



Daniel D. Birk
PARTNER

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Daniel D. Birk is a Partner at Eimer Stahl LLP. Dan defends companies accused of violating the antitrust laws and in other complex civil and criminal litigation and serves as a thought partner to in-house counsel in their most complex and sensitive matters. He excels in crafting innovative theories that reframe the legal and factual questions driving large class actions and that help steer the cases towards early dismissal or an efficient resolution. In addition to practicing law, Dan recently spent two years as a visiting professor at Chicago-Kent College of Law, where he taught Administrative Law, Federal Courts, and Legal Writing. Dan has published articles in the *Harvard Law Review*, the *Yale Law Journal*, and the *Stanford Law Review*, among other places, and he is a contributor to the American Bar Association's Antitrust Section. Before attending law school, Dan taught English at high schools in Brooklyn, New York and Vienna, Austria.

CASE EXPERIENCE

- *In re Auto Body Shop Antitrust Litigation* (M.D. Fla. MDL No. 2557): representation of an insurance company in multidistrict antitrust litigation; Obtained dismissal of Sherman Act allegations for failure to state a claim.
- *In re Dairy Farmers of America, Inc. Cheese Antitrust Litigation* (N.D. Ill. MDL No. 2031): representation of a multinational dairy company in a multidistrict class action alleging an antitrust and commodity manipulation conspiracy; the district court granted summary judgment on the merits of all claims. The court of appeals affirmed.

PRACTICE FOCUS

Antitrust
Complex Commercial Litigation
Environmental, Products Liability and Toxic Torts
Global Data Privacy & Protection

EDUCATION

J.D., Northwestern University Pritzker School of Law, 2010

- *Magna cum laude*
- Order of the Coif
- Awarded the Raoul Berger Prize for Outstanding Senior Research
- Managing Colloquy Editor of the *Northwestern University Law Review*

University of Notre Dame, 2003

- *Summa cum laude*
- *Phi Beta Kappa*

CLERKSHIPS

Law Clerk to the Honorable Kenneth F. Ripple of the U.S. Court of Appeals for

- *United States v. CITGO Petroleum Corporation* (5th Cir. No. 14-40128): representation of CITGO Petroleum Corporation in its appeal of a Clean Air Act prosecution; court of appeals reversed and directed the district court to enter a judgment of acquittal.
- *Edwards v. National Milk Producers Federation* (N.D. Cal. No. 11-cv-04766); *First Impressions v. National Milk Producers Federation* (S.D. Ill. No. 13-cv-00454): representation of Land O'Lakes, Inc. in federal and state law antitrust class actions alleging that dairy farmers and cooperatives engaged in a conspiracy to limit the supply of milk.
- *In re Steel Antitrust Litigation* (N.D. Ill. No. 08-cv-05214): representation of a multinational steel company in federal and state law antitrust class actions alleging that steel manufacturers engaged in a conspiracy to reduce steel production. Obtained dismissal of indirect purchaser claims for lack of antitrust standing.

the Seventh Circuit

ADMISSIONS

Illinois

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Illinois

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Eleventh Circuit

NEWS

Dan Birk quoted in *Chicago Tribune* article, "McCormick Media May Look to Buy More Tronc Shares Beyond Ferro's 25% Stake"

April 25, 2018

Dan Birk quoted in *The Recorder* article, "Google's 'Art Selfie' Move Highlights Escalating Legal Battle Over Biometrics"

January 24, 2018

Dan Birk quoted in *Wired* article, "Government Move to Block AT&T Merger Bodes Ill for Tech"

November 21, 2017

Dan Birk quoted in *Variety* article, "AT&T-Time Warner Merger: Is the Battle With DOJ, or President Trump?"

November 8, 2017

Dan Birk quoted in *Bloomberg Law: Privacy & Data Security* article, "Biometric Workplace Privacy Suits Erupt in Illinois State Court"

October 25, 2017

Dan Birk quoted in *The Cybersecurity Law Report* article, "Focus on Children's Privacy by FTC and Plaintiffs Calls for Prioritizing COPPA"

September 13, 2017

Dan Birk and Debbie Reynolds quoted in *Legaltech News* article, "Plantronics Case: Limited Options, High Liability When Deleting

Discoverable Content”

August 30, 2017

Dan Birk quoted in *Chicago Tribune* article, “Under Sinclair, WGN Could Be 'Chicago's Very Own' No More”

August 10, 2017

Dan Birk quoted in *Law360* article, “NJ Justices Underscore Limits To Blocking Discovery Bids”

July 26, 2017

Dan Birk quoted in *The Recorder* article, “3 Ways Antitrust Law Could Collide With Big Data”

June 20, 2017

SPEAKING ENGAGEMENTS

U.S. Antitrust Merger Enforcement: Current Trends in Market Definition

Seoul, South Korea, April 24, 2017

Internal Investigations: Midwest Corporate Counsel & Compliance Forum

Chicago, IL, November 15, 2016

Impacts on eDiscovery in US Litigation

McDonald's Corp. Headquarters, June 29, 2016

Hugh and Hazel Darling Foundation Originalism Works-in-Progress Conference

University of San Diego Law School, February 20, 2015

Predictive Coding for the Rest of Us

January 14, 2014

PUBLICATIONS

Illinois Supreme Court Rejects Workers' Compensation Argument for Limiting Data Privacy Damages

February 15, 2022

DOJ and FTC Issue Request for Public Comment on Update to Merger Guidelines

January 26, 2022

Illinois' Broad Biometric Data Privacy Law

EimerStahl Insights, February 2021

Interrogating the Historical Basis for a Unitary Executive

Stanford Law Review, Volume 73, Issue 1, January 2021

Voluntary (Non-Contentious) Jurisdiction Around the World, V.V. Argounov, Chapter IV of Section III—Non-Contentious Jurisdiction in the Courts of the United States, Daniel D. Birk (contributing co-author)

2017

How Privacy Protections and Data Are Changing Antitrust in Tech, Bloomberg BNA Antitrust & Trade Regulation Report, Dan Birk and Debbie Reynolds

07.2017

Article III Judicial Power, the Adverse Party Requirement, and Non-Contentious Jurisdiction, 124 Yale Law Journal 1346, Daniel D. Birk, James E. Pfander

January 2015

Annual Review of Antitrust Law Developments, Chapter XIII—General Exemptions and Immunities, American Bar Association, Daniel D. Birk (contributing author)

2012

Article III and the Scottish Judiciary, 124 Harvard Law Review 1513, Daniel D. Birk, James E. Pfander (2011)

Jones v. Harris Associates, L.P. and the Limits of Public Choice Textualism, 104 Northwestern University Law Review 1587, Daniel D. Birk

2010

Proof of Conspiracy Under Federal Antitrust Laws, Chapter VII—Summary Judgment in Conspiracy Cases, Chapter VIII—Economic Expert Testimony (2010 - 2015 editions), American Bar Association, Daniel D. Birk (contributing author)

2010