

MARC A. VAN ALLEN, Partner

Businesses turn to litigator Marc A. Van Allen for counsel on disputes over corporate transactions, joint ventures, partnerships, licenses and contracts. He has litigated jury and bench trials, represented clients in arbitrations and argued appeals.

Mr. Van Allen is a co-chair of the firm's Government Contracts Practice and a member of the Complex Commercial Litigation, Antitrust and Competition and Tax Controversy Practices.

Mr. Van Allen has litigated high stakes matters involving complex quantitative issues, including econometrics, predictive modeling and statistics. In connection with M&A transactions, he has represented Fortune 100 companies in federal and state courts litigating antitrust, fiduciary duty and breach of contract issues.

He has assisted a client structure and operate long term joint ventures involving more than US\$150 billion in expected revenue sharing. Mr. Van Allen has also represented defense contractors in cases before the Armed Services Board of Contract Appeals, the United States Court of Federal Claims and the US Court of Appeals for the Federal Circuit.

Mr. Van Allen has represented very large companies on both antitrust aspects of proposed mergers and in structuring several substantial joint venture agreements:

- In connection with a proposed merger, represented a Fortune 100 client in an antitrust lawsuit filed by the Department of Justice to block a merger between the largest and third largest company in the market. In defending the proposed merger, Mr. Van Allen helped develop economic analyses related to market definition, critical loss, unilateral effects and a merger simulation of price effects.
- Represented a Fortune 100 company in structuring and operating several long term JVs involving over \$150 Billion in expected revenue. Because the JVs are between competitors in a regulated industry, Mr. Van Allen has provided counseling and analysis regarding numerous antitrust and regulatory issues

Mr. Van Allen's representations of government contracting company clients in the area of FCA/*Qui Tam* Defense and Investigations includes the following:

- A CMS contractor in *qui tam* litigation
- An NSA contractor in DOD IG investigation
- A military aircraft manufacturer in *qui tam* litigation
- A manufacturer of nuclear submarines in *qui tam* litigation



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PRACTICE GROUPS

Government Contracts
Litigation

EDUCATION

University of Michigan Law School, JD,
1992

University of Chicago, BA, 1989

ADMISSIONS

District of Columbia, 2010

Illinois, 1992

COURT ADMISSIONS

US Court of Appeals, Third Circuit, 1999

US Court of Appeals, Seventh Circuit,
1994

Illinois Supreme Court, 1992

US District Court, Northern District of Illinois,
1993

US District Court, Eastern District of
Michigan, 1999

Mr. Van Allen's representation of companies involved in civil litigation before the US Department of Justice includes:

- An aerospace company in tax refund case
- An accounting firm in tax shelter case
- A defense contractor in \$5 billion contract dispute
- A missile manufacturer in CERCLA case

Mr. Van Allen has represented a variety of companies in numerous complex commercial litigation matters, including:

- A US company in RICO litigation against Japanese conglomerate
- A Chinese reinsurance company in insurance syndicate dispute
- An international retailer in litigation over an IT-outsourcing contract
- A PC manufacturer in shareholder class action
- An acquiring company in shareholder appraisal case
- A seller in post-closing purchase price adjustment litigation
- An acquiring company in pre-merger litigation
- A board of directors in shareholder derivative case

Awards

- *Legal 500*
Government Contracts - 2020, 2021

Service To The Bar

- American Bar Association - Section on Litigation

Publications

- Co-Author, "Top 10 Developments in FCA case Law in 2020," *The Government Contractor*, January 15, 2021
- 2 FCA Defenses Can Address Vague Pandemic-Related Rules, *Law360*, September 16, 2020
- Co-Author, "Capturing The Benefits Of Mandatory Disclosures While Minimizing The Risk Of Privilege Waiver," *The Government Contractor*, August 12, 2020
- Co-Author, Client Alert: Sweeping New Interim Rule Further Implements Ban on Targeted Telecommunications and Video Surveillance Companies, July 22, 2020
- Co-Author, "Invoicing Tips to Help Gov't Contractors Avoid FCA Liability," *Law360*, July 16, 2020
- Co-Author, "Guarding against False Claims Act Risk: Your Good Relationship with Your Customer Is Not Enough," *The Government Contractor*, July 8, 2020
- "United States," *Defence and Security Procurement* 2018, July 2018

- Co-Author, "US Government Pursuit of Emerging Technologies May Attract Non-Traditional Companies," *Bloomberg*, December 6, 2017
- Co-Author, "Cybersecurity and Cryptography in the Post-Quantum World," *Bloomberg*, June 5, 2017
- Co-Author, "Quantum Computing Is about to Disrupt the Government Contracts Market," *Bloomberg*, April 18, 2017
- Co-Author, "United States," *Defence and Security Procurement 2017*, February 2017
- "Risk When Negotiating Government Contracts Abroad." ACC Docket, December 2013
- "Managing Uncertain Tax Positions," Deloitte Tax Group, 2013
- "What Is "False" under the False Claims Act?" Navigating the Government Contracts Process, September 2010
- "The Flaw of Averages in Law and Accounting," *Litigation Services Handbook*, 2007
- "Accounting for Uncertainty," *The Journal of Portfolio Management*, 2002

Speaking Engagements

- "Harnessing AI: A Strategic Priority," Jenner & Block and Bloomberg Government, October 15, 2019
- Panelist, "Legal Underwriting/Characterizing (Pricing) Legal Risk/Legal Portfolio Management," Fin (Legal) Tech Conference, November 04, 2016