

Jay B. Shapiro



Shareholder

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PRACTICE AREAS

Antitrust, Competition &
Consumer Protection
Litigation & Dispute Resolution
State Attorneys General
Life Sciences
Election & Political Law
Class Actions
Intellectual Property
Appellate

OVERVIEW

"A very skilled practitioner and a sophisticated advocate for his clients ... A very, very talented lawyer ... He's very well known in the legal community and is a real weapon."

- *Chambers USA 2017-2021*

Jay B. Shapiro is a Shareholder in the Litigation Department. He is a member of the Firm's Board of Directors and sits on the Firm's Executive Committee. From 1998 to 2004, Jay served as the Firm's Managing Director.

Jay has a national litigation practice, regularly arguing cases before trial and appellate courts across the country. Jay represents public and private companies in a wide variety of complex commercial litigation matters, including antitrust litigation, securities litigation, intellectual property litigation, pharmaceutical litigation, defamation and libel law, deceptive and unfair trade practices, directors' and officers' liability, insurance coverage litigation, civil theft, and federal and state civil RICO actions. He also has extensive experience defending and prosecuting class actions.

REPRESENTATIVE EXPERIENCE

Obtained \$151,250,000 recovery on behalf of class of indirect purchasers in antitrust litigation against the leading U.S. and Canadian manufacturers of polyurethane foam involving a cross-border price fixing and market allocation conspiracy. The amount represents the fourth largest antitrust recovery ever on behalf of an indirect purchaser class.

On behalf of Google and YouTube, obtained dismissal with prejudice of federal antitrust and related claims under Florida's Deceptive and Unfair Trade Practices Act (FDUTPA) brought by world's largest collector of Mexican and Latin American movies.

Obtained \$33 million recovery as lead counsel on behalf of a class of indirect purchasers in antitrust litigation arising out of a nationwide price-fixing, bid-rigging and market allocation scheme among the country's dominant manufacturers of

liquid aluminum sulfate. The \$33 million recovery represented an amount in excess of 100% of the treble damages being sought in the case — a result which is believed to be unprecedented in antitrust class action litigation. In issuing final approval of the recovery to the class, United States District Judge Madeleine Cox Arleo of the District of New Jersey complimented Mr. Shapiro for ‘skillfully and zealously represent[ing] the interests of the Indirect Purchaser Class in this case,’ and that Mr. Shapiro achieved the unprecedented recovery through a “high degree of diligence, perseverance and skillful advocacy.” Judge Arleo further remarked in open court that Mr. Shapiro’s efforts in the case “could not have yielded a better result” for the class.

Co-authored two amicus briefs on behalf of former high-ranking Department of Justice and National Security officials in support of the United States Government’s successful appeal of an order limiting the Department of Justice’s investigation into former President Trump’s mishandling of classified documents at Mar-A-Lago.

Obtained multimillion dollar recovery on behalf of multinational petroleum coke and energy trading company in litigation against two of the company’s former executives and their co-conspirators arising out of international embezzlement and product diversion scheme.

Defeated Bristol-Myers Squibb in billion dollar patent and other litigation instituted by Bristol in various federal and state courts around the country in an effort to block generic competition for the largest selling anti-cancer drug in the world, Taxol. Subsequently obtained a \$65,000,000 recovery from Bristol in antitrust litigation brought on behalf of a class of direct purchasers of Taxol, arising out of Bristol’s prior efforts to block generic competition for the drug.

Obtained multimillion dollar recovery as lead counsel representing a class of 33 Florida counties in an action to recover unpaid Tourist Development Taxes from various online travel companies (Expedia, Priceline, Travelocity, Orbitz, etc).

Obtained dismissal with prejudice of all claims brought against the Chief Judge of Florida’s Third District Court of Appeal in a highly publicized lawsuit challenging whether the judge satisfied Florida’s residency requirements. Jay has also represented other members of the Florida judiciary in various matters.

Obtained \$55,000,000 recovery against Toyota and General Motors on behalf of a class of domestic automobile purchasers in antitrust litigation involving the imposition of wrongful export restraints.

Obtained \$36,000,000 recovery as co-lead counsel in antitrust litigation arising out of Organon’s efforts to block generic competition for the drug mirtazapine (sold by Organon under the brand name Remeron®).

Obtained dismissals of numerous actions challenging the purchase and/or sale of multimillion dollar life insurance policies brought against country’s largest secondary market purchaser of such policies and various trustees appointed in connection with such transactions.

Argued a case of first impression before the United States Court of Appeals for the Ninth Circuit on the issue of whether a private right of action exists under the Federal Food, Drug and Cosmetic Act to compel the listing of a pharmaceutical patent with the United States Food and Drug Administration. The appeal originated from a lower court judgment in favor of Jay’s client, and the case was settled in favor of Jay’s client shortly after oral argument on the appeal.

Obtained a complete defense judgment in trademark litigation brought against his client, the largest commercial bank based in Florida, over use of the phrase “Florida’s Most Convenient Bank.” He also represented that same banking client in a change of control protest before the Office of the Comptroller of the Currency.

Obtained permanent injunction in trade dress action on behalf of internationally renowned manufacturer of high-end men’s shirts against infringing competitor.

Defeated CollaGenex’s efforts to block the entry of a generic version of Periostat (doxycycline hyclate), an important

antibiotic used in the treatment of periodontal disease. After intervening in litigation brought by CollaGenex against the FDA to block approval of any competing generic version of Periostat, Jay persuaded the court to overturn an injunction that had been entered against FDA barring such approval, and ultimately obtained a final summary judgment clearing the way for approval of a competing generic product. Jay also defeated the efforts of CollaGenex to obtain an injunction barring generic competition in a related patent infringement action.

Obtained a complete defense judgment in a multimillion dollar breach of contract action involving revenue sharing provisions in a complex aircraft leasing dispute.

Defeated the efforts of Pfizer to enjoin the market entry of a low-dose generic tablet version of Neurontin (gabapentin), one of the largest selling epilepsy drugs in the world.

Defeated the efforts of Alpharma to obtain market exclusivity for a generic version of Glucophage (metformin), the largest selling drug used to treat adult Type II diabetes.

Defeated Hoechst Marion Rousell in multimillion dollar litigation involving the anti-allergy drug Seldane (terfenadine).

Obtained the dismissal of claims brought by Endo Pharmaceuticals challenging the market entry of Jay's client as an authorized generic distributor of OxyContin, one of the world's largest selling prescription pain medications.

Obtained a dismissal with prejudice of claims brought by a qui tam plaintiff under the False Claims Act, in which plaintiff sought over \$30 billion in damages based on a purportedly fraudulent scheme by Jay's client (as well as every major pharmaceutical manufacturer in the country) in connection with the use of in-process validation methods to obtain drug approvals from the FDA.

Obtained a number of significant defense victories in "bet the company" securities and shareholder class action litigation. Some of these victories resulted in precedent-setting decisions which have received national commentary, including the leading decision from the United States Court of Appeals for the Eleventh Circuit on what constitutes a "forward looking statement" within the meaning of the safe-harbor provisions of the Private Securities Litigation Reform Act of 1995. Jay was also instrumental in defeating the efforts of a class of shareholders to interfere with a then-pending merger between one of his clients and a leading Norwegian pharmaceutical company. The case was ultimately dismissed without payment of any kind by Jay's client.

Acted as counsel for a major pharmaceutical company in a multibillion dollar litigation brought by numerous state governments in various courts around the country against numerous pharmaceutical manufacturers relating to various Average Wholesale Price ("AWP") issues in connection with pharmaceutical sales to those states.

Successfully represented pharmaceutical manufacturer in litigation against the FDA, overturning the Agency's refusal to award marketing exclusivity for a generic version of Zocor (simvastatin), one of the largest selling anti-cholesterol drugs in the world.

Represents the leading developer and manufacturer of transdermal drug delivery systems in various litigation matters, including litigation over the ownership of core patents covering the transdermal administration of numerous pharmaceutical agents.

Represented one of the world's largest medical device manufacturers in patent litigation involving diabetes testing systems.

Acted as co-counsel representing nationwide classes of direct or indirect purchasers in price-fixing and other antitrust litigation involving such products as buspirone (sold by Bristol-Myers Squibb Co. under the brand name Buspar®)(which case settled for nearly \$300 million); nabumetone (sold by Glaxo Smith Kline under the brand name Relafen®) (which

case settled for \$175 million); cisplatin (sold by Bristol-Meyers Squibb Co. under the brand name Platinol®)(which case settled for \$75 million); microcrystalline cellulose (sold by FMC Corporation under the brand name Avicel®) (which case settled for \$50 million); organic peroxides (sold by AKZO Nobel, Elf Atochem and others) (which case settled for over \$30 million); and monochloroacetic acetate (which case settled for nearly \$20 million).

Successfully represented one of Florida's largest real estate developers in trademark litigation against a competing developer involving trademark rights to the name "TRADITION."

Advised the Attorney Generals of numerous states on various issues relating to their investigations of antitrust violations in the pharmaceutical industry. In addition, Jay has met with members of the United States House and Senate on various issues affecting the generic pharmaceutical industry. Some of the anti-competitive activities in the pharmaceutical industry that Jay has exposed in litigation have been detailed recently in an extensive study by the Federal Trade Commission, and have been cited in the Congressional Record as support for the revisions to the Hatch-Waxman Amendments to the Federal Food, Drug and Cosmetic Act enacted by the House and Senate and signed into law by President Bush. Jay has given testimony to the Federal Trade Commission in connection with an investigation into antitrust issues surrounding patent litigation settlements between brand and generic drug companies. He has also lectured on various issues arising in pharmaceutical antitrust litigation in a symposium sponsored by the University of Miami Law Review.

PROFESSIONAL & COMMUNITY INVOLVEMENT

Voices For Children Foundation

Chairman of Board of Directors, 2016

Director, 2006-Present

Adopt-a-Classroom, Member of Board of Trustees

University of Miami School of Law,

Established the Stearns Weaver Miller/Jay B. Shapiro Scholarship

Member of Dean's Circle

University of Miami Citizens Board

RECOGNITION

Chambers USA, Litigation: General Commercial (Florida), Band 2, 2012-Present

The Best Lawyers in America®, 2015-Present

Miami Litigation-Antitrust Lawyer of the Year, 2020, 2022

Benchmark Litigation, Florida Litigation Star, 2010-2022, 2024

Florida Super Lawyers, 2006-Present

South Florida Legal Guide, Top Lawyers in South Florida - Corporate & Business Litigation; Intellectual Property, 2006-2017

American Lawyer Media and Martindale-Hubbell- "Top Rated Lawyer in Intellectual Property Law," 2012-2014

Florida Super Lawyers, Corporate Counsel Edition, 2010

Florida Trend's Florida Legal Elite, 2004-2009

AV Preeminent® Rated by *Martindale-Hubbell*

NEWSROOM

Firm Announcements: [29 Stearns Weaver Miller Lawyers in 11 Practice Areas Ranked In Chambers USA 2023](#)
| June 2023

Firm Announcements: [28 Stearns Weaver Miller Lawyers in 12 Practice Areas Ranked In Chambers USA 2022](#)
| June 2022

Firm Announcements: [Stearns Weaver Miller Lawyers Recognized in 2021 Florida Super Lawyers](#)
| June 2021

Firm Announcements: [29 Stearns Weaver Miller Lawyers in 12 Practice Areas Ranked In Chambers USA 2021](#)
| May 2021

Firm Announcements: [Stearns Weaver Miller Lawyers Recognized in 2020 Florida Super Lawyers](#)
| June 2020

Firm Announcements: [24 Stearns Weaver Miller Lawyers in 12 Practice Areas Ranked In Chambers USA 2020](#)
| April 2020

Firm Announcements: [Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2019](#)
| June 2019

Firm Announcements: [21 Stearns Weaver Miller Attorneys, 10 Practice Areas Ranked in Chambers USA 2019](#)
| May 2019

Firm Announcements: [Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2018](#)
| June 2018

Firm Announcements: [23 Stearns Weaver Miller Lawyers in 10 Practice Areas Ranked In Chambers USA 2018](#)
| May 2018

In the Media: [Voices For Children Foundation Kicks Off The Winter Gala Season With "Moments Of Brilliance, Be A Voice Gala"](#)
Miami's Community Newspapers | | January 2018

Firm Announcements: [Stearns Weaver Miller Receives Top Ranking in Benchmark Litigation 2018](#)

| October 2017

Firm Announcements: [Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2017](#)

| June 2017

Firm Announcements: [19 Stearns Weaver Miller Lawyers, 8 Practice Areas Ranked In Chambers USA 2017](#)

| May 2017

Firm Announcements: [Stearns Weaver Miller Receives Top Ranking in Benchmark Litigation 2017](#)

| October 2016

Firm Announcements: [Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2016](#)

| June 2016

Firm Announcements: [Jay B. Shapiro Elected Chairman of Board of Directors of Voices for Children Foundation](#)

| June 2016

Firm Announcements: [17 Stearns Weaver Miller Lawyers, 7 Practice Areas Ranked In Chambers USA 2016](#)

| May 2016

In the Media: [\\$151 Million Settlement Approved in Foam Class Action](#)

Daily Business Review | | March 2016

Firm Announcements: [Stearns Weaver Miller Attorneys Recognized by South Florida Legal Guide 2016](#)

| January 2016

Firm Announcements: [Stearns Weaver Miller Attorneys Recognized in Benchmark Litigation 2016](#)

| October 2015

Firm Announcements: [15 Stearns Weaver Miller Attorneys, 7 Practice Areas Ranked In Chambers USA 2015](#)

| May 2015

Firm Announcements: [Stearns Weaver Miller Attorneys Recognized by South Florida Legal Guide 2015](#)

| January 2015

Firm Announcements: [Stearns Weaver Miller Receives Top Rankings in Benchmark Litigation 2015](#)

| December 2014

Firm Announcements: [Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2014](#)

| June 2014

Firm Announcements: [Stearns Weaver Miller Continues To Receive Top Rankings In Chambers USA 2014](#)

| May 2014

EDUCATION

J.D., University of Miami School of Law, 1987

Advanced Moot Court Competition, Winner

Moot Court Board, Vice President

B.A., University of Delaware, 1984

ADMISSIONS

Florida

United States District Court for the Northern, Middle and Southern Districts of Florida

United States Court of Appeals for the District of Columbia, Sixth, Eighth, Ninth, Eleventh and Federal Circuits

The Supreme Court of the United States