

JEE-YEON K. LEHMANN, PH.D.

Managing Principal

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Dr. Lehmann specializes in applying microeconomics, econometrics, and statistical methods to complex litigation and government investigations in the areas of antitrust and competition, labor and employment, health care, and commercial damages. She has evaluated market definition, market power, competitive dynamics, class certification, liability, and damages issues in cases involving allegations of price-fixing, monopolization, and other anticompetitive conduct. Dr. Lehmann has extensive experience in labor market antitrust matters involving allegations of no-poach and wage-fixing agreements in a variety of industries. In her work with pharmaceutical and medical device industries, she has analyzed economic, health, and scientific data to assess liability, damages, and claims of causation and harm. She also frequently supports biostatisticians, epidemiologists, scientists, and regulatory experts in evaluating research and development processes and analyzing clinical trial, laboratory testing, registry, medical claims, and adverse events data in product liability litigations and intellectual property disputes. She has authored expert reports and provided testimony in competition, data security breach, labor and employment, and commercial litigation matters.

Dr. Lehmann's research has been published in the *Journal of Economic Literature*, *The Journal of Human Resources*, *Labour Economics*, *Cartel & Joint Conduct Review*, *Distribution*, *Cybersecurity Law & Strategy*, and *Antitrust Report*, and her academic work has been cited in leading media outlets, including *Scientific American*, *Forbes*, and *BBC News*. She serves as a co-chair of the Distribution and Franchising Committee of the American Bar Association (ABA) Antitrust Law Section. Prior to joining Analysis Group, Dr. Lehmann was an assistant professor of economics at the University of Houston, where she taught courses in labor economics and microeconomics.

EDUCATION

- 2012 Ph.D., economics, Boston University
Areas of specialization: Labor economics and industrial organization
- 2009 M.A., political economy, Boston University
- 2002 B.A., economics (*summa cum laude*, *Phi Beta Kappa*), Yale University
Triffin Prize for Outstanding Academic Record in the Social Sciences
Distinction in Major

PROFESSIONAL EXPERIENCE

- 2014–Present Analysis Group, Inc.
Managing Principal (2022–Present)
Vice President (2018–2022)
Manager (2016–2017)
Associate (2014–2015)

2011–2014	University of Houston <i>Assistant Professor of Economics</i>
2008–2010	Boston University <i>Lecturer, Teaching Assistant, Research Assistant</i>
2002–2003	NERA <i>Associate Analyst (January 2003–July 2003)</i> <i>Research Associate (June 2002–December 2002)</i>

EXPERT ENGAGEMENTS

- ***In re: Mednax Services, Inc., Customer Data Security Breach Litigation***
US District Court, Southern District of Florida
Submitted a report and testified at deposition on class certification issues on behalf of the defendant in a data security breach litigation.
- ***Chen Dongwu, et al. v. New York City Regional Center LLC, et al.***
Supreme Court of the State of New York, County of New York
Submitted a report and testified at deposition on behalf of the defendant on the value of permanent resident status in the United States.
- ***Joel Weiss v. Loomis Sayles & Company, Inc., et al.***
Commonwealth of Massachusetts, Superior Court Department of the Trial Court
Testified at trial on behalf of the defendant in a litigation alleging worker misclassification in the IT consulting industry.
- ***Edwin Bartok, et al. v. Hometown America LLC, et al.***
US District Court, District of Massachusetts
Submitted a report on behalf of the defendant in a class action alleging unfair rents charged to resident-tenants in manufactured home communities.
- **Confidential matter for a university**
Submitted a report for the faculty board and testified at a university hearing on evaluations of claims of race- and gender-based discrimination in grading practices.
- **Confidential matter for the US Department of Justice (DOJ)**
Submitted a report on behalf of the DOJ's Civil Rights Division evaluating claims of race-based discrimination in a regional bank's mortgage lending practices.
- **Confidential pharmaceutical antitrust litigation**
Retained as an expert witness for the defense in an antitrust class action involving allegations of price-fixing in the pharmaceutical industry.
- **Confidential wage-fixing class action**
Retained as an expert witness for the defense in an antitrust class action involving allegations of wage-fixing agreements in the agriculture industry.

- **Confidential wage-fixing government investigation**
Retained as an expert for a company being investigated by the Department of Justice over allegations of wage-fixing agreements in the health care industry.

SELECTED CONSULTING EXPERIENCE

Antitrust and Competition

- ***United States v. DaVita Inc., et al.***
US District Court, District of Colorado
Supported an expert in the economic analysis of alleged labor market allocation agreements.
- ***Danielle Seaman v. Duke University, et al.***
US District Court, Middle District of North Carolina, Durham Division
Supported experts in the analysis of class certification and liability issues and assessment of damages in an antitrust litigation regarding the hiring practices of universities and their impact on compensation.
- **Confidential no-poach and wage-fixing class action in the media industry**
Supported an expert in the assessment of class certification and liability issues in a class action involving allegations of no-poach and wage-fixing agreements between employers in the media industry.
- **Confidential no-poach class action in the manufacturing industry**
Provided consulting support to counsel in a class action involving an allegation of wage suppression resulting from no-poach agreements and collusion between employers in a specialized manufacturing industry.
- **Confidential no-poach investigation in the health care industry**
Supported an expert in the assessment of economic evidence on labor market competition in a no-poach investigation in the health care industry.
- **Confidential wage-fixing investigation in the health care industry**
Supported an expert in the assessment of compensation in a wage-fixing investigation in the health care industry.
- ***In re: EpiPen Direct Purchaser Litigation***
US District Court, District of Minnesota
Supported an expert in the evaluation of class certification issues related to allegations that rebates and fees negotiated by PBMs caused the manufacturer to raise prices paid by wholesalers and other direct purchasers.
- ***In re: EpiPen ERISA Litigation***
US District Court, District of Minnesota
Supported an expert in the preparation of a rebuttal report on class certification issues related to allegations that rebates and fees negotiated by PBMs caused the manufacturer to raise list prices and increase plan member spending on EpiPen purchases.
- ***In re: Wellbutrin XL Antitrust Litigation***
US District Court, Eastern District of Pennsylvania
Supported an expert in the preparation of a rebuttal report on class certification issues related to overcharges on a prescription drug.

- ***In re: Merck Mumps Vaccine Antitrust Litigation***
US District Court, Eastern District of Pennsylvania
Supported an expert in the statistical analysis of clinical trial data on the immunogenicity of a vaccine.
- ***Inter City Tire and Auto Center, Inc., et al. v. Michelin North America, Inc., et al.***
US District Court, District of South Carolina
Supported an expert in the assessment of pricing and discounting policies related to allegations of anticompetitive practices.
- ***Stevens & Sons, Inc. v. JELD-WEN, Inc.***
US District Court, Eastern District of Virginia
Supported an expert in the assessment of liability issues in response to allegations of monopolistic practices in a vertically integrated manufacturing industry.
- **Mexican Competition Commission's investigation of slot allocation at Mexico City Airport**
Assisted in the preparation of a white paper discussing the competitive effects of market concentration at slot-constrained airports on behalf of a major non-US airline.
- **Charter-Time Warner Cable merger**
Supported an expert in the analysis of merger efficiencies and competitive effects of the proposed transaction.
- **Pay-for-delay investigation by the DOJ**
Supported experts and counsel in framing key issues for a pharmaceutical company involved in a pay-for-delay investigation by the DOJ.

Labor & Employment

- ***Denver Davis v. Amazon Canada Fulfillment Services, et al.***
Ontario Superior Court of Justice
Provided consulting support to counsel in a class action involving allegations of misclassification of delivery drivers.
- ***DaVita Inc., et al. v. Associates in Nephrology, et al.***
US District Court, Southern District of Georgia, Augusta Division
Supported experts in the preparation of expert reports on the economics of non-compete agreements and damages associated with breach of non-compete and non-solicitation agreements.
- **Multiple matters involving allegations of misclassification by ride-sharing companies**
Supported an expert in the preparation of expert reports on the platform business model and potential impact of reclassification, on behalf of a ride-sharing company.
- **Confidential gig worker class action**
Supported experts and served as a consulting expert in a class action filed by gig workers alleging misclassification and wage & hour law violations.
- **Confidential age discrimination litigation in the insurance industry**
Provided consulting support to counsel and supported testifying expert in multiple litigations involving allegations of age-based discrimination.

- **Multiple confidential reduction-in-force analyses**
Provided consulting support to counsel in conducting reduction-in-force analysis for technology companies.
- ***Sonia Escorbor v. Helping Hands Company, Inc.***
Commonwealth of Massachusetts, Suffolk County Superior Court
Supported an expert in the assessment of class certification and statistical sampling issues in a wage-and-hour class action.

Health Care

- ***Shareholder Representative Services LLC v. Alexion Pharmaceuticals, Inc.***
Court of Chancery of the State of Delaware
Supported experts in a breach of contract litigation involving allegations of failure to use commercially reasonable efforts to develop and commercialize a monoclonal antibody product for the treatment of autoimmune diseases.
- ***NantCell, Inc., et al. v. Sorrento Therapeutics***
American Arbitration Association, New York Regional Office
Supported an expert in an arbitration proceeding involving complex biotech issues related to license agreements for providing delivery of antibodies and know-how for use in cancer therapies.
- ***In re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation***
US District Court, District of New Jersey
Supported an expert in the analysis of epidemiological evidence on the use of a drug to treat a chronic bladder condition and the occurrence of retinal injuries.
- ***Adrian Holley, et al. v. Gilead Sciences***
US District Court, Northern District of California
Supported an expert in the analysis of clinical trial designs and data and post-marketing adverse event reports.
- ***In re: Allergan PLC Securities Litigation***
US District Court, Southern District of New York
Supported an expert in the analysis of scientific literature and registry data on relative rates of adverse events associated with textured breast implants.
- ***Amgen Inc. v. Sanofi SA, et al.***
US District Court, District of Delaware
Supported an expert in the analysis of clinical trial data and the evaluation of statistical issues in the context of a patent litigation.
- ***Richard Fourzon, et al. v. Boeringer Ingelheim, et al.***
Superior Court of the State of California, County of San Francisco
Supported an expert in the analysis of clinical trial data and observational studies on the safety and the efficacy of an anticoagulant drug.
- ***In re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant Litigation***
US District Court, Northern District of Texas
Supported an expert in the analysis of orthopedic implant device performance based on data from national joint registries and clinical trials.

- **UK DePuy Pinnacle hip replacement litigation**
High Court of Justice, Queen's Bench Division, United Kingdom
Supported an expert in the assessment of a medical device performance using data from national joint registries and clinical trial.
- ***Theresa Mackie v. Johnson & Johnson Medical Limited, et al.***
High Court of Justice, Queen's Bench Division, United Kingdom
Supported an expert in conducting a systematic literature review on the safety and efficacy of a medical device.
- ***Jayne Walkes v. Johnson & Johnson Medical Limited***
High Court of Justice, Queen's Bench Division, United Kingdom
Supported an expert in conducting a systematic literature review on the safety and efficacy of a medical device.
- ***John Hastings v. Finsbury Orthopaedics Ltd., et al.***
Court of Session, Scotland, United Kingdom
Supported an expert in the statistical analysis of joint registry data and the assessment of data quality.
- ***Janssen Inc., et al. v. Celltrion Healthcare Co., Ltd., et al.***
Federal Court of Canada
Supported an expert in the evaluation of clinical data in the context of a patent litigation.
- ***In re: Incretin Mimetics Products Liability Litigation***
US District Court, Southern District of California
Supported an expert in the statistical analysis of clinical trial data to assess claims of a causal association between incretin-based drugs and pancreatic cancer.
- **Confidential product liability matter**
Supported an expert in the analysis of epidemiological studies and laboratory testing data related to a consumer product.
- ***Diana Hoffman, et al. v. Syngenta Crop Protection, LLC, et al.***
Supported an expert in the analysis of Food and Drug Administration and Environmental Protection Agency regulatory requirements and approval process for an herbicide.
- **Confidential contract dispute in the health care industry**
Provided consulting support to counsel in a contract dispute matter in the health care industry involving imputation methods used to analyze clinical trial data.

Others

- ***Odyssey Wireless v. Motorola Mobility LLC, et al.***
US District Court, Southern District of California
Supported an expert in the evaluation of a market demand model to estimate consumers' willingness to pay for smartphone features.
- **Ageas shareholder litigation**
Tribunal de Commerce de Bruxelles
Supported an expert in the assessment of the reasonableness of settlement terms in a securities class action involving a Belgian financial company.

- **White paper on standard essential patents**

Supported a technology firm and its chief economist in developing a white paper on the determinants of patent essentiality.

PUBLICATIONS

“The Curious Case of Aspartame: How the Same Evidence Can Yield Seemingly Different Conclusions,” Food and Drug Law Institute’s *Update* magazine, with Brian Ellman, Jack Pfefferkorn, and Christopher Worsham (Spring 2024)

“OECD Gender Inclusive Toolkit May Inform Competition Policy,” *Law360*, with Lisa Pinheiro and Marissa Ginn (October 2023) (*Nominated for the 2024 Concurrences Antitrust Writing Award in the Business Article Awards: General Antitrust Category*)

“Gender Considerations in the Analysis of Market Definition and Competitive Effects: A Practical Framework and Illustrative Example,” with Lisa Pinheiro, Anne Catherine Faye, Marissa Ginn, and Johanna Posch, *Antitrust Report*, 2-23 (August 2023) (*OECD working paper nominated for the 2022 Concurrences Antitrust Writing Award in the Academic Article Awards: Economics category*)

“Qualified Renters Need Not Apply: Race and Voucher Discrimination in the Metro Boston Rental Housing Market,” with Jamie Langowski, William Berman, Grace Brittan, Catherine LaRaia, and Judson Woods, *Georgetown Journal on Poverty Law & Policy*, 28(1): 35-74 (Fall 2020)

“Qualified Renters Need Not Apply: Race and Voucher Discrimination in the Metro Boston Rental Housing Market,” with Jamie Langowski, William Berman, Grace Brittan, Catherine LaRaia, and Judson Woods, *The Boston Foundation: An Understanding Boston Report* (July 2020) (*Awarded the 2021 Citizens’ Housing & Planning Association’s Open Door Champion Award*)

“Vertical Relationships, Horizontal Effects? The Evolving Debate on Vertical Labor-Market Restraints,” *Cartel & Joint Conduct Review*, 14(2): 17-24 (Spring 2020) (*Nominated for the 2021 Concurrences Antitrust Writing Award in the Business Article Awards: Economics Category*)

“The Effects of Scarcity and Market Power on Prices at Slot-Constrained Airports: Evidence from Mexico City,” with Almudena Arcelus, Ryan Booth, Aaron M. Fix, Federico G. Mantovanelli, and Robert S. Pindyck, *The Journal of Transport Economics and Policy*, 53(2): 119-134 (April 2019)

“How Disparities May Arise in the Workplace: An Economic Outline,” with Cameron Fowler and Ishita Rajani, *Law360* (February 15, 2019)

“Antitrust in Labor Markets: Insights from the FTC Hearings on Competition and Consumer Protection in the 21st Century,” with Tímea Laura Molnár, Liz Neyens, and Rebecca Scott, *Cartel & Joint Conduct Review*, 14(2): 17-24 (February 2019) (*Nominated for the 2020 Concurrences Antitrust Writing Award in the Business Article Awards: Economics Category*)

“Causation and Harm in Data Breach Litigation,” with Brian Ellman, *Cybersecurity Law & Strategy* (February 1, 2019)

“Assessing the Effect of Mergers on Labor Markets,” with Federico Mantovanelli, Rebecca Scott, and Samuel Waglein, *Law360* (January 3, 2019)

“Proactive Pay Equity Studies Can Shield Mass. Employers,” with Catherine Alford, Charlotte Mann, Liz Neyens, and Shannon Seitz, *Law360* (April 25, 2018)

“Prejudice and Racial Matches in Employment,” with Timothy N. Bond, *Labour Economics*, 51: 271-293 (April 2018)

“The Early Origins of Birth Order Differences in Children’s Outcomes and Parental Behavior,” with Ana Nuevo-Chiquero and Marian Vidal-Fernandez, *The Journal of Human Resources*, 53(1): 123-156 (January 2018)

“Recent Developments in Litigation and Regulation Related to No-Hire and Employee Non-Compete Agreements: Implications for Franchise Systems,” with Aaron M. Fix and Michael J. Schreck, *DISTRIBUTION*, 22(1): 4-8 (February 2018) (*Nominated for the 2019 Concurrences Antitrust Writing Award in the Business Article Awards: Economics Category*)

“Evaluating Dose Ratio of Subcutaneous to Intravenous Immunoglobulin Therapy among Patients with Primary Immunodeficiency Disease Switching to 20% Subcutaneous Immunoglobulin Therapy,” with Girishanthi Krishnarajah, Brian Ellman, Rachel H. Bhak, Maral DerSarkissian, Deane Leader, Jr., Ann L. Bullinger, and Mei Sheng Duh, *The American Journal of Managed Care* 22(15): S475-S481 (October 2016)

“Racial Discrimination in the Labor Market: Theory and Empirics,” with Kevin Lang, *Journal of Economic Literature*, 50(4): 959-1006 (December 2012)

INVITED ECONOMIC SEMINARS AND CONFERENCE PRESENTATIONS

- 2015 Small Grants Conference, Center for Poverty Research, University of California, Davis
- 2014 American Economic Association Annual Meeting (Philadelphia, PA)
- 2013 American Economic Association Annual Meeting (San Diego, CA)
- 2013 Society of Labor Economists Annual Meeting (Boston, MA)
- 2011 Stata Texas Empirical Microeconomics Conference (Austin, TX)
- 2010 Boston University–Boston College Green Line Labor Meeting (Boston, MA)

Additional invited seminar and conference presentations before the following academic and policy research institutions and commissions:

Amherst College; Baylor University; Boston College; Boston University; Cornell University; Federal Trade Commission; Loyola Marymount University; Mathematica Policy Research; Northeastern University; Purdue University; The RAND Corporation; Rice University; Tufts University; University of California, Berkeley; University of Houston; University of Michigan; The Wharton School of the University of Pennsylvania; University of Utah School of Business; Wellesley College

OTHER PRESENTATIONS

Panelist, “The Role of Economics in Criminal Antitrust Cases,” Concurrences Global Antitrust Economics Conference, November 2023

Panelist, “DOJ Criminal Antitrust Enforcement: A Look Back and a Look Ahead,” New York State Bar Association Program, October 2023

Panelist, “Is No-Poach a Crime or Not? An Examination of Cartel Enforcement in Labour Markets,” GCR Live: Cartels, June 2023

Panelist, “Monopsony/Labor Markets,” USC/Analysis Group Global Antitrust/Competition Law Conference, May 2023

Panelist, “Our Curious Amalgam: What Happened in 2022? What Will Happen in 2023? Looking Back and Looking Forward with the Sector Committees – Part 1,” ABA Antitrust Section Podcast, December 2022

Panelist, “Code Blue for Health Care Labor Markets: Criminal and Civil Antitrust Enforcement Trends,” American Health Law Association Webinar, October 2022

Panelist, “Criminal Antitrust Enforcement in Labor Markets: What Jindal and DaVita Mean for US and Canadian Litigation,” ABA Antitrust Section Distribution & Franchising Committee Webinar, July 2022

Panelist, “Antitrust in Labour Markets: How do US & EU Compare?” Concurrences New Frontiers of Antitrust Conferences, June 2022

Speaker, “Economic Analyses of Labor Market Impacts of Mergers,” ABA Antitrust Section Economics Committee Webinar, May 2022

Panelist, “When Did You Become My Competitor?” ABA Antitrust Section Spring Meeting, April 2022

Panelist, “The Use of Data in Life Sciences and in Defence of Litigation,” Kennedys Life Sciences Webinar, March 2022

Presenter, “Econometrics in Antitrust: Practical Introduction for Lawyers,” DC Bar Webinar, March 2021

Presenter, “Basics of Economics,” Latham & Watkins Global Antitrust Retreat, September 2020

Panelist, “The Ongoing No-Poach Litigation Debate,” ABA Antitrust Section Joint Conduct Committee Webinar, July 2019

Panelist, “No Poach Agreements: What You Need to Know and Do,” Nixon Peabody Webinar, October 2018

Panelist, “Employee Anti-Poaching Agreements and the Antitrust Laws: Safeguards and Pitfalls,” Knowledge Group Webinar, July 2018

Speaker, “Panel of Women Economists,” Boston University Women in Economics, March 2017

PUBLICATIONS REFEREED

American Economic Journal: Applied Economics *The Journal of Human Resources*
The B.E. Journal of Economic Analysis and Policy *Journal of Labor Economics*
Canadian Journal of Economics *Journal of the European Economic Association*
Demography *LABOUR*
Economica *Labour Economics*
Economic Inquiry *The Review of Economic Studies*
The Economic Journal *The Review of Economics and Statistics*
Industrial & Labor Relations Review *Southern Economic Journal*
Journal of Economic Surveys

PROFESSIONAL ASSOCIATIONS AND SERVICE

American Economic Association

Society of Labor Economists

American Bar Association

- Antitrust Law Section
- Labor & Employment Law Section
- Health Law Section

National Asian Pacific American Bar Association

Boston University Economics Alumni Leadership Council

AWARDS AND FELLOWSHIPS

2021 Citizens' Housing & Planning Association's Open Door Champion Award
2013–2014 University of California, Davis Center for Poverty Research – Grant for Research on Poverty and Labor Markets
2012 & 2013 Provost Faculty Travel Award, University of Houston
2012 New Faculty Research Grant, University of Houston
2010 IED Special Research Award, Boston University
2008–2011 Harvey Fellowship, Mustard Seed Foundation
2005–2009 Jacob K. Javits Graduate Research Fellowship, US Department of Education
2005 Summer Research Fellowship, University of Michigan
2004–2005 Regent Fellowship, University of Michigan

TEACHING EXPERIENCE

- 2011–2013 University of Houston, Assistant Professor
Topics in Labor Economics (Ph.D.), Poverty and Discrimination in the US
- 2007–2010 Boston University, Lecturer and Teaching Fellow
*Poverty and Discrimination in the US, Industrial Organization (M.A.), Economics of
Less-Developed Countries, Principles of Microeconomics, Intermediate Microeconomics*