

## Cody D. Rockey

Member

### Ann Arbor

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### Areas Of Practice

Antitrust & Trade Regulation

Litigation

Class Action Defense

Government Investigations and  
Corporate Compliance

Non-Compete, Unfair Competition  
and Trade Secrets

Health Care

### Industries

Automotive Industry Group

### Bar Admissions

Illinois

Michigan

### Court Admissions

U.S. Court of Appeals, Sixth  
Circuit

U.S. Court of Appeals, Seventh  
Circuit

U.S. District Court, Northern  
District of Illinois

U.S. District Court, Southern  
District of Illinois

U.S. District Court, Eastern District  
of Michigan

U.S. District Court, Western  
District of Michigan

### Education

Harvard Law School, J.D., 2010,  
*cum laude*

University of Michigan, B.A., 2004,  
*high honors and highest distinction*

Cody Rockey represents corporate and individual clients in antitrust and competition matters, as well as a variety of commercial disputes.

Prior to joining Dykema, Mr. Rockey was an associate with an AmLaw 100 firm in Chicago. Prior to practicing law, Mr. Rockey was a consultant supporting expert witnesses in antitrust litigation.

### Experience

**Antitrust litigation.** Mr. Rockey represents companies from a broad range of industries in litigation involving claims of anticompetitive conduct such as price fixing, bid rigging, exclusive dealing, tying, and monopolization. Representative matters include:

- Defense of automotive suppliers against price fixing and bid rigging claims following the global investigation into alleged anticompetitive practices in the automotive industry (class actions and opt-out litigation)
- Defense of a broiler producer against claims of coordinated output suppression (class actions and opt-out litigation)
- Defense of a manufacturer against vertical boycott and monopolization claims brought by a competitor
- Defense of a pharmacy benefits manager against antitrust claims brought by a pharmacy terminated from the PBM's network (arbitration)
- Defense of state bar against antitrust claims related to attorney licensing
- Defense of a health insurer against exclusive dealing, tying, and price discrimination claims brought by a health care provider
- Defense of a private equity firm against claims of bid rigging and market allocation in certain going-private transactions (class action)
- Defense of a containerboard manufacturer against claims of coordinated output suppression (class action)

**Business combinations and merger investigations.** Mr. Rockey advises clients on the antitrust risk associated with mergers, acquisitions, and joint ventures. He also assists clients in complying with pre-closing notification requirements under the *Hart-Scott-Rodino Antitrust Improvements Act*. Mr. Rockey also has experience representing clients in pre- and post-consummation investigations by the Federal Trade Commission and the Antitrust Division of the Department of Justice, including responding to second requests and civil investigatory demands. Representative matters include:

Cody D. Rockey (Cont.)

- Representation of buyers and sellers in filing HSR notification, including private equity funds in the acquisition of and sale of portfolio companies, closely held corporations in sales to private equity funds, a multinational conglomerate in its cash tender offer to acquire an international manufacturing company, a hospital in its sale to a nonprofit health system, a distributor in the creation of a joint venture, and insurers in various acquisitions
- Representation of buyer in responding to second request issued by the FTC
- Representation of sellers in the FTC's post-consummation investigation of a merger in the automotive safety industry
- Representation of third-parties in FTC investigations of and challenges to proposed mergers

**Criminal antitrust investigations.** Mr. Rockey has experience assisting clients with internal investigations, responding to grand jury subpoenas, and representing clients before the Antitrust Division of the Department of Justice in the course of criminal antitrust investigations.

**Commercial litigation.** Mr. Rockey represents companies in a variety of commercial disputes. Representative matters include:

- Defense of a Fortune 100 company in LMRA/ERISA litigation over the termination of retiree medical benefits.
- Defense of an employer against claims made by a former employee under the Michigan Sales Representative Commission Act
- Defense of a distributor against claims of tortious interference associated with the acquisition of a product line previously carried by a competitor
- Representation of a logistics company in litigation following the departure of executives to a competitor, including claims of breach of fiduciary duty and theft of trade secrets

**Discovery.** Mr. Rockey works closely with Dykema's Discovery Management and E-Discovery Group to help clients develop and implement cost-effective strategies to collect, review, and produce documents as part of civil discovery, in response to civil investigatory demands and grand jury subpoenas, and for internal investigations.

## Significant Decisions

- *Cooper v. Honeywell Int'l, Inc.*, 884 F.3d 612 (6th Cir. 2018)
- *Cooper v. Honeywell Int'l, Inc.*, 2019 U.S. Dist. LEXIS 30621 (W.D. Mich. Feb. 21, 2019)
- *Cooper v. Honeywell Int'l, Inc.*, 220 F. Supp. 3d 850 (W.D. Mich. 2016)

## Seminars & Speeches

Fireside Chat with Michigan AAG: *Antitrust, Franchise, and Trade Regulation Section Fall Forum*, State Bar of Michigan, Moderator  
September 24, 2020

Effective Antitrust Compliance During the Covid-19 Crisis  
July 21, 2020

License to Poach? Recent Antitrust Challenges to Franchise Employee Restrictions, *Antitrust, Franchise, and Trade Regulation Section Fall Forum*, State Bar of Michigan, Panelist  
September 26, 2019

## Publications

"Innovation Ventures Paves the Way for Stronger Commercial Noncompete Agreements"  
May 2017  
*Michigan Bar Journal Antitrust and Franchising Law*

"Major DOJ Antitrust Policy Shift On Immunity For Employees"  
January 27, 2017

Cody D. Rockey (Cont.)

*Law360*

“The Supreme Court Turns Its Attention Back to Class Certification in Tyson Foods”

Winter 2016

*The Antitrust Lawyer*

## **News**

William Carroll and Cody Rockey Each Author Articles for *The Antitrust Lawyer*

January 12, 2016

## **Blog Posts**

Employers Beware: COVID-19 Will Not Excuse Wage or Labor Fixing Agreements

## **Memberships & Involvement**

- American Bar Association, Antitrust Section
- State Bar of Michigan
  - Chair, Antitrust, Trade Regulation and Franchising Section, 2020

## **Awards & Recognition**

- Recognized in *Michigan Super Lawyers*<sup>®</sup> as a Rising Star for Antitrust Litigation and Business Litigation, 2015-Present
- Global Competition Review Litigation of the Year – Cartel Defense Team Award, 2019