

## Jonathan T. Tomlin, Ph.D.

Principal and Managing Director

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### 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

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### 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.

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### 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.

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### 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.

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### 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.

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### 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, Frammer'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

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### 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