



Partner

## Jesse David, PhD

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### PRACTICE AREAS

Antitrust & Competition  
Antitrust Litigation  
Class Certification  
Damages  
False Advertising  
Intellectual Property  
Labor & Employment  
Patent Infringement Damages  
Valuation  
Wage & Hours

### EDUCATION

Dr. David received his PhD in economics from Stanford University and his BA, with high distinction, in economics and physics from Brandeis University.

Dr. Jesse David is head of Edgeworth's Los Angeles office. Dr. David is an expert on the valuation of intangible assets, market definition, and the assessment of economic impacts in complex commercial disputes and regulatory proceedings. His experience spans antitrust, intellectual property, labor, regulatory, environmental, and class certification matters, among other economic issues related to the intersection of business and government.

Dr. David is an expert witness who has provided economic consulting and expert testimony for many industries, including pharmaceuticals, petroleum products, chemicals, software, and consumer products. He frequently submits expert reports to and testifies before decision-making bodies, including US federal and state courts, the Federal Energy Regulatory Commission, the National Energy Board of Canada, and various arbitration venues.

Dr. David's consulting practice also includes developing cost-benefit analyses of government regulations and assessing the economic impacts of government policies and other changes in industry structure. Dr. David has prepared studies for entities such as the American Trucking Association, the National Football League Players Association, the San Diego County Water Authority, the New York Power Authority, and the Ocean Conservancy.

### PREVIOUS EXPERIENCE

- Senior Vice President, Criterion Economics
- Vice President, NERA Economic Consulting

### INDUSTRIES

- Agricultural Products
- Construction
- Consumer Goods

- Healthcare
- Financial Services
- Food & Beverage
- Medical Devices
- Oil and Gas
- Pharmaceuticals
- Retail
- Technology
- Transportation

## CASE HIGHLIGHTS

Edgeworth Clients EMMC and Mushroom Growers Found Not Liable for Antitrust Conspiracy Allegations by Winn-Dixie Stores

On March 21, 2022, Edgeworth clients, Eastern Mushroom Marketing Cooperative (EMMC) together with various mushroom growers, were found not liable for an alleged antitrust conspiracy to fix mushroom prices provided to Winn-Dixie Stores, Inc.

Edgeworth Client Secures Landmark Win in Federal Antitrust Case Alleging Conspiracy to Raise Egg Prices  
Edgeworth Partner Dr. Jesse David testified in federal court in the Eastern District of Pennsylvania, helping secure a landmark win on behalf of Rose Acre Farms.

Edgeworth Client Receives Settlement Resolving Patent and Antitrust Litigation

An Edgeworth client obtained a settlement valued at about \$60 million, thereby resolving both a patent litigation and an antitrust counter suit.

Edgeworth Client Found Not Liable for Antitrust Conspiracy Allegations

Edgeworth client Rose Acre Farms was found not liable for an alleged antitrust conspiracy to reduce the supply of chicken eggs in the US.

Jury Awards Damages for Edgeworth Client in Patent Infringement Suit

Edgeworth Partner Dr. Jesse David testified at trial on behalf of Royal DSM regarding a reasonable royalty owed to DSM as a result of alleged patent infringement.

Edgeworth Analysis Cited by Arbitration Board in Decision Regarding Wage Increases for a Railroad Union Contract

The arbitration board cited Dr. David's analysis on behalf of the Northeast Illinois Regional Commuter Railroad in its decision, awarding wage increases commensurate with the comparability analysis he presented at the hearing.

#### Edgeworth Analysis Cited in Indirect Purchasers' Class Certification Decision in Drywall Antitrust MDL

An Edgeworth Economics team was retained on behalf of Defendants in a multi-district class action alleging collusion among manufacturers of gypsum wallboard (or "drywall").

#### Changing the Renewable Fuel Standard Point of Obligation

Edgeworth Economics evaluated the economic arguments from a number of companies and industry groups petitioning the US Environmental Protection Agency (EPA) to change the rules governing the Renewable Fuel Standard (RFS), as well as the EPA's responses in its proposed denial to these petitions.

#### Edgeworth Client Receives Settlement in Patent Dispute

Edgeworth's client receives \$100 million settlement prior to trial.

#### NFL Players Injury Analysis

Edgeworth Partner Dr. Jesse David completed analysis of comprehensive concussion and injury data for the 2012 NFL season, along with comparisons to prior seasons going back to 2004.

#### EPA Decision on Renewable Fuels Standard Waiver

Edgeworth Partner Dr. Jesse David performed a scenario analysis to estimate the impacts on various sectors of the U.S. economy of a waiver of renewable fuel standard volume requirements.

#### Court Approval of Settlement for Bank Depositors

Edgeworth Partner Dr. Jesse David and other Edgeworth economists provided an estimate of damages due to re-ordering of bank transactions across a group of depositors in *Trombley v. National City Bank*.

#### Pipeline Market Power

Edgeworth Partner Dr. Jesse David has provided research and expert opinions on the issue of pipeline market power for ratemaking proceedings and other actions before the Federal Energy Regulatory Commission.

#### Profitability Analysis in the Pipeline Industry

Edgeworth Partner Dr. Jesse David filed testimony before the National Energy Board of Canada regarding the impact on a petroleum products refinery of rationing capacity on a crude oil pipeline.

#### Air Pollution Regulations

Edgeworth Economics was retained by POET, the world's largest ethanol producer, to assess the impact of automotive emission regulations on the markets for gasoline and ethanol.

#### Reasonable Royalty Damages in a Patent Infringement Suit

Edgeworth Partner Dr. Jesse David provided expert testimony in a patent infringement case related to website design and functionality.

#### False Advertising Class Certification

Edgeworth Partner Dr. Jesse David provided expert testimony in the class certification stage of a false advertising litigation regarding food labeling.

#### Valuation of Denied Rights

Edgeworth Partner Dr. Jesse David provided expert analysis, valuing the right of first refusal.

#### Valuing a Settlement from a Patent Infringement Suit

Edgeworth Partner Dr. Jesse David provided expert testimony regarding the value of a patent infringement settlement.

#### Monopoly Power

Edgeworth Chief Executive Officer Dr. John H. Johnson was retained by Eaton Electrical, Inc. in antitrust litigation involving several independent service organizations that alleged the exercise of monopoly power in the aftermarket services on uninterruptible power supplies.

#### Price Fixing Conspiracy

Edgeworth experts provided damages testimony in an antitrust litigation concerning the markets for ready-mix concrete.

#### Employment Discrimination

The Equal Employment Opportunity Commission alleged that Bloomberg L.P. engaged in a pattern or practice of unlawful employment practices, including discriminating against Claimants based on gender and pregnancy.

#### Damages Assessment in Breach of Contract Litigation

Edgeworth Partner Dr. Jesse David provided expert testimony on damages in a case alleging a manufacturer breached a contract entered into when considering a joint venture with a small firm.

#### Cost Benefit Analysis of Trucking Regulations

Edgeworth Partners were retained by the American Trucking Association (ATA) to assess the cost and benefits of a proposed change in Hours of Service (HOS) rules, which regulate how much time a driver can spend on duty and behind the wheel.

#### NFL Lockout Analysis

On behalf of the NFL Players Association, Edgeworth Chief Executive Officer Dr. John H. Johnson and Partners analyzed the economic impact of a potential NFL lockout in 2011.

## **PUBLICATIONS**

An Economic Perspective On Food Labeling Cases  
*Law360*, 05.30.2013

Edgeworth Analysis of 2011 NFL Concussion and Injury Data  
*Edgeworth Economics*, 08.08.2012

Economic Approaches To Royalty Calculations  
*Law360*, 06.28.2011

Empirical Evidence and Class Certification in Labor Market Antitrust Cases  
*Antitrust Magazine*, 06.28.2011

## **SPEAKING ENGAGEMENTS**

Proving Market Power in Unilateral Conduct Cases | ABA Section of Antitrust Law  
06.30.2020

Webinar: Classwide Damage Models in Misleading and False Advertising Consumer Class Actions  
11.30.2017

Webcast: Expert Testimony and Analytical Methods in False Advertising Cases  
01.25.2017

Webinar: Food Labeling Class Actions: Economic and Legal Perspectives on the Rule 23 Predominance Requirement  
06.25.2013

## **NEWS**

Edgeworth Economics Named as a Top Economic Consultancy by Global Competition Review  
03.15.2021

Edgeworth Experts Recognized as Leading Competition Economists  
07.2020

Seven Edgeworth Partners Named as Leading Competition Economists in Who's Who Legal  
08.01.2019

Edgeworth Economics Appoints Dr. Jesse David to President; Dr. John Johnson to Continue in Role as CEO  
12.27.2018

Edgeworth Analysis on Changing the Renewable Fuel Standard Point of Obligation Submitted to the EPA  
02.22.2017

Dr. Jesse David Discussed Class Action Litigation on a Conference Panel  
05.21.2014

Dr. Jesse David Discusses the Economics Behind Recent Cloned Horse Antitrust Case  
02.18.2014

Trends in Food Labeling Class Action Litigation  
09.16.2013

Edgeworth Economics Releases 2012/2013 NFL Injury Analysis  
08.01.2013

Dr. Jesse David Discusses False Ads in Food Labeling Cases in Law360  
05.31.2013

Dr. Jesse David Discusses Possible Kickoff Elimination  
12.11.2012

Edgeworth Completes Study of Injury Data for NFLPA  
08.07.2012

The Wall Street Journal Cites Edgeworth Economics Study for NFL Players Association  
09.09.2011

Washington Post References Edgeworth Study for NFL Players Association  
07.31.2011

Edgeworth Economics Submits Analysis of Trucking Regulations  
02.17.2011

Edgeworth Economics Analyzes Injuries for the NFL Players Association  
01.31.2011

Drs. Johnson and David Discuss Antitrust Class Certification in Labor Markets  
12.09.2010

Edgeworth Economics Estimates Impact of Potential NFL Lockout  
12.03.2010

Dr. Jesse David Presents on the Intersection of IP and Antitrust in Litigation  
08.10.2010

Edgeworth Expert Dr. Jesse David Discusses Economic Approaches to Royalty Calculations in Law360

05.25.2010