



Partner

# Michael Kheyfets

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## Washington, DC

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## PRACTICE AREAS

Antitrust & Competition  
Antitrust Litigation  
Class Certification  
Damages  
Data Analytics  
Data Privacy  
Mergers & Acquisition Analysis

## EDUCATION

Michael Kheyfets received his BA, *magna cum laude* and Phi Beta Kappa honors, and his MA in economics from Boston University.

Mr. Kheyfets is a professional economist who provides his clients with economic research and rigorous data analysis in litigation, regulatory, and business analytics matters. Across his practice, Mr. Kheyfets applies his technical training to develop large datasets, employ sophisticated statistical modeling, and analyze complex economic issues. He is highly skilled in communicating his findings clearly and concisely to a range of audiences that include business people, legal counsel, and judges and juries.

In the area of antitrust and competition, Mr. Kheyfets advises clients on a broad range of matters, including allegations of price-fixing, monopolization, market allocation, bid-rigging, refusals to deal, and tying and bundling. He specializes in all phases of these matters, from managing the data discovery process to advising clients and developing expert testimony on class certification, liability, and damages issues. Mr. Kheyfets has testified on economic damages issues in mediation and arbitration proceedings.

In his privacy and data security work, Mr. Kheyfets conducts empirical analysis to provide clients and outside counsel with answers to complex questions surrounding the scope of—and potential financial exposure resulting from—data breaches. Mr. Kheyfets holds a CIPP-US (Certified Information Privacy Professional, US Private Sector) certification from the International Association of Privacy Professionals.

Outside of litigation, Mr. Kheyfets serves in an advisory role to his clients, consulting on data-driven approaches to strategic decision-making. He has extensive experience analyzing large data sets as well as developing and validating a variety of models including ones used in:

- evaluating and forecasting outcomes of firms' strategic policies and business decisions;
- assessing the viability of innovative technology projects;
- forecasting outcomes for real estate investment portfolios; and
- conducting competition policy reviews and regulatory impact analyses.

Mr. Kheyfets has served in several leadership roles within the American Bar Association's Section of Antitrust Law, where he has educated members of the legal community about topics in data analysis, economics, and statistics. He was also selected by *Who's Who Legal* as a Future Leader in the area of competition economics.

## PROFESSIONAL AFFILIATIONS

- American Bar Association
  - Labor and Employment Section
  - Antitrust Section
- International Association of Privacy Professionals

## PREVIOUS EXPERIENCE

- Senior Analyst, NERA Economic Consulting
- Program Analyst, John A. Volpe National Transportation Systems Center

## INDUSTRIES

- Automotive
- Consumer Goods
- Construction Products
- Distribution Networks
- Electronics
- Employee Welfare
- Energy
- Financial Services
- Real Estate
- Retail
- Sports
- Telecommunications
- Tourism
- Transportation

## CASE HIGHLIGHTS

### Airlines Settle Long-Running Competition Dispute, Aided by Edgeworth Industry Study

Edgeworth Chief Executive Officer Dr. John H. Johnson and Partner Michael Kheyfets completed an analysis on behalf of Etihad Airways, which demonstrated that services introduced by Etihad have increased competition and consumer choice.

### 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”).

### In re: Pool Products Distribution Market Antitrust Litigation

An Edgeworth Economics team was retained on behalf of Pool Corporation and its subsidiaries (“Pool”) in a multi-district class action alleging violations of antitrust laws in regard to the distribution of products used for the construction and maintenance of swimming pools (“Pool Products”).

### Analysis and Audit of Real Estate Rate Increase

Edgeworth Partner Michael Kheyfets was retained to design an economic model and provide testimony on issues related to a petition filed by the owner of a rent-controlled property requesting a substantial rent increase.

### Financial and Operations Data Assessment

Edgeworth Partner Michael Kheyfets advised a large telecommunications provider on the economics of a new product going to market.

### 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.

### CMBS Credit Risk Model Validation

Edgeworth Economics was retained by a major commercial real estate research and analytics firm to validate its quantitative credit risk product, which forecasts default and loss outcomes for a broad range of commercial mortgage and securitized loans.

### Commercial Real Estate Market Model Validation

Edgeworth economists reviewed and validated a commercial real estate market model used to forecast supply, demand, vacancies, and rents in markets across the U.S.

### The Economics of D.C. Taxicab Rates

Edgeworth Chief Executive Officer Dr. John H. Johnson testified on behalf of the D.C. Professional Taxicab Drivers Association and the Dominion of Cabdrivers in front of the Washington, D.C. Taxicab Commission.

#### Monopoly Damages

Edgeworth Chief Executive Officer Dr. John H. Johnson and Partner Matthew Milner provided expert testimony related to damages and consulting services in *Univac Dental Co. et al. v. Dentsply International, Inc.*

#### 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**

What Is the Value of Personal Information? Quantifying the Harm Caused by Data Privacy Breaches

*Our Curious Amalgam*, 01.10.2023

Value of Personal Information Theories in Data Privacy Class Actions

*Bloomberg Law*, 09.19.2022

Obstacles To Defining Injury, Class In Cyberattack Suits

*Law360*, 06.09.2021

Benefit of the But-For Bargain: Assessing Economic Tools for Data Privacy Litigation

*Journal of Technology Law & Policy*, 05.28.2019

A Rigorous Analysis of Class Certification Issues in Consumer Data Breach Litigation

*Privacy & Security Law Report*, 02.01.2017

Economic Analysis of Financial Institution Claims in Data Breach Class Actions

*Information Law Journal*, 01.27.2016

10 Questions To Ask Experts Working With Your Data

*Law360*, 09.25.2015

Beyond Standing: Economic Experts In Breach Class Actions

*Law360*, 05.14.2015

Edgeworth Analysis of 2011 NFL Concussion and Injury Data

*Edgeworth Economics*, 08.08.2012

### **SPEAKING ENGAGEMENTS**

Antitrust Class Certification: Trends, Updates, and What Lies Ahead

03.04.2021

Pandemic-Related Class Actions: An Economic Perspective  
07.2020

The Economic Perspectives on Antitrust Damages: What You Must Know | Live Webcast  
10.23.2019

Antitrust Economics Workshop | Fordham Competition Law Institute  
Fordham Law School, 09.11.2019

American Bar Association Antitrust Spring Meeting 2016  
04.06.2016

Michael Kheyfets to Serve as Panelist in "Big Data in Litigation" Webinar  
05.18.2015

Webinar: What is Your Privacy Worth? Damages Theories in Privacy Cases  
05.05.2015

Edgeworth Experts Present Mock Trial at Data Privacy Conference  
03.05.2015

Chuck Fields and Michael Kheyfets to Speak About HR Metrics & Analytics  
09.29.2014

## 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 Completes Airline Industry Study for Etihad Airways  
06.17.2015

Michael Kheyfets Promoted to Partner at Edgeworth Economics  
07.30.2014

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 Analyzes Injuries for the NFL Players Association  
01.31.2011

Edgeworth Economics Estimates Impact of Potential NFL Lockout  
12.03.2010