHTS



- In 2015, obtained jury verdict in an amount in excess of requested damages in federal court in Utah on behalf of investment banker for breach of contract.
- In 2104, obtained affirmance by Utah Court of Appeals on behalf of medical testing laboratory dismissing all claims by plaintiff on summary judgment related to negligence and defamation. *Fowler v. Teynor*, 2014 UT App. 66.
- In 2012, obtained favorable settlement for clients in products liability and negligence claims against device manufacturer and contractor in federal court in Idaho
- In 2011, obtained favorable settlement on behalf of client in multi-district, class-action Section 1 Sherman Act case in which Class Plaintiffs and Opt-Out Plaintiffs alleged in excess of \$1,500,000,000 damages in federal court in Kansas
- In 2010, obtained settlements in excess of \$2,000,000 on behalf of private equity investor involving claims of civil conspiracy, fraud, conversion and securities violations in Utah district court
- In 2009, represented client through civil investigative demand from Utah Attorney General's office related to violations of Utah Antitrust Act and obtained consent decree without fines or prosecution
- In 2008, represented client through federal grand jury investigation into allegations of global price-fixing conspiracy with Department of Justice closing investigation without charging client or any employee
- In 2007, obtained 12(b)(6) dismissal of all securities claims asserted against client operating global oil and gas drilling operations in U.S. District Court for Southern District of New York

Education

University of Utah College of Law, J.D., 1992

- Note & Comment Editor, UTAH LAW REVIEW
- William H. Leary Scholar, 1989-1992



University of Utah, B.S., Political Science; B.S., Philosophy, 1989

- *cum laude*
- Phi Beta Kappa, Phi Kappa Phi
- Pacesetter Award (Outstanding Graduating Senior in Political Science)

Prior Professional Experience

- The Salt Lake Organizing Committee for the Olympic Winter Games; Assistant General Counsel, 2000-2002
- Van Cott, Bagley, Cornwall & McCarthy; Associate, 1999-2000
- Weil, Gotshal & Manges LLP; Associate, 1993-1999
- The Honorable Aldon J. Anderson, United States District Court for the District of Utah; Judicial Law Clerk, 1992-1993

Admitted to Practice

- Utah State Bar (All Utah Courts)
- Texas State Bar (All Texas Courts) (Inactive)
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Tenth Circuit
- United States District Court for the Southern District of Texas
- United States District Court for the Eastern District of Texas
- United States District Court for the District of Utah
- United States District Court for the Western District of Pennsylvania
- United States District Court for the District of Idaho

Affiliations / Memberships

- Member, Utah Supreme Court Advisory Committee on the Rules of Civil Procedure, 2017-Present



- Founder and President, Antitrust & Unfair Competition Law Section of the Utah State Bar, 2005-2006
- Executive Committee, Litigation Section of the Utah State Bar, 2000-2006
- Panel Member, Ethics and Discipline Committee of the Utah Supreme Court, 2001-2007
- Member, Antitrust Section of the American Bar Association, 2001-Present
- Member, Robinson-Patman Committee, 2003-Present
- Member, Salt Lake Chamber of Commerce Capitol Club, 2009-Present
- Member, Judicial Performance Evaluation Commission of the Utah State Bar (2012)

Publications / Presentations

- Panelist and Presenter, *Utah State Bar Trial Academy, Expert and Witness Examination* (Utah State Bar CLE), March 21-23, 2018
- Panelist, *Litigation of the Future: Observations on How Litigation is Changing* (Utah State Bar Spring Convention CLE), March 9, 2018
- Panelist and Presenter, *Utah Bar Trial Academy, Expert Examination at Trial* (Utah State Bar CLE), May 21-22, 2015
- Panelist and Presenter, *Utah Bar Fall Forum, Prepare and Deposing Expert Witnesses* (Utah State Bar CLE), November 20-21, 2014
- Panelist and Presenter, *Utah Bar Trial Academy* (Utah State Bar CLE), May 17-18, 2013
- Panelist, *5 Top Tips from 5 Top Practitioners* (Utah State Bar CLE), June 23, 2011
- Lecture, *Outside Counsel's Litigation Wish List* (Utah State Bar Corporate Counsel Section), May 16, 2011
- Panelist, *Deposition Boot Camp* (Utah State Bar Fall Forum), November 18-19, 2010
- Lecture, *Ethics and Litigation Primer for In-House Counsel*, CLE Presentation, November 5, 2008
- Co-Author, *Business Torts: A Fifty-State Guide* (Utah Chapter), Aspen Publishers (2007-2011 eds.)
- Lecture, *Antitrust Compliance: Avoiding Penalties and Jail Time in the Post-Enron Era*, Utah State Bar Annual Convention CLE, July 2006
- Lecture, *Marketing, Distribution and Purchasing: Big Antitrust Problems for Small Business*, Utah State Bar Spring Convention CLE, March 2006
- Article, *Antitrust Compliance: Are You Sure Your Company is Safe?*, *Utah Business*, May 2005
- Article, *Minimum & Maximum Resale Price Maintenance*, *The Enterprise*, May 9, 2005
- Article, *Fighting Back on the Internet: A Primer on the Anticybersquatting Consumer Protection Act*, *Utah Bar Journal*, November 2001



- Lecture, Current Developments in Product Liability Claims for Medical Devices and Prescription Drugs, Houston Bar Association CLE, December 1999
- Article, Prescription Drugs and Medical Devices: The Impending Impact of the Restatement (Third) of Torts in Texas, Houston Lawyer, March/April 1997
- Article, Texas Usury Law: When is a Borrower's Promise to Repay Absolute?, Caveat Vendor, Texas State Bar Consumer Law Section December 1995 (republished with permission)
- Article, Litigating the Motion for Relief from the Automatic Stay, 4 J. Bankr. L. & Prac. 459 (July/August 1995)
- Article, Curbing Consumer Bankruptcy Abuse: Section 707(b) May Provide Creditors a Useful Tool, Texas Bar Journal, April 1995
- Article, Texas Usury Law: When is a Borrower's Promise to Repay Absolute?, Houston Lawyer, September/October 1994
- Article, Rehabilitating Bankruptcy Code Section 506(c): Should Third Party Claimants Have Independent Standing?, 16 W. New Eng. L. Rev. 1 (1994)
- Note, Colman v. Utah State Land Board: Searching for a Balanced Approach to Takings under the Utah Constitution, 1991 Utah L. Rev. 505
- Development, Revisions to Utah's Labor Code, 1991 Utah L. Rev. 244