



# Ann-Marie Luciano

## Member

## Washington, D.C.

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Ann-Marie brings her unique and varied litigation, investigation, and policy background to bear in successfully counseling clients facing litigation and government investigations brought by state attorneys general (AGs), the Federal Trade Commission (FTC), and the U.S. Department of Justice (DOJ), as well as in negotiating resolutions on cybersecurity, data privacy, antitrust, and consumer protection matters. Additionally, based on her years of experience negotiating with state and federal regulators, Ann-Marie regularly counsels clients on best practices in data security, privacy, marketing and advertising claims, and consumer practices to minimize regulatory risk.

Ann-Marie's clients range from startups, to technology-driven disruptors, to Fortune 100 companies in a variety of industries including technology, consumer products, pharmaceuticals, energy, retail, hospitality, and software.

With an in-depth knowledge of state AGs' priorities built over many years in practice, Ann-Marie is often engaged by clients to work with AGs strategically to resolve investigations quickly and without litigation. She advises clients preemptively on how to avoid becoming the target of investigations — and should an investigation be launched, she is able to use her insight into state AG priorities, goals, and areas of flexibility to help achieve expeditious (and ideally non-public) resolutions. Ann-Marie's familiarity with state AGs and their staff also allows her to advocate effectively for clients in their dealings with state departments of revenue, commerce departments, and other state agencies. Ann-Marie also represents clients facing FTC regulatory scrutiny, often in coordinated investigations with AGs, into issues involving the evaluation and substantiation of advertising, health, safety, and scientific claims, and other consumer practices.

In addition, Ann-Marie has substantial experience in the area of complex antitrust and financial services investigations and litigation, representing both plaintiffs and defendants in Section 1 and Section 2 matters. She has successfully represented plaintiffs asserting monopolization and exclusive dealing claims and has been involved in defending numerous antitrust cases related to the credit card industry. She also advises clients on the antitrust, state AG, and regulatory issues associated with potential acquisitions. She advises companies through all stages of the Hart-Scott-Rodino premerger notification process.

Ann-Marie has defended corporations and individuals in a variety of matters. She has successfully defended a large government contractor in an E.D.V.A. action, resulting in the plaintiffs withdrawing their damages expert before trial after the submission of her *Daubert* motion and subsequently entering into a favorable settlement. She also represented corporate employees of a large accounting firm in connection with a grand jury investigation related to a tax shelter scandal, and defended a major pharmaceutical company in an investigation into an Anti-Kickback Statute and health care fraud scheme.

Ann-Marie has performed a substantial amount of pro bono litigation work relating to constitutional, habeas corpus and death penalty issues, including successfully drafting an *amicus* brief on behalf of The Innocence Project, Inc. in *Holmes v. South Carolina* (2006), as well as an *amicus* brief on behalf of habeas scholars in *Day v. McDonough* (2006).

### Practice Areas

- State Attorneys General
- Government Relations - Cozen O'Connor Public Strategies
- Government & Regulatory
- Antitrust & Competition

### Industry Sectors

- Education
- Food & Beverage
- Hospitality
- Retail

### Education

- Cornell Law School, J.D., 2001
- Allegheny College, B.A., *magna cum laude*, 1998

### Bar Admissions

- District of Columbia
- New York

### Court Admissions

- U.S. District Court -- Western District of New York
- U.S. District Court -- Southern District of New York
- U.S. District Court -- Northern District of New York
- U.S. District Court -- District of Columbia
- U.S. Supreme Court

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She is an active member of the American Bar Association and is a founding member of the State Attorneys General and Department of Justice Issues Committee of the ABA.

## Experience

Won a motion to dismiss in a case brought under the Illinois False Claims Act in which plaintiffs alleged that the client violated the law by causing authorized retailers of certain phone devices to fail to collect and pay to the State Department of Revenue an Illinois-specific sales tax on a charge for setting up the devices at the time of purchase.

Representing a Fortune 500 company in an ongoing high-profile multistate AG and FTC data breach investigation.

Assisted a pharmaceutical company in responding to an antitrust investigation brought by the Washington AG's Office.

Advised a major telecommunications company regarding antitrust clearance through every major and high-stakes acquisition the company has undertaken over the past decade.

Counseling and representing a major pharmaceutical company in various antitrust matters at the state and federal level, including representing the company in antitrust investigations by state and federal competition regulators.

Representing a global nutrition company in responding to inquiries by state and federal regulators into its marketing practices and developing and implementing a strategy for responding to attacks by activist investors.

Represented several for-profit colleges in consumer protection investigations before state attorneys general in several states.

Represented a Fortune 500 company in negotiating a settlement of an investigation into its loan practices.

Represented a Fortune 100 company in a 50-state investigation into advertising and pricing practices.

Successfully represented a public company in obtaining a rare, non-public investigation closure determination, and in resolving multiple state investigations into consumer contract and pricing practices as well as a multistate antitrust task force into market practices.

Obtained AG antitrust clearances of multiple mergers in a variety of industries.