

**P. Gavin Eastgate | Of Counsel**  
Business Litigation

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photo coming soon

Gavin Eastgate is a seasoned antitrust and competition lawyer skilled in litigation, transactional, strategic, and regulatory counseling matters. He has first-chair arbitration and trial experience having led teams pursuing and defending antitrust and unfair competition claims, including class actions; trade secret, trade dress, and false advertising matters; non-competes, non-solicitations, and other employment matters; complex commercial disputes; healthcare payor-provider disputes; financial services litigation; insurance coverage; partnership disputes; and defending agency challenges to corporate transactions. He also regularly counsels clients regarding antitrust, trade regulation, and premerger compliance, and advises clients being investigated by the Antitrust Division of the Department of Justice, Federal Trade Commission, state Attorneys General, and other state and federal agencies.

As a former global top-twenty regulatory and litigation partner, in-house counsel, and federal law clerk, Gavin draws on his varied experiences to provide strategic advice and creative solutions to global businesses, executive leaders, and business units. He represents companies of all sizes across many industries and has particular expertise in the health care, manufacturing, software, technology, and financial services sectors.

Prior to joining the firm, Gavin served as acting general counsel for a market-leading healthcare software technology company where he advised executive leadership and all business units on a wide range of strategic, commercial, technology, product development, data privacy and security (including HIPAA and GDPR compliance), intellectual property, risk management and corporate governance matters.

## Outside The Firm

Gavin enjoys live music, watching sports, reading, playing guitar, and spending time with his wife and two sons.

## Select Engagements

### Antitrust and Competition Litigation

- Successfully defended antitrust claims in California federal court against client brought by competing electronic keypad lock manufacturer. Related patent infringement claims settled prior to trial.
- Summary judgment awarded by California federal court on behalf of client steel manufacturer, defeating an antitrust and unfair competition claims by a tomato canner asserting market allocation of tin mill products. Summary judgment award affirmed on appeal.
- Defended health insurer against antitrust conspiracy claims by plaintiff hospital system in Pennsylvania federal court.
- Defended putative class action in Illinois federal court alleging coordinated conduct and price-fixing conspiracy claims in the steel industry.
- Defeated vendor's arbitration claims asserting trade secret misappropriation and breach of software license agreement on behalf of international distributor.
- Successfully defended tableware manufacturer and defeated permanent injunction sought in New York federal court by competing tableware products distributor for alleged trade dress infringement and trade secret misappropriation.
- Defended putative class action of health insurance subscribers against client health insurer for alleged conspiracy to inflate premiums and reduce competition for health insurance.
- Multi-million-dollar jury award received on behalf of microarray and genotyping technology manufacturer for trade secret misappropriation, fraud, misrepresentation and breach of contract.

### Healthcare Litigation

- Defeated an injunction, contempt motion and motion to enforce a consent decree in Pennsylvania Commonwealth Court filed by the Pennsylvania Attorney General against client health insurer.
- Successfully defended client health insurer against breach of contract claims by medical device company for denial of reimbursement. Won significant counterclaim damage award for recoupment of reimbursement payments.
- Arbitration award on behalf of client health insurer in a commercial arbitration to determine reimbursement rates for services at health system hospitals.

### Other Commercial Disputes

- Represented national retailer in commercial contract dispute with former auditor of shipping invoices.

- Successfully defeated arbitration claim seeking forced sale of partnership interests.

## **Admissions**

- Pennsylvania
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Ninth Circuit
- U.S. District Court - Middle District of Pennsylvania
- U.S. District Court - Western District of Pennsylvania

## **Education**

- Duquesne University School of Law, JD
- Duquesne University, BS

## **Professional Activities**

Gavin is a member of The American Bar Association and its Antitrust Section.