

# Curriculum Vitae of Andrew D. Schwarz

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## Economic Consulting Experience

2007 – present OSKR Emeryville, CA

### **Managing Partner (2011-present)** **President/Managing Partner (2007-2011)**

- Submitted Expert Declaration in *Eva Perez, et al. v. rue 21, Inc.*, 2012.
- Submitted Expert Report in *United Spinal Association, et al., v. Board of Elections in the City of New York*, 2012.
- Submitted Expert Declaration in *Alice Williams, et al. v. H&R Block Enterprises, Inc.*, 2012.
- Panelist on *Congressional Panel on American Collegiate Student Athletics*, United States House of Representatives, 2011.
- Designated as Damages Expert in *Mortgage Store, Inc. v. LendingTree Loans d/b/a Home Loan Center, Inc.*, 2011
- Testified at Hearing on Plaintiffs Motion to Compel in *Sarah Perez, et al., v. State Farm, et al.*, 2011.
- Submitted Expert Report in *International Accessories Corporation, v. Biasia Francesco S.p.A.*, 2010.
- Submitted Expert Declaration in *United Spinal Association, et al., v. Board of Elections in the City of New York*, 2010.
- Submitted Expert Declaration in *LaLiberte, et al. v. Pacific Mercantile Bank*, 2010.
- Submitted Expert Reports and gave Deposition testimony in *Kirola, et al. v. City and County of San Francisco*, 2009- 2010.
- Submitted Expert Report and gave Deposition testimony in *CDR v. Caltrans*, 2009.
- Designated as Damages Expert in *Flahavan v. State Fund*, 2008.
- Managed or contributed to cases in professional and college sports, high technology, payment systems, insurance, telecommunications, consumer products, consumer lending, entertainment, on issues of causation, and damages. Allegations have included antitrust violations, patent infringement, breach of contract, breach of fiduciary duty, and unfair business practices.
- Worked with counsel drafting of complaints to ensure sufficient economic content to survive a *Twombly* challenge in a Motion to Dismiss, as well performing other pre-expert consulting expertise. Provided similar consulting expertise to Federal Trade Commission.
- Extensive experience in the creation and analysis of large databases across a variety of industries, as well as managing large complex cases through the entire litigation process, including trial.
- Ran the full operations of a small professional services firm, including managing staff hiring/development, cash flow, payroll, facilities, and developing business opportunities.

1997 - 2007 LECG Emeryville, CA

### **Principal (2007); Senior Managing Economist (2003-2006); Managing Economist (2001-2002); Senior Economist (1998--2000); Economist (1997--1998)**

- Managed or contributed to cases in professional and college sports, high technology, communications, payment systems, automotive, petroleum, electricity, entertainment, pharmaceuticals, insurance, and healthcare supporting testimony on liability, causation, and damages. Allegations have included antitrust violations, fraud, patent/copyright/trademark infringement, tortious interference, breach of contract, breach of fiduciary duty, and unfair business practices.
- Submitted Expert Declaration on Class Certification issues in *Flahavan v. State Fund*, 2007.
- Testified at trial regarding economic analysis in *A&J Liquor v. State Fund*, 2003.
- Directly involved as consultant on class certification issues for both plaintiffs and defendants.
- Served as consulting expert to counsel in many matters, including mediation, deposition, arbitration, and trial. Played extensive trial roles as consulting expert in billion-dollar insurance case, major league sports case, Federal merger challenge, and professional sports licensing dispute.
- Experience shepherding mergers through Department of Justice and the European Commission in entertainment, high technology, and commercial printing.
- Emeryville Assistant Office Director, 2005 – 2007. Antitrust Practice Coordinator, 2000-2001.

## Curriculum Vitae of Andrew D. Schwarz (cont.)

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### Publications and Awards

“The Antitrust Implications of “Paperless Ticketing” on Secondary Markets,” **Journal of Competition Law & Economics** (forthcoming) with Daniel A. Rascher.

“Competitive Balance in Sports: ‘Peculiar Economics’ Over the Last Quarter Century,” **Entertainment, Arts and Sports Law Journal** Spring/25th Anniversary Special Issue (Spring 2013, Vol.24, No. 1), with Daniel A. Rascher.

“National Letter of Indenture: How College Athletes are similar to, and in many ways worse off than, the indentured servants of colonial times,” **Selected Proceedings of the Santa Clara Sports Law Symposium**, September 6, 2012, with Jason Belzer.

“National Letter of Indenture: Why College Athletes are Similar to Indentured Servants of Colonial Times,” **Forbes Online**, July 25, 2012, with Jason Belzer.

“College Sports Should Work as Free Market,” in **USA Today**, January 12, 2012, with Dan Rascher.

“Illustrations of Price Discrimination in Baseball,” in **Oxford Handbook of Sports Economics** (Vol. 2: Economics Through Sports, pp. 380-399), eds. Stephen Shmanske and Leo H. Kahane, Oxford University Press, 2012, with Daniel A. Rascher.

“The \$2,000 Stipend and the Rule of Reason: an Antitrust Analysis,” in **Sports Litigation Alert**, Volume 8: Issue 24, December 30, 2011.

“The Conversation,” in **The Atlantic**, December 2011.

“Excuses, Not Reasons: 13 Myths About (Not) Paying College Athletes,” in **Selected Proceedings of the Santa Clara University Sports Law Symposium**, September 2011.

“Pay-for-play -- the truth behind the myths,” **ESPN.com**, July 15, 2011.

“BCS: Antitrust storm clouds gather,” **ESPN.com**, May 11, 2011.

“Motions to Dismiss: Has the Supreme Court Lowered Litigation Costs?” in **Trade Practices Law Journal**, March 2009.

“Dealing in Imaginary Goods: Implications for Antitrust and Intellectual Property Policy,” in **Trade Practices Law Journal**, March 2007, with Christopher J. Pleatsikas.

“Rivalrous Consumption and the Boundaries of Copyright Law: Intellectual Property Lessons from Online Games,” in **Intellectual Property Law Bulletin**, Fall 2005, with Robert Bullis.

“The Oracle/PeopleSoft Merger Case: Market Definition and Unilateral Effects Analysis in the Software Industry” in **Trade Practices Law Journal**, December 2004, with Christopher J. Pleatsikas.

“Neither Reasonable nor Necessary: ‘Amateurism’ in Big-Time College Sports” in **Antitrust**, Spring 2000, with Daniel A. Rascher.

Peer Reviewer for **Journal of Sport Management**.

Carter Award for outstanding academic achievement, UCLA, 1994. Dean’s List, 5 quarters, 1992-4.

Phi Beta Kappa, Stanford University, 1987. President’s Award for Academic Excellence in the Freshman Year, 1986.

### Education

**A.B.**, with Distinction, Honors in History, STANFORD UNIVERSITY, 1989.

**M.A.**, History, THE JOHNS HOPKINS UNIVERSITY, 1990.

**M.B.A.**, Anderson Graduate School of Management, UCLA, 1994.

**Ph.D. Coursework**, Marketing, Anderson Graduate School of Management, UCLA, 1995-6  
Haas School of Business, UNIVERSITY OF CALIFORNIA, BERKELEY, 1996-7.

## Curriculum Vitae of Andrew D. Schwarz (cont.)

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### Other Professional Experience

1994-1997                      HEWLETT-PACKARD    Palo Alto, CA  
**Financial Analyst**  
\* Responsible for understanding trends in company-wide and division-specific operating expense categories (R&D, Marketing, Sales, and G&A). Liaison to regional HQs in Geneva, Hong Kong, and Atlanta. Developed process improvements, cutting significant time from the close/forecast process.

1993                              IL FORNAIO (America)    San Francisco, CA  
**Strategic Consultant**  
\* Developed and evaluated blueprint for firm's public offering. Worked with CEO and CFO to present strategy to board of directors, and investment bank community. Built extensive models to analyze company's need for capital and for investors' projected returns. Designed and carried out studies of critical operations, evaluating business activities for profitability and value.

1991-92                        COPITHORNE & BELLOWS    San Francisco, CA  
**Account Coordinator**  
• Work in all elements of public relations/strategy work for Silicon Valley high technology clients. Clients included Hewlett-Packard (components), Xerox (printers), Apple USA (distribution), VESA (graphics), and Syntellect (IVR).