

JEFF DAN HERRERA

NLG NACHAWATI LAW GROUP

Antitrust
Attorney

505.681.0030 Phone • 214.890.0712 Fax
JHerrera@ntrial.com • www.ntrial.com

As a member of Nachawati Law Group's newly formed antitrust practice within its Public Entity Litigation Division, Jeff focuses his practice on representing government entity clients in complex civil antitrust enforcement actions, including anticompetitive agreements and market allocation schemes, monopolization and unilateral conduct, unfair methods of competition, and merger review and litigation.

Prior to joining Nachawati Law Group, Jeff served as the Antitrust Bureau Chief in the Consumer Protection Division of the New Mexico Department of Justice (formerly the New Mexico Office of the Attorney General). During his time as an assistant attorney general, Jeff led the state's efforts in enforcing state and federal antitrust laws. Among other matters, Jeff served as lead counsel for New Mexico in litigation alongside the Federal Trade Commission and eight other states against the proposed merger between The Kroger Co. and Albertsons Companies, Inc., the largest proposed grocery merger in history. He was also active in the National Association of Attorneys General Antitrust Task Force, where he served as the co-chair of the Legislation Committee. Prior to his work in the Consumer Protection Division, Jeff worked in the Government Litigation Division, representing state officers and agencies in high-profile constitutional, election law, and administrative law matters.

Prior to working at the New Mexico Department of Justice, Jeff practiced at a plaintiffs' firm in Santa Fe, New Mexico where he handled employment, personal injury and medical malpractice, election law, and nonprofit matters. Before attending law school, Jeff was a political campaign professional, working on campaigns at every level of government across the state.

Outside of law, Jeff enjoys hand tool woodworking, attending punk rock shows, traveling with his partner, and playing fetch with their dog.



PRACTICE AREAS:

Public Client Representation
Antitrust
Pre-Merger Review

EDUCATION:

B.A., University of New Mexico, 2015
J.D. University of Arizona James E. Rogers College of Law, 2020

LICENSED IN:

New Mexico

ADMITTED TO PRACTICE BEFORE:

New Mexico Supreme Court
U.S. District Court of New Mexico

ASSOCIATIONS:

State Bar of New Mexico
American Bar Association – Antitrust Law Section
New Mexico Hispanic Bar Association

PUBLICATIONS:

- Jeff Dan Herrera & Cholla Khoury, *State Enforcement: Less Theory, More Delivering for Constituents*, Competition Policy Int'l (Sept. 7, 2022).

RECOGNITIONS

- New Mexico Department of Justice Outstanding Employee Peer Award
- American Bar Association Antitrust Law Section Janet D. Steiger Fellow, 2019

NOTABLE CASES

- *Kroger-Albertsons Merger Litigation* – Jeff served as lead counsel for the State of New Mexico in an action brought by the Federal Trade Commission and attorneys general of eight states and the District of Columbia seeking to enjoin the proposed merger between supermarket chains Kroger and Albertsons. The litigation focused on the decrease in competition that would result in increased grocery prices and decreased wages and benefits for unionized grocery labor. The litigation consisted of an expedited discovery process—comprising more than 100 depositions in two months, along with substantial expert discovery—and culminated in a three-week preliminary injunction hearing in the U.S. District Court in Portland, Oregon. The Court granted the preliminary injunction, after which the defendants abandoned the proposed merger.
- *Generic Drugs Multistate* – While at the New Mexico Department of Justice, Jeff represented the State of New Mexico in three separate multistate actions against the manufacturers of generic drugs for complex market allocation schemes concerning a variety of generic pharmaceuticals. This years-long litigation focused on complex, horizontal conspiracies in restraint of trade among representatives of the defendant pharmaceutical manufacturers seeking to avoid competition, resulting in higher drug prices paid by the states and individual consumers.
- *Amazon Monopolization Litigation* – Represented the State of New Mexico in an action brought by the Federal Trade Commission and a bipartisan coalition of state attorneys general against Amazon, Inc. The States and the FTC alleged that Amazon unlawfully maintained a monopoly in the online superstore market and the online marketplace services market, alleging that Amazon has injured both consumers and small businesses that sell on Amazon.
- *Live Nation-Ticketmaster Litigation* – Represented the State of New Mexico in an action brought by the United States Department of Justice Antitrust Division and a bipartisan coalition of numerous states. The States and the U.S. DOJ alleged that Live Nation Entertainment, Inc. and its subsidiary, Ticketmaster, engaged in monopolization, exclusive dealing, unlawful tying in various markets relating to the live entertainment industry.
- *Voter Reference Foundation, LLC v. Torrez* – Represented the New Mexico Secretary of State and New Mexico Attorney General in novel constitutional and election law litigation raising questions of first impression in federal courts. The case concerned claims under the First Amendment and the National Voter Registration Act concerning the privacy of voter rolls. Jeff litigated the matter through discovery and cross motions for summary judgment and served as second chair in the bench trial.
- *New Mexico Pork Producers Litigation* – Represented the state of New Mexico in litigation against producers of pork products and agricultural data aggregation company Agri Stats, alleging anticompetitive information exchange among the former coordinated and enabled by the latter.