



Co-chair of the Antitrust and Competition Law practice, Kendall Millard focuses on the resolution of complex antitrust, class action and other high-stakes commercial litigation. He represents multinational corporations, including Japanese companies and their U.S. subsidiaries, in criminal antitrust investigations and large commercial disputes in federal and state courts and arbitration nationwide.

In the white collar arena, Kendall defends clients facing large national and international criminal antitrust investigations by the U.S. Department of Justice (DOJ), the Canadian Competition Bureau (CCB), the Japan Fair Trade Commission (JFTC), the Korean Fair Trade Commission (KFTC), and the Competition Commission of Singapore (CCS). He represents many American and Japanese companies in the DOJ's criminal antitrust investigations in the auto parts, electronic components and other industries. He also assists clients in developing rigorous antitrust, Foreign Corrupt Practices Act (FCPA) and anti-bribery compliance programs and legal unilateral minimum advertised pricing (MAP) policies, and frequently presents antitrust compliance trainings for clients and trade associations in the U.S. and Japan.

As a civil litigator, Kendall defends clients against allegations of price fixing, bid-rigging, customer allocation, resale price maintenance, exclusive contracts, tying, bundling, boycotts, monopolization and attempted monopolization brought under Sections 1 and 2 of the Sherman Act, California's Cartwright Act, New York's Donnelly Act, and other state competition laws. Kendall was appointed and served as co-liaison counsel for all defendants in the *In re Polyurethane Foam Antitrust Litigation*, multidistrict litigation (MDL) in the Northern District of Ohio from 2010 to 2015.

On the corporate side, Kendall advises parties and third parties concerning potential antitrust issues with proposed mergers, acquisitions and joint ventures, including in Hart-Scott-Rodino (HSR) filings before the Federal Trade Commission (FTC) and the DOJ. This includes conducting market definition and competitive impact analyses and responding to Civil

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EDUCATION

Indiana University-Bloomington, (J.D.), magna cum laude, 1998, member of Indiana Law Journal, Jessup International Law Moot Court competition, Order of the Coif

University of Minnesota, (M.A.), East Asian studies

Morningside College, (B.A.), history and philosophy, summa cum laude

BAR ADMISSIONS

District of Columbia

Indiana

COURT ADMISSIONS

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. District Court for the District of Columbia

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Northern District of Indiana

U.S. District Court for the Northern District of Ohio

Investigative Demands (CIDs) and subpoenas for documents and testimony issued to industry participants.

Kendall has published articles and contributed to ABA publications on current antitrust developments, including co-authoring the U.S. section of the ICLG International Comparative Legal Guide to Cartels and Leniency.

Clients appreciate Kendall's extraordinary attention to their needs. He remains involved in supporting not only each client's commercial objectives, but also in getting to know them personally. Kendall thrives under the complexity of antitrust law and other substantive legal disciplines. Kendall's sensitivity to the major financial and other life-altering consequences that can occur in such cases drives him to educate clients before a crisis happens, as well as to aggressively defend their freedom and bottom line both in and out of court.

Kendall has represented clients on antitrust matters in a wide range of industries, including:

- Engines, shock absorbers, sealings, resistors, latches and dozens of other component parts for automobiles, RVs, motorcycles and aircraft in the automotive, aerospace, cell phone and high-tech industries
- Hard and soft tissue dental lasers, hospital beds, therapy and moveable medical equipment, hospital mergers, pharmaceutical distribution services, and anesthesiology services in the medical device and healthcare industries
- Strollers, car seats, high chairs, foam mattresses and vacuum cleaners in the baby and durable consumer products industries
- Cigarettes, kitty litter, pet food, packaged ice, bakery and other perishable food and retail products in the grocery and supermarket industry
- Ready mix concrete, aggregates, polyurethane foam, zinc oxide, exterior insulation finishing systems (EIFS), and fiberglass insulation in the construction and manufacturing industries
- Racing tires and sanctioned racing events in the sports and racing industries and gas station franchises and truck stops in the oil and gas industry
- Software licenses and navigation systems in the computer industry and credit card issuance and data protection services in the banking industry

Notably, Kendall has also tried cases and won appeals for indigent pro bono clients seeking asylum in the U.S. to avoid persecution in their home country on account of the client's political or religious beliefs or social group status.

U.S. District Court for the Southern District of Indiana

U.S. Supreme Court

LANGUAGES

English

Japanese

PRACTICES

Antitrust and Competition Law

Commercial Litigation

Compliance and Monitorships

Consumer Class Action Defense

European Services

Intellectual Property

Japanese Services

Litigation

Logistics and Transportation

Trademark Litigation and Unfair Competition

INDUSTRIES

Motorsports

Telecommunications

Prior to joining Barnes & Thornburg, Kendall was an attorney at Arnold & Porter LLP in Washington, D.C., and at the Legal Aid Society of the District of Columbia. Prior to law school, Kendall studied and taught for three years in Japan; he is well-versed in Japanese culture and how it differs from the American point of view. He speaks conversational Japanese and taught English as a second language at IUPUI.

Professional and Community Involvement

Member, American Bar Association Antitrust Section

Former adjunct professor, Indiana University Robert H. McKinney School of Law, antitrust law

Member, former board member and former World Community Service Committee chair, Rotary Club of Indianapolis

Board member and general counsel, Timmy Global Health

Board member, Power of One

Graduate, Stanley K. Lacy (SKL) Executive Leadership Series

Member, Lacy Leadership Association

Former instructor, English as a second language, IUPUI

Member, St. Luke's United Methodist Church

Honors

The Best Lawyers in America, 2022-2024

Indiana Super Lawyers, 2017-2024

Indiana Bar Foundation Pro Bono Publico Award, 2012

Barnes & Thornburg Joseph A. Maley Pro Bono Award, 2011