

Jonathan T. Tomlin, Ph.D.

Principal and Managing Director

jon.tomlin@navigant.com
Los Angeles, CA
Direct: 213.670.3221

Professional Summary

Jon Tomlin is a Principal and Managing Director in Navigant's Los Angeles office. He is a leading expert in the areas of complex damages and antitrust and has advised clients on such matters for over twenty years. Dr. Tomlin's economic research has appeared in books, peer-reviewed journals, law reviews, and legal publications. He has testified as an expert witness for cases in state and federal courts.

Education

Ph.D., Economics	University of California, Los Angeles, 1994
M.A., Economics	University of California, Los Angeles, 1991
B.A., Economics	University of Pennsylvania, College of Arts and Sciences, Philadelphia, PA, 1989

Fields of Concentration

- Industrial Organization
- Antitrust Economics
- Intellectual Property
- Corporate Finance

Professional and Academic Experience

- **Navigant Economics, Los Angeles, California**
Principal, 2010-present
- **LECG, LLC**
Principal, 2003- 2010
Senior Managing Economist, 1998- 2002

Jonathan T. Tomlin, Ph.D.

Principal and Managing Director

Professional and Academic Experience (Continued)

- **Capital Economics**
Economist, 1998
 - Provided economic analysis for projects involving law and economics.
- **Economic Analysis Corporation**
Senior Economist, 1996-1997
 - Provided economic and statistical analysis for projects involving questions in the areas of industrial organization, antitrust, intellectual property, and corporate finance.
- **Micronomics, Inc.**
Economist, 1994-1996
 - Provided economic and statistical analysis for litigation consulting and regulatory issues.
- **University of California, Los Angeles, Department of Economics**
Teaching Assistant, 1993-1994
 - Taught Intermediate Microeconomics to undergraduates.
Research Assistant, 1992-1993
 - Provided research support for economics faculty.
- **Econalysis, Inc.**
Research Assistant, 1992-1994
 - Provided research support for litigation.
- **Brinton Economics**
Research Assistant, Summer 1987
 - Collected and analyzed data in support of damages calculations for litigation.

Publications and Presentations

Books

- “Hicks-Marshall Conditions and Defining Antitrust Markets for Intermediate Goods,” with Georgi Giozov, James Langenfeld, and David Weiskopf, *Research in Law and Economics*, Chapter 3, Volume 27 (2015).
- “Manufacturing Input Markets,” with James Langenfeld, William Nye, and Louis Silvia, *Market Definition in Antitrust: Theory and Case Studies*, American Bar Association, 2012, Chapter II.

Jonathan T. Tomlin, Ph.D.

Principal and Managing Director

Publications and Presentations (Continued)

Peer-Reviewed Research

- "The Impact of Smoking Bans on the Hospitality Industry: New Evidence from Stock Market Returns," *The B.E. Journal of Economic Analysis & Policy*: Vol. 9: Iss. 1 (Contributions), Article 13 (2009).
- "Expert Testimony, *Daubert*, and the Determination of Damages," with David Cooper, *Review of Law & Economics*: Vol. 4: Iss.1, Article 11 (2008).
- "Junk Forecasts in the Courtroom?: Assessing the 'S' Curve Approach to Calculating Damages," with C. Paul Wazzan, *Journal of Forensic Economics*, Volume XIX, Number 3, Fall 2006.
- "Distinguishing the Legal from the Illegal in Antitrust Damages Calculations: Lessons from *Netscape v. Microsoft*," *Journal of Forensic Economics*, 17 (2), 2004.
- "How Mergers Affect Competitors," Ph.D. dissertation, University of California, Los Angeles, 1994.

Law Reviews

- "The Accuracy and Manipulability of Lost Profits Damages Calculations: Should the Trier of Fact be 'Reasonably Certain'?", with David Merrell, *Transactions: The Tennessee Journal of Business Law*, Volume 7, Number 2, 2006.
- "Federalism and the Indirect Purchaser Mess," with Dale J. Giali, *George Mason Law Review*, Volume 11, Number 1, Fall 2002.

Magazines, Newsletters, and On-Line Publications

- "Two 'Pass-Through' Hurdles for Indirect Purchaser Plaintiffs," *Law360*, February 14, 2018.
- "Reliability of 'Price Premium' Calculations in Class Actions," *Law360*, October 10, 2017.
- "Early Lessons from the DOJ Auto Parts Investigation," with Chris Ring, *Law360*, July 14, 2017.
- "Class Certification and Economic 'Argle Bargle'," *Law360*, December 16, 2015.
- "Why Didn't Raids Stop Price-Fixing in the Auto Industry?," *Law360*, July 21, 2015.
- "Calculating 'Pass-Through' Rates in Price-Fixing Cases – What's in the Economist's Toolbox?," *The Meeting Place*, Newsletter of the ABA Section of Antitrust Law Joint Conduct Committee, Winter 2014.

Jonathan T. Tomlin, Ph.D.

Principal and Managing Director

Publications and Presentations (Continued)

- "The Demise of the 25% Rule," with Mohan Rao, *Intellectual Asset Management*, Issue 47, May/June 2011.
- "Comcast-NBC and the Regulatory Road to Nowhere," *TheStreet.com*, May 5, 2010.
- "Civil Conspiracy Claims and the Economics of Collusion," with Daniel Ingberman and Christopher Loos, American Bar Association Mass Torts Litigation Committee Newsletter, Summer 2009.
- "The Economic Impact of Smoking Bans," *Forbes.com*, June 4, 2009.
- "Examining Expert Witness Testimony and Judicial Gatekeeping: Insights from Game Theory," with David Cooper, *Mealey's Daubert Report*, Volume 13, Issue #1, January 2009.
- "Mars v. Coin Acceptors and the 'Hypothetical Negotiation' Approach to Reasonable Royalty Calculations," *IP Remedies*, American Bar Association, Intellectual Property Litigation Committee, July 2008.
- "Unprofessional Economic Testimony: Why It is a Problem and How Technical Advisors Can Help," with David Cooper, American Bar Association Section of Antitrust Law Economics Committee Newsletter, Volume 7, Number 2, Fall 2007.
- "Recognizing Damages Manipulation: Tips for Putting Barbed Wire on the *Daubert* Gate," The Committee on Commercial & Business Litigation Newsletter, American Bar Association, Vol. 8, No. 3, Spring 2007.
- "Infringed Tech: Antitrust Responses in Such Suits Ride on Market Power," *Legal Times*, April 2000.
- "Big Price Fixing Cases: Will Indirect Purchasers Be Able to Recover Damages?," *Perspectives*, January 2000.
- "Current Methods of Evaluating Vertical Mergers and the Obsolescence of the 1984 Merger Guidelines," *Private Antitrust Litigation News*, American Bar Association, Spring 1999.

Presentations

- "The *Georgia-Pacific* Factors: Are They Useful?," Utah IP Summit, February 2016.
- "Econometrics or Just a Con?: Uses and Abuses of Data and Statistics in Competition Cases," Los Angeles County Bar Antitrust Section, May 2015.

Jonathan T. Tomlin, Ph.D.

Principal and Managing Director

Publications and Presentations (Continued)

- "Clayworth v. Pfizer, Inc. Rejected the Pass-on Defense, or Did It?," Los Angeles County Bar Antitrust Section, March 2011.
- "The Comcast/NBC Merger: Frightening Media Consolidation or Good for Consumers?," Los Angeles County Bar Association Antitrust Section, May 2010.
- "Setting the Bounds of Section 2 Liability: Understanding *linkLine* and its Potential Implications," Los Angeles County Bar Association Antitrust Section, November 2008.
- "Economics at the Intersection of Antitrust and Intellectual Property," Los Angeles County Bar Association Antitrust Section, September 2002.
- "How Federal and State Laws Can Fail to Work Together: The Economics of Indirect Purchaser Laws," George Mason Law Review Antitrust Symposium, May 2002.

Expert Reports and Testimony

- *Claudine Macaspac, on behalf of herself, all others similarly situated, and the general public v. Henkel Corporation*. United States District Court, Southern District of California. Expert Report. 2018.
- *Paramount Petroleum Corporation v. International Surfacing Systems, VSS International, Inc., and Manhole Adjusting, Inc.*, Superior Court for the State of California, County of Sacramento. Deposition Testimony. 2016.
- *California Crane School, Inc. et al. v. National Commission for the Certification of Crane Operators, et al.*, Superior Court for the State of California, County of Tuolumne. Expert Declaration, Deposition Testimony. 2015.
- *Apumac, LLC; Apple in Bulk, Inc. v. Flint Hills International, LLC, et al.*, United States District Court, Central District of California. Expert Report. 2015.
- *Waterfield Technologies, Inc. v. Bofl Federal Bank*. United States District Court, Southern District of California. Expert Declaration. 2015.
- *Puppies 'N Love, d/b/a of CPI, Inc.; Frank Mineo; and Vicki Mineo v. City of Phoenix*, United States District Court, District of Arizona. Expert Report, Deposition Testimony. 2014.
- *Cynthia E. Spann, Individually and on Behalf of Others Similarly Situated v. J.C. Penney Corporation, Inc.*, United States District Court, Central District of California. Expert Declaration, Deposition Testimony. 2013.

Jonathan T. Tomlin, Ph.D.

Principal and Managing Director

Expert Reports and Testimony (Continued)

- *Eastman Kodak Company v. Altek Corporation*, United States District Court, Southern District of New York. Expert Declaration. 2013.
- *Maria Torres, Gabriel Rojas, and Ian Kerner, individually and on behalf of all others similarly situated v. J.C. Penney Corporation, Inc.*, United States District Court, Northern District of California. Expert Declaration. 2013.
- *Source Health Analytics, Inc. et al. v. SDI Health, LLC, et al.*, Court of Common Pleas, Philadelphia County. Expert Report. 2012.
- *Promega Corporation et al. v. Life Technologies Corporation, Applied Biosystems, LLC, and Invitrogen IP Holdings, Inc.*, United States District Court, Western District of Wisconsin. Expert Report, Deposition Testimony. 2011.
- *Ammari Electronics, Mehdi Ammari, Framers's Workshop, on behalf of themselves and all other similarly situated v. Pacific Bell Directory, et al.*, Superior Court, State of California. Expert Report, Deposition Testimony. 2008
- *Guild, Inc. v. J.C. Penney Corporation, Inc.*, United States District Court, Central District of California, Southern Division. Expert Report, Deposition Testimony, Trial Testimony. 2004.
- *Asphalt Busters, Inc. v. Chemical Lime Company*, United States District Court, District of Arizona. Expert Report. 2003.
- *National Guardian Life Insurance Company v. Crestar Securities Corp.*, United States District Court, Western District of Wisconsin. Expert Report. 1998.
- *Summit Family Restaurants Inc., HTB Restaurants Inc., and CKE Restaurants Inc. v. HomeTown Buffet Inc., and Buffets Inc.*, U.S. District Court, District of Utah, Central Division. Expert Report, Trial Testimony. 1996

Professional Affiliations (Past and Present)

- American Economic Association
- National Association of Business Economists
- Licensing Executives Society
- American Finance Association

Jonathan T. Tomlin, Ph.D.

Principal and Managing Director

Professional Affiliations (Past and Present) (Continued)

- National Association of Certified Valuation Analysts, *Economics Instructor*
- B.E. Journal of Economic Analysis & Policy, *Referee*
- Journal of Forensic Economics, *Referee*
- Issues in Competition Law and Policy, American Bar Association, *Contributing Editor*
- American Law and Economics Association
- Western Economics Association
- UCLA Graduate Economics Association, *President*
- University of Pennsylvania Undergraduate Economics Society, *President*

Honors and Awards

- UCLA President's Fellowship, 1989-1993

Other

- *Reading to Kids*, Co-Founder and Past President
- *School on Wheels*, Past President of the Board of Directors