



John W. Mackay

Shareholder

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Practice Areas

Antitrust and Trade Regulation Law and
Litigation
Intellectual Property
Litigation
Products Liability Litigation
Securities Litigation
Cannabis Law
COVID-19 Response Team

Mr. Mackay is a shareholder of Ray Quinney & Nebeker in the firm's litigation section. He is recognized by his peers as one of The Best Lawyers in America® 2021 in Antitrust Law and has been selected for inclusion in Mountain States Super Lawyers (2013-2020) in the categories of Business Litigation and Antitrust Litigation. Mr. Mackay maintains an AV Preeminent (5.0) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics, and has also been voted by his peers throughout the state as one of Utah's "Legal Elite," as published in Utah Business Magazine (2006, 2008, 2010-2011, 2015-2020).

Mr. Mackay's practice involves complex business litigation, with an emphasis on antitrust litigation, unfair competition and business torts, corporate litigation, shareholder disputes, shareholder derivative litigation, securities litigation, network marketing and distributorship terminations, and product liability litigation. Mr. Mackay has broad experience in class-action litigation including cases transferred for national multi-district litigation (MDL) proceedings.

In addition to commercial litigation, Mr. Mackay has litigated numerous antitrust cases under Sections 1 and 2 of the Sherman Act, the Clayton Act, and the Robinson-Patman Act in industries that include various software products and software markets, managed health care, hospitals, chemicals, airplane fuel, health supplements, baked goods, waste products, gas stations, and real estate. He counsels large and small companies in implementing antitrust compliance programs, and document retention policies, and in responding to government inquiries and subpoenas.

Mr. Mackay is also a member of the firm's product liability section, where he defends mass tort actions on behalf of pharmaceutical and medical device manufacturers, with a current emphasis on MDL litigation surrounding prescription drugs and cox-2 inhibitors.



REPRESENTATIVE REPORTED CASES

- Flying J, Inc. v. Van Hollen, No. 08-C-110, 2009 WL 811546 (E.D. Wis. Mar. 27, 2009)
 - Flying J, Inc. v. Van Hollen, 597 F.Supp.2d 848 (E.D. Wis. 2009)
 - IOSTAR Corp. v. Stuart, No. 1:07-CV-133, 2009 WL 270037 (D. Utah Feb. 03, 2009)
 - IOSTAR Corp. v. Stuart, No. 1:07 CV 133 DB, 2008 WL 1924209 (D. Utah Apr. 25, 2008)
 - Lotus Business Group, LLC v. Flying J, Inc., 532 F.Supp.2d 1011 (E.D. Wis. 2007)
 - Utah v. Eli Lilly and Co., 509 F.Supp.2d 1016 (D. Utah 2007)
 - In re Urethane Antitrust Litigation, 237 F.R.D. 440 (D. Kan. 2006)
 - Abraham v. Intermountain Health Care, Inc., 461 F.3d 1249 (10th Cir. 2006)
 - Abraham v. Intermountain Health Care, Inc., 394 F.Supp.2d 1312 (D. Utah 2005)
 - Anderson v. First Security Corp., 249 F.Supp.2d (D. Utah 2002)
 - Press Pub., Ltd. v. Matol Botanical Intern., Ltd., 2001 UT 106, 37 P.3d 1121
 - Featherstone v. Schaerrer, 2001 UT 86, 34 P.3d 194
 - Caldera Inc. v. Microsoft Corp., 181 F.R.D. 506 (D. Utah 1998)
 - Kunkel v. Sprague Nat. Bank, 128 F.3d 636 (8th Cir. 1997)
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EDUCATION

University of Virginia, J.D., 1994

- Editor, Virginia Tax Review
- Award for Best Legal Writing

Dartmouth College, B.A., Government, 1990

- cum laude
 - NCAA Post Graduate Scholar
 - NCAA Academic All-American, 1986, 1990
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PRIOR PROFESSIONAL EXPERIENCE

- Judicial Clerkship, Honorable Dee V. Benson, Utah, 1995-1996
- Judge Pro Tempore, 1996-1998



ADMITTED TO PRACTICE

- Utah State Bar, 1994
- United States Court of Appeals, Tenth and Eighth Circuits
- United States District Court, District of Utah
- United States Court of Appeals, Seventh Circuit

PROFESSIONAL AND CIVIC ACTIVITY

- Secretary, Antitrust & Unfair Competition Law Section of the Utah State Bar, 2005-2006
- Founding Officer of Antitrust & Unfair Competition Law Section of the Utah State Bar
- Utah State Bar, Litigation Section
- American Bar Association, Antitrust Section

PUBLICATIONS / PRESENTATIONS

- Contributing Editor, Business Torts: Fifty-State Guide, Aspen Publishers, 2007 Edition
- Article, 'Safe Harbor' or 'Treacherous Undertow' - Will Your Business Sink or Swim with Changes in Electronic Discovery Rules?, The Enterprise, March 2007
- Lecture, Electronic Discovery: The New Rules and Your Clients' Obligations, December 2006
- Lecture, Marketing, Distribution and Purchasing: Big Antitrust Problems for Small Business, Utah State Bar Spring Convention CLE, March 2006