



K. CRAIG WILDFANG

PARTNER

Chair Emeritus, Antitrust and Trade Regulation Group

MINNEAPOLIS

CONTACT

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PRACTICES

Antitrust and Trade Regulation | Business Litigation | Class Action Litigation

EXPERIENCE

Mr. Wildfang has experience in antitrust litigation and counseling for over 30 years. He has represented parties in many private civil antitrust actions in industries ranging from insurance to agricultural commodities and has counselled clients on a wide variety of antitrust and trade regulation issues from mergers and joint ventures to marketing and sales programs.

From 1993 to 1996, Mr. Wildfang served as Special Counsel to the Assistant Attorney General for Antitrust, United States Department of Justice in Washington, D.C. In that position he was responsible for advising the Assistant Attorney General on the Justice Department's complex civil antitrust litigation, as well as managing certain high-profile cases. Among other matters, Mr. Wildfang directed the Justice Department's efforts in the civil action against Nasdaq securities firms for price-fixing (*United States v. Alex Brown & Sons, et al.*, S.D.N.Y. No. 96 Civ. 5313), the government's action challenging international anticompetitive intellectual property licenses (*United States v. Pilkington PLC, et al.*, D.Ariz. No. 94-345), as well as being involved in the government's investigation of anticompetitive practices by Visa and Master Card in the credit card industry.

According to *Chambers*, Mr. Wildfang "leverages his tremendous experience to provide real strategic value-add to the lawyers running the litigation day to day," and brings to his practice "the highest level of professionalism and legal skills."

SELECTED RESULTS

In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation, MDL No. 1720 (E.D.N.Y.): Serving as court-appointed co-lead counsel, Robins Kaplan reached a \$5.6 billion antitrust class action settlement on behalf of a class of more than 10 million U.S. merchants who accepted Visa and Mastercard credit and debit cards for the purchase of goods and services. Plaintiffs alleged that Visa and Mastercard, as well as major card-issuing banks such as JPMorgan Chase, Bank of America, Citibank, Wells Fargo, and Capital One, violated antitrust laws and charged merchants who accept credit and debit cards supra-competitive fees on card transactions. The settlement, which was granted final approval in December of 2019 and affirmed on appeal in March of 2023, represents the largest settlement of a private antitrust action in the 130-year history of the Sherman Act.

In re: LIBOR-Based Financial Instruments Antitrust Litigation, 11-md-02262 (S.D.N.Y.): Robins Kaplan represents an investment management company that holds financial instruments with provisions to receive interest payments at rates indexed to British Bankers' Association London Interbank Offered Rate ("BBA LIBOR") benchmark rates set by defendant banks. Plaintiffs allege that defendants, who are panel bank members that report Intercontinental Exchange ("ICE") LIBOR rates daily for the benchmark's calculation, conspired to suppress those rates between August 2007 through at least 2011. The case is ongoing before the trial court.

Kirk Dahl, et al. v. Bain Capital Partners, LLC et al., No. 07-cv-12388 (D. Mass.): Co-lead counsel representing public shareholders of target companies taken private in large leveraged buyouts in a class action suit against the largest private equity firms who allegedly conspired to suppress the acquisition prices for the target companies.

In re: Visa/MasterCard Antitrust Litigation, MDL 1575. Represented Best Buy, Inc. and Darden Restaurants (Red Lobster, Olive Garden) in antitrust

challenge to anticompetitive conduct of Visa and MasterCard credit card networks.

Represented large agribusiness clients who were opt-out plaintiffs in *In re Vitamins Antitrust Litigation*, MDL 1285 (D.D.C.). The Vitamins litigation arose out of a decade-long price-fixing cartel of the major international vitamin manufacturers, and involved vigorously contested disputes regarding jurisdiction, foreign discovery, conspiracy, damages and expert issues. Clients included Land O' Lakes, Inc., Hormel Foods Corporation, CHS Co-Operatives, Gold'n Plump Poultry, and other large vitamin purchasers. The cases settled after discovery was complete, but before trial, for in excess of \$250,000,000.

In re Methionine Antitrust Litigation, MDL 1311, (N.D. Cal.), represented many of the same large agribusiness clients as in *In re: Vitamins Antitrust Litigation*. Involved a challenge to international price-fixing cartel. Settled for \$35,000,000.

From 1995 until 1998, Mr. Wildfang was the lead counsel for 22 plaintiffs in the case of *Concord Boat Co., et al. v. Brunswick Corp.* (See reported decisions at 21 F. Supp.2d 923, 34 F. Supp.2d 1125 (E.D. Ark. 1998)). The case involved cutting edge antitrust claims of restraint of trade, monopolization and unlawful mergers. After a 10 week trial, on June 19, 1998 the jury returned a verdict in favor of plaintiffs on all counts, and awarded damages of \$133,000,000, plus attorneys fees. The jury's verdict was reversed on appeal, 207 F.3d 1039 (8th Cir. 2000), *cert. denied*, 531 U.S. 979 (2000) on grounds later rejected in a Third Circuit case pursuing a similar legal theory (Prior to joining Robins Kaplan LLP).

In re Workers' Compensation Ins. Antitrust Litig., (D.Minn. 4-85-1166), 574 F. Supp. 525 (D.Minn. 1983); 867 F.2d 1552 (8th Cir.); *cert. denied*, 492 U.S. 920 (1989); 130 F.R.D. 99 (D.Minn. 1990); 771 F. Supp. 284 (D.Minn. 1991) (Prior to joining Robins Kaplan LLP), a precedent-setting case involving both the McCarran-Ferguson Act exemption for insurance companies, as well as the State Action Doctrine.

Midwestern Mach. Co., et al. v. Northwest Airlines, Inc., (D.Minn. 97-1438), 990 F. Supp.2d 1128 (D.Minn. 1998); *rev'd*, 167 F.3d 439 (8th Cir. 1999) (Prior to joining Robins Kaplan LLP).

RECOGNITION



- » *Lawdragon*: 500 Leading Litigators in America (2024)
- » *Minnesota Monthly*: Top Lawyers List (2023)
- » *Benchmark Litigation*: Litigation Star (2020-2024 Editions)
- » *The National Law Journal*: Elite Trial Lawyers Lifetime Achievement Award (2023)
- » *Chambers USA*—Antitrust, Minnesota—Band 1 (2014-2023)
- » *Chambers USA*—Antitrust: Plaintiff, Nationwide—Band 2 (2014-2023)
- » *Lawdragon 500*: Leading Lawyers in America (2012-2018)
- » *The Legal 500*: Recommended in the United States for Antitrust Class Actions: Plaintiff (2014-2022)
- » *The Best Lawyers in America*: Antitrust Litigation (2012-2024)
- » *Super Lawyers*: Minnesota Super Lawyer (2003-2023)
- » *Finance & Commerce and Minnesota Lawyer*: Minnesota ICON (2021)
- » *Lawdragon 500*: Leading Plaintiff Financial Lawyers (2020-2023)
- » *Law360*: Titan of the Plaintiffs Bar (2020)
- » *The National Law Journal*: Antitrust and M&A Trailblazer (2015)
- » American Antitrust Institute: Antitrust Enforcement Award for Outstanding Antitrust Achievement in Private Law Practice (2014)

- » *Minnesota Lawyer*: Attorney of the Year (2012 and 2014)
- » *Lawdragon*: Lawyer Limelight (2013)
- » *Law360*: Competition MVP (2012)
- » United States Department of Justice Assistant Attorney General Antitrust Outstanding Contribution Award (1994)

CREDENTIALS

Bar Admissions

- » Minnesota
- » U.S. District Court, Minnesota
- » U.S. District Court, Wisconsin
- » U.S. Court of Appeals, First Circuit
- » U.S. Court of Appeals, Second Circuit
- » U.S. Court of Appeals, Third Circuit
- » U.S. Court of Appeals, Fourth Circuit
- » U.S. Court of Appeals, Eighth Circuit
- » U.S. Court of Appeals, Eleventh Circuit
- » U.S. Supreme Court

Education

- » University of Minnesota School of Law, J.D., *cum laude* (1977)
- » University of Minnesota, B.A., *magna cum laude*

Professional Associations

- » Minnesota State Bar Association, served two years as Chairman of the Antitrust Section
- » American Bar Association

MEDIA MENTIONS

- » *AJC.com*
- » *American Banker*
- » *American Lawyer Litigation Daily*
- » *Bloomberg*
- » *Forbes*
- » *Global Competition Review*
- » *KDOW Radio*
- » *Law360*
- » *Lawdragon.com*
- » *Minneapolis/St. Paul Business Journal*
- » *News Night Minnesota (Minnesota Public Television)*
- » *The News International*
- » *New York Times Blog*
- » *The New York Times DealBook Newsletter*
- » *Payments Journal*
- » *Politico*
- » *Portland Press Herald*
- » *Sacramento Bee*

- » *St. Louis Post-Dispatch*
- » *Star-Telegram*
- » *Star Tribune*
- » *Thomson Reuters News & Insight*
- » *TH Online*
- » *USA Today*
- » *WCCO Radio*
- » *Wall Street Journal*

SPEECHES

- » Frequent lecturer on antitrust and complex litigation matters at continuing legal education seminars across the country.
- » Legal Series: U.S. Antitrust Laws - Developments in its Extraterritorial Reach
The Knowledge Group LLC (January 30, 2015)
- » The Future of Interchange in a Post Durbin Era
23rd Annual Card Forum and Expo Miami, Florida (April 28, 2011)
- » What Does American Needle Portend? (Panel Discussion)
The Sedona Conference, Phoenix, Arizona (October 28, 2010)
- » Evaluating Mergers of Internet Companies (Panel Discussion)
The Sedona Conference, Phoenix, Arizona (October 28, 2010)
- » Two-Sided Markets (Panel Member)
American Bar Association, Section of Antitrust Law, Washington, D.C. (January 29, 2009)
- » The Future of Private Enforcement of the Antitrust Laws (Panel Discussion)
American Antitrust Institute, National Press Club, Washington, D.C. (June 19, 2008)
- » New Challenges in an Evolving Antitrust Era
Robins, Kaplan, Miller & Ciresi L.L.P., Minneapolis, MN (May 18, 2006)

NEWS

- » Robins Kaplan Honored With Outstanding Antitrust Litigation Achievement in Private Law Practice Award (October 10, 2023)
- » Robins Kaplan Receives High Rankings by *Benchmark Litigation* 2024 (October 9, 2023)
- » Robins Kaplan Partners Named to 2024 Lawdragon 500 Leading Litigators in America Guide (September 12, 2023)

PUBLICATIONS

- » *Private Enforcement of Antitrust Law in the United States: A Handbook*, "Funding Litigation - Chapter 10" (September 15, 2012)
- » *Walking The Tightrope* (May 4, 2012)
- » *Law360*, "Tackling The Financial Crisis With Antitrust Claims" (January 9, 2012)