



Brian D. Clark

Brian Clark's practice focuses on plaintiffs-side antitrust class actions and e-discovery advice for businesses of all sizes. Mr. Clark leads the firm's e-discovery practice group, frequently presents at CLEs regarding e-discovery, is a Member of the Sedona Conference Working Group 1, and teaches an e-discovery seminar at the University of Minnesota Law School. Mr. Clark also co-founded and serves on the steering committee for the Complex Litigation E-Discovery Forum, which is an annual gathering for plaintiffs-side complex litigation attorneys to discuss best practices for e-discovery.

Mr. Clark is a 2009 magna cum laude graduate of the University of Minnesota Law School where he was elected Co-Editor-in-Chief of the Minnesota Journal of International Law and was a member of the Order of the Coif. While in law school, Mr. Clark served as a Student Attorney for the Consumer Protection Clinic and interned with the Honorable Judge Patrick J. Schlitz of the United States District Court for the District of Minnesota. Before law school, Mr. Clark was an AmeriCorps volunteer in Alaska and a canoe guide in the Boundary Waters Canoe Area Wilderness of Northern Minnesota.

Representative Cases

- *In re Broiler Chicken Antitrust Litig.*, No. 1:16-cv-08637 (N.D. Ill.). Firm appointed as co-lead counsel in this ongoing antitrust class action on behalf of direct purchaser plaintiffs against broiler chicken producers.
- *Washington County Health Care Authority, Inc. et al. v. Baxter Int'l, Inc. et al.*, No. 1:16-cv-10324 (N.D. Ill.) Firm appointed as co-lead counsel in this ongoing antitrust class action on behalf of direct purchaser plaintiffs against manufacturers of intravenous saline.
- *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 2:16-md-02687 (D. N.J.). Ongoing representation of 10 Minnesota municipalities and corporations regarding price-fixing and bid rigging by manufacturers of a water treatment chemical.
- *In re Resistors Antitrust Litig.*, No. 3:15-cv-03820 (N.D. Cal.). Ongoing representation of indirect purchaser plaintiffs in complex antitrust class action against manufacturers of resistors.
- *In re Capacitors Antitrust Litig.*, No. 3:14-cv-03264 (N.D. Cal.). Ongoing representation of indirect purchaser plaintiffs in complex antitrust class action against manufacturers of capacitors.

Brian D. Clark

Partner

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Practices

Antitrust Law

Environmental Law

Business Litigation

E-Discovery

Education

University of Minnesota Law School, 2009
magna cum laude, Order of the Coif

Luther College, 2005

summa cum laude, Phi Beta Kappa

Bar Admissions

2009, Minnesota

Court Admissions

Iowa

Minnesota

U.S. District Court, District of Minnesota

U.S. District Court, Eastern District of Wisconsin

U.S. Court of Appeals for the Seventh Circuit

Professional Associations

- Minnesota Chapter of the Association of Certified E-Discovery Specialists, Founding Board Member
- Complex Litigation E-Discovery Forum, Co-Founder & Steering Committee Lead
- Minnesota E-Discovery Working Group, Minnesota State Bar Association, Member (2013-2014)
- Sedona Conference Working Group 1, Member
- American Bar Association, Antitrust Section
- American Antitrust Institute, Member
- Minnesota State Bar Association, Antitrust Law Section, Council Member

Professional Recognition

- Named a Minnesota Rising Star for 2015, 2016, & 2017 by Super Lawyers®.
- Named an 'Up & Coming Attorney' by Minnesota Lawyer for 2015.

Community Involvement

- Adjunct Professor, University of Minnesota Law School
- Saint Anthony Park Community Foundation, Board Member
- Advocates for Human Rights
- Volunteers Lawyers Network

- *Kleen Products LLC, et al. v. Int'l Paper Co., et al.*, No. 1:10-cv-5711 (N.D. Ill.). Ongoing representation of plaintiffs in complex antitrust class action against manufacturers of Containerboard Products.
- *In re Lithium Batteries Antitrust Litig.*, MDL No. 2420 (N.D. Cal.). Ongoing representation of direct purchaser plaintiffs in complex antitrust class action against manufacturers of lithium ion batteries.
- Ongoing litigation against Flowers Foods, Inc. regarding wage misclassification.
 - *Carr v. Flowers Foods, Inc., et al.*, No. 2:15-cv-06391-LS (E.D. Pa.)
 - *Coyle v. Flowers Foods, Inc., et al.*, No. 2:15-cv-01372-DLR (D. Ariz.);
 - *Neff v. Flowers Foods, Inc., et al.*, No. 5:15-cv-00254-gwc (D. Vt.)
 - *Noll v. Flowers Foods, Inc., et al.*, No. 1:15-cv-00493-JAW (D. Me.);
 - *Rehberg, et al. v. Flowers Foods, Inc., et al.*, No. 3:12-cv-00596-MOC (W.D.N.C.); and
 - *Rosinbaum, et al. v. Flowers Foods, Inc., et al.*, No. 7:16-cv-00233-FL (E.D.N.C.).
- *In re Potash Antitrust Litig. (II)*, No. 1:08-md-06910 (N.D. Ill.). Firm appointed as co-lead counsel and achieved a recovery of \$90 million for the direct purchaser plaintiff class.
- *Miller & Graham v. Ramsey County Sheriff Matthew Bostrom & County of Ramsey*, No. 11-cv-2401 (D. Minn.). Represented defendants against claims of First Amendment retaliatory discharge by two former Ramsey County Sheriff's deputies. Obtained dismissal of Ramsey County and successfully defended Sheriff Bostrom in a jury trial in federal court.

Presentations

- "E-Discovery & Antitrust Investigations: A Perspective from the Government, In-House and Outside Counsel," Minnesota State Bar Association Antitrust Section CLE (Dec. 12, 2017)
- "Hot Topics in eDiscovery for the Public Lawyer, Minnesota State Bar Association Public Law Section CLE (Nov. 17, 2017)
- "E-Discovery for the Solo and Small Firm Attorney: The Basics of Doing More With Less," MNCLE Solo & Small Firm Annual Conference (Aug. 7, 2017)
- "Examining Rule 34," Sedona Conference WG1 Mid-Year Meeting (May 5, 2017)
- "The Proof is on My Phone: Dealing with Discovery in the Era of Social Media & Smart Phone Apps," Legal Services State Support CLE (August 25, 2016)
- "You Love It, You Hate It. Now You Have to Live with It: E-Discovery", William Mitchell College of Law CLE (October 4, 2013)
- "The Bits, Bytes, and Gremlins in Your Electronic Devices: Unlocking What E-Discovery Has to Offer Your Clients — Even When They Are Not in Litigation!", Minnesota State Bar Association Annual Convention, Rochester, MN (June 11, 2013)
- "A Panel Discussion on the E-discovery Meet and Confer Process," Panel Member, MSBA E-discovery Working Group 4 (Nov. 2, 2012)

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Publications

- *Preparation for Minnesota Federal and State Discovery Conferences: A Practical Approach*, William Mitchell Law Review (Spring 2014) (co-Author with 7 other members of the Minnesota E-Discovery Working Group)
- *Amending the rules and nature of discovery*, Minnesota Lawyer (July 11, 2013).
- *Court cuts back on remedies for errant pesticide overspray*, Minnesota Lawyer (Aug. 10, 2012).
- *Organic Farmer May Assert Claim for Trespass*, Minnesota Lawyer (Aug. 12, 2011).
- *New EPA Water Transfers Rule May Threaten Pristine Waters*, ENRE Law News (Minn. State Bar Ass'n), Spring/Summer 2009, at 1.
- Note, *Will Viral Hemorrhagic Septicemia (VHS) Be the Straw That Breaks the Camel's Back?: Stopping the Balkanization of Great Lakes Ballast Water Law*, 18 Minn. J. Int'l L. 227 (2009).
- *Will A New Invasive Species Lead to Effective Ballast Water Regulations in the Great Lakes?*, ENR Law News (Minn. State Bar Ass'n), Nov. 2007, at 8.
- *Northern Flying Squirrel*, in *A Conservation Assessment and Resource Synthesis for the Tongass National Forest and Southeast Alaska*, Joint Pub'n of Nature Conservancy & Audubon Soc'y of Alaska, Ch. 6 §§ 5&6 (2007).
- *American Marten*, in *A Conservation Assessment and Resource Synthesis for the Tongass National Forest and Southeast Alaska*, Joint Pub'n of Nature Conservancy & Audubon Soc'y of Alaska, Ch. 6 §§ 5&6 (2007).
- *Federal Rule of Civil Procedure 34(b)(2) Primer: Practice Pointers for Responding to Discovery Requests*, Drafting Team Member, 19 Sedona Conf. J. 447 (forthcoming 2018), available at: <https://thesedonaconference.org/publication/The%20Sedona%20Conference%20Federal%20Rule%20of%20Civil%20Procedure%2034%20Primer>

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