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Andres V. Lerner
Executive Vice President

Andres Lerner is an Executive Vice President at Compass Lexecon. He has 25 years of experience applying economic and econometric analysis to antitrust cases, including litigation, regulatory proceedings, and mergers. Dr. Lerner also has substantial expertise estimating complex damages and assessing the appropriateness of class certification in antitrust matters. He has provided economic testimony in legal cases and regulatory proceedings, including to the Antitrust Division of the U.S. Department of Justice (“DOJ”), the U.S. Federal Trade Commission (“FTC”), the U.S. Federal Communications Commission (“FCC”), and the European Commission. He also has served as the lead economic advisor on high-profile investigations, as well as a consultant for government agencies, including the FTC and DOJ. Dr. Lerner has particular expertise in the antitrust economics of platform businesses and the digital economy. He has worked on matters involving various industries, including online search, digital advertising, mobile smartphones, payment card services, real estate brokerage services, wireless and wireline telecommunications, broadband services, cable and satellite television, personal computers, video games, health insurance, and pharmaceuticals.

Dr. Lerner has been named one of the foremost competition economists in *The International Who’s Who of Competition Economists* each year since 2013 and has been selected as one of the leading competition economists aged 45 and under by Who’s Who Legal and Global Competition Review for the *Who’s Who Legal: Competition – Future Leaders 2017* publication. He has published scholarly articles in leading economic and legal journals, including the *American Economic Review*, the *Antitrust Law Journal*, and the *Antitrust Bulletin*, and has co-edited a collection of seminal articles in antitrust economics. Dr. Lerner has taught Economics at the University of Southern California Marshall School of Business. He holds a Ph.D. in Economics from the University of California at Los Angeles (UCLA).

EDUCATION

- 1999 Ph.D., Economics, University of California at Los Angeles
- 1996 M.A., Economics, University of California at Los Angeles
- 1993 B.A., Economics, University of California at Berkeley

FIELDS OF SPECIALIZATION

Antitrust and competition economics; industrial organization

Applied econometrics

Economic and econometric analysis of damages and class certification in antitrust matters

PROFESSIONAL EXPERIENCE

2013 – Present	<i>Executive Vice President</i> , Compass Lexecon, Los Angeles, California
2009 – 2013	Senior Vice President, Compass Lexecon, Los Angeles, California
2007 – 2009	Director, LECG, Los Angeles, California
2004 – 2007	Principal, LECG Los Angeles, California
2004 Economics	Visiting Professor, University of Southern California, Department of
2003 – 2004	Vice President, Economic Analysis LLC, Los Angeles, California
2001 – 2003	Senior Economist, Economic Analysis LLC, Los Angeles, California
1999 – 2001	Economist, Economic Analysis LLC, Los Angeles, California,
1997 – 1999	Teaching Associate, Department of Economics, UCLA
1998	Teaching Associate, School of Public Policy, UCLA
1997	Teaching Associate, Anderson Graduate School of Management, ULA

AFFILIATIONS

American Bar Association, Associate Member

American Economics Association

RECENT PROFESSIONAL RECOGNITIONS

Who's Who Legal and Global Competition Review, *Who's Who Legal: Competition – Future Leaders 2017*, economist aged 45 and under.

Global Competition Review, *The International Who's Who of Competition Economists* (2013 to present).

PAPERS AND PUBLICATIONS

"Real Estate Commissions: Some Insights from the Economics of Multi-Sided Platforms," *CPI Antitrust Chronicle*, March 2024.

"Price-Cost Tests in Antitrust Analysis of Single Product Loyalty Contracts," (with Benjamin Klein), *Antitrust Law Journal*, Vol. 80, No. 3 (2016), pp. 631-679.

"'Big Data' and User Privacy in Antitrust: An Economic Perspective," prepared for Antitrust and Intellectual Property Conference, American Bar Association, Section of Antitrust Law, October 8, 2015.

"The Role of 'Big Data' in Online Platform Competition," August 26, 2014.

"The Law and Economics of Bundled Pricing: LePage's, PeaceHealth, and the Evolving Antitrust Standard," (with Benjamin Klein) *Antitrust Bulletin*, 2008.

"The Firm in Economics and Antitrust Law," (with Benjamin Klein), in W. Collins (ed.), *Issues in Competition Law and Policy*, American Bar Association Antitrust Section, 2008.

"The Economics Revolution in Antitrust Law," in *Economics of Antitrust Law, Economic Approaches to Law Series*, (with Benjamin Klein), Benjamin Klein and Andres V. Lerner (eds.), Series editors Richard A. Posner and Francesco Parisi, Edward Elgar Publishing Ltd., April 2008.

"The Expanded Economics of Free-Riding: How Exclusive Dealing Prevents Free-Riding and Creates Undivided Loyalty," (with Benjamin Klein), *Antitrust Law Journal*, Vol. 74, No. 2 (2007), pp. 473-519.

Economics of Antitrust Law, Economic Approaches to Law Series, (with Benjamin Klein), Series editors Richard A. Posner and Francesco Parisi, Edward Elgar Publishing Ltd., April 2008.

"Competition in Two-Sided Markets: The Antitrust Economics of Payment Card Interchange Fees," (with Benjamin Klein, Kevin Murphy, and Lacey Plache), *Antitrust Law Journal*, Vol. 73, No. 3 (2006), pp. 571-626.

"The Economics of Copyright 'Fair Use' in a Networked World," (with Benjamin Klein and Kevin Murphy), *American Economic Review Papers & Proceedings*, Vol. 92, No. 2 (May 2002), pp. 205-208.

SELECTED PRESENTATIONS

Network Effects and “Big Data” in Digital Platform Competition, Executive Committee of the New York State Bar Association, Antitrust Section, September 18, 2019.

Two-Sided Markets in Modern Antitrust: Beyond *Ohio v. American Express*, ABA Section of Antitrust Law, Federal Civil Enforcement & State Enforcement Committees, February 15, 2018.

USC Gould School of Law, Antitrust Enforcement in a Global Context: Extraterritoriality and Due Process, Transparency Requirements in Global Antitrust panel, January 13, 2017.

“Big Data and User Privacy in Antitrust: An Economic Perspective,” Antitrust and Intellectual Property Conference, American Bar Association, Section of Antitrust Law, October 8, 2015.

“Big Data, User Privacy, and Competition Between Online Platforms,” Law & Economics Center, George Mason University School of Law, Briefing on Big Data, Privacy, and Antitrust, March 18, 2015.

“Economic Challenges in the Antitrust Analysis of Online Platforms,” Federal Trade Commission, Microeconomics Conference, November 7, 2013.

EXPERT TESTIMONY, REPORTS, AND DECLARATIONS

Expert Report of Andres V. Lerner; Expert Rebuttal Report of Andres V. Lerner
Grubhub Holdings Inc., et al., v. Visa Inc., et al., United States District Court for the Eastern District of New York, Case No. 05-md-1720 (MKB)
(Expert Report: October 7, 2022; Expert Rebuttal Report: January 13, 2023; Deposition: March 16, 2023)

Expert Report of Andres V. Lerner; Supplemental Rebuttal Report of Andres V. Lerner
Viamedia, Inc., v. Comcast Corporation and Comcast Cable Communications Management, LLC
United States District Court for the Northern District of Illinois Eastern Division, Case No. 16-cv-5486
(Expert Report: September 21, 2022; Supplemental Rebuttal Report: October 31, 2022; Deposition: October 14, 2022)

Expert Report of Andres V. Lerner
The State of Washington v. StarKist Company, Dongwon Industries Co. Ltd., and Christopher Lischewski
Superior Court of Washington for King County, Case No. 20-2-09491-9 SEA
(Expert Report: July 19, 2021; Deposition: August 27, 2021)

Expert Report of Andres V. Lerner
B&R Supermarket Inc., et al. v. Mastercard International Inc., Visa Inc., Visa U.S.A., Inc., Discover Financial Services and American Express Company
United States District Court for the Eastern District of New York, Case No. 17-CV-02738 (MKB)
(Expert Report: March 22, 2021; Deposition: September 10, 2021)

Expert Report of Andres V. Lerner
In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation
United States District Court for the Eastern District of New York, Case No. 05-md-1720 (MKB).
(Expert Report: June 10, 2019; Deposition: February 14, 2020)

Expert Report of Andres V. Lerner
In Re Packaged Seafood Products Antitrust Litigation
United States District Court, Southern District of California, Case No. 15-MD-2670 JLS (MDD).
(Expert Report: May 10, 2019; Deposition: May 30, 2019)

Declaration of Andres V. Lerner; Supplemental Declaration of Andres V. Lerner
beIN Sports, LLC v. Comcast Cable Communications, LLC and Comcast Corporation
Federal Communications Commission, MB Docket No. 18-90, File No. CSR-8954-P
(Declaration: May 14, 2018; Supplemental Declaration: February 11, 2019)

Witness Statement and Expert Report of Andres V. Lerner; Second Witness Statement and
Expert Report of Andres V. Lerner
*Tradeline Enterprises Pvt. Ltd. v. Jess Smith & Sons Cotton, LLC, J.G. Boswell Company, and
Supima*, American Arbitration Association, Case No.: 01-16-0003-8669.
(Witness Statement and Expert Report: July 28, 2017; Second Witness Statement and Expert
Report: December 19, 2017; Live Hearing Testimony: March 2, 2018)

Expert Report(s) of Andres V. Lerner
In Re Optical Disk Drive Products Antitrust Litigation
United States District Court, Northern District of California, Case No. 3:10-md-02143 RS.
(Expert reports: April 3, 2017; Deposition: May 8-9, 2017)

Report by Andres V. Lerner and Paul Hofer
*European Commission v. Google Inc. and Alphabet Inc., CASE COMP/AT.40099 – Google
Android*
(Report: November 11, 2016)

Expert Report of Andres V. Lerner; Rebuttal Expert Report of Andres V. Lerner
*Verizon Corporate Services Group Inc. v. Comcast Corporation and SportsChannel New
England, LLC*, American Arbitration Association, Case No. 01-16-000-2320
(Expert Report: August 17, 2016; Rebuttal Expert Report: September 20, 2016; Live hearing
Testimony: October 7, 2016)

*Federal Communications Commission, In the Matter of Protecting and Promoting the Open
Internet*, GN Docket No. 14-28

“The ‘Terminating Access Monopoly’ Theory and the Provision of Broadband Internet
Access” (with Janusz Ordover), January 15, 2015.

“*Competition in Broadband and ‘Internet Openness’*,” July 15, 2014.

Federal Communications Commission, Policies Regarding Mobile Spectrum Holdings, WT
Docket 12-269

“Sprint’s Proposed Weighted Spectrum Screen Defies Economic Logic and Is
Inconsistent with Established Facts” (with Michael L. Katz, Philip A. Haile, and Mark A.
Israel), March 14, 2014.

“Comment on the Submission of the U.S. Department of Justice Regarding Auction Participation Restrictions” (with Michael L. Katz, Philip A. Haile, and Mark A. Israel), June 13, 2013.

“Comments on Appropriate Spectrum Aggregation Policy with Application to the Upcoming 600 MHz Auction” (with Michael L. Katz, Philip A. Haile, and Mark A. Israel), June 13, 2013.

Federal Communications Commission, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket 12-268

“Spectrum Aggregation Policy, Spectrum-Holdings-Based Bidding Credits, and Unlicensed Spectrum” (with Michael L. Katz, Philip A. Haile, and Mark A. Israel), March 12, 2013.

Expert Report of Andres V. Lerner; Rebuttal Expert Report of Andres V. Lerner
Western Pacific Kraft, Inc. v. Duro Bag Manufacturing Company
U.S. District Court, Central District of California, Western Division, Case No. 2:10-cv-06017-DDP.
(Expert Report: January 2013; Rebuttal Expert Report: October 2013)

New Zealand Commerce Commission Evaluation of Dairy Industry Restructuring Act (DIRA) of 2001

“The Effectiveness of DIRA in Fostering Competition and Economic Efficiency in New Zealand Dairy Markets” (with Robert D. Willig and Meg Guerin-Calvert), July 2011.

“Comments on the Proposed Changes to the Milk Price Provisions in the Dairy Industry Restructuring Amendment Bill” (with Robert D. Willig and Meg Guerin-Calvert), February 2012.

“Supplemental Comments on the Dairy Industry Restructuring Amendment Bill” (with Robert D. Willig and Meg Guerin-Calvert), April 2012.

Board of Governors of the Federal Reserve System, Debit Interchange Fees and Routing

“Economic Analysis of the Federal Reserve Board’s Proposed Regulations to Implement EFTA Section 920” (with Benjamin Klein and Kevin Green), February 2011.

Expert Report of Andres V. Lerner
Platino Records, Inc. v. Univision Music, LLC
Superior Court for the State of California, for the County of Los Angeles, Case No.: BC375405
(September 2008)

SELECTED OTHER EXPERT WORK

Acquisition of Fitbit by Google LLC

Submitted papers and made presentations to the U.S. Department of Justice, the European Commission, and other regulatory agencies.
(2019 to 2020)

“The Economics of Network Effects and User Data in the Provision of Search, Search Advertising, and Display Ad Intermediation,” submitted to the Australian Competition and Consumer Commission (ACCC), paper commissioned by Google LLC, May 15, 2019.

Federal Trade Commission Investigation of Google Search Practices
Submitted papers and made presentations to the U.S. Federal Trade Commission.
(October 2010 to January 2013)

Department of Justice Assessment of Joint Venture and Licensing Agreements between Verizon, Comcast, Time Warner Cable, Cox Communications, and Bright House Networks.
Submitted papers and made presentations to the U.S. Department of Justice.
(2011 to 2012)

SELECTED CONSULTING EXPERIENCE

United States of America, et al. v. Google LLC; State of Colorado, et al. v. Google LLC
United States District Court, District of Columbia, Case No. 1:20-cv-03010-APM, 1:20-cv-03715-APM.
(2020 to present)

European Commission v. Google Inc. and Alphabet Inc., CASE COMP/AT.40099 – Google Android
(2015 to 2018)

In the Matter of Applications of AT&T Inc. and DIRECTV For Consent to Assign or Transfer Control of Licenses and Authorizations
U.S. Department of Justice; U.S. Federal Communications Commission.
(April 2014 to July 2015)

In re Optical Disk Drive Antitrust Litigation
United States District Court, Northern District of California, Case No. 3:10-md-02143 RS.
(October 2012 to October 2015)

Pecover et al. v. Electronic Arts, Inc.
United States District Court, Northern District of California, Case No. 08-cv-02820 VRW.
(July 2009 to April 2012)

In Re Abbott Labs Norvir Antitrust Litigation
United States District Court, Northern District of California, Case No. C-04-1511 CW.
(November 2006 to March 2011)

In Re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation
United States District Court, Eastern District of New York, Case No. 1:05-md-1720-JG-JO.
(August 2006 to February 2011)

Behrend et al. v. Comcast Corporation et al.
United States District Court, Northern District of Pennsylvania, Case No. 03-6604.
(April 2008 to September 2010)

Sun Microsystems, Inc. v. Hynix Semiconductor Inc., et al.
United States District Court, Northern District of California, Case No. C-07-01381-PJH.
(June 2006 to April 2008)

In the Matter of Realcomp II LTD.

United States of America, Before Federal Trade Commission, Docket No. 9320.
(November 2006 to June 2007)

Illinois Tool Works v. Independent Ink, Inc.

United States District Court, Central District of California, Case No. CV 98-6686-NM.
(April 2001 to April 2007)

Visa U.S.A. Inc. v. First Data Corp.

U.S. District Court, Northern District of California, Case No. C 02-1786-JSW.
(June 2004 to May 2006)

AIDS Healthcare Foundation v. GlaxoSmithKline

United States District Court, Central District of California, Case No. 02-5223-TJH.
(June 2004 to April 2006)

ChoiceParts LLC v. General Motors, DaimlerChrysler, Ford Motor, and OEConnection

U.S. District Court for the Northern District of Illinois, Case No. 01 C 0067.
(August 2002 to December 2004)

Spirit Airlines, Inc., v. Northwest Airlines, Inc.

United States District Court for the Eastern District of Michigan, Case No. 00-71535.
(January to December 2002)

George Lussier Enterprises Inc. et al. v. Subaru of New England et al.

United States District Court, District of New Hampshire, Case No. 03-2715.
(February 2001 to December 2002)

Universal Avionics Systems Corporation v. Rockwell International Corporation, et al.

United States District Court, District of Arizona, Case No. CV97-28 TUC-ACM.
(December 2000 to June 2001)

Metro-Goldwyn-Mayer Studios Inc., et al. v. RecordTV.com and David Simon

United States District Court, Central District of California, Case No. 00-06443 MMM (MANx).
(February 2001 to March 2001)

Arthur Simon et. al. v. American Telephone and Telegraph Corp., et. al.

United States District Court, Central District of California, Case No. CV 99-11641 RSW.
(April 2000 to January 2001)

Wal-Mart, et al. v. Visa, et al.

United States District Court, Eastern District of New York, Case No. CV-96-5238.
(February to April 2000)

The Coca-Cola Company, et al. v. Omni Pacific Company, et al. and related counterclaims.

United States District Court, District of Northern California, Case No. C-98-0784-SI.
(November 1999 to October 2000)

Kropinski, et al. v. Johnson & Johnson, et al.

Superior Court of New Jersey, Case No. 8886-96. (September 1999 to January 2000)