



### Lisa Tenorio-Kutzkey

**Partner**

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Lisa Tenorio-Kutzkey is the US Chair and Global Co-Chair of DLA Piper's Antitrust and Competition group and the US leader of DLA Piper's Global Cartel Practice, overseeing nearly 60 partners in 40 countries. For over 20 years, Lisa – or "LT-K" as she is known by her colleagues – has successfully prosecuted and defended clients in bet-the-company litigation and high profile, high risk criminal prosecutions.

- White Collar and Corporate Crime
- Investigations
- Antitrust and Competition

Lisa is a former prosecutor with the US Department of Justice, Antitrust Division and with the US Attorney's Office for the Northern District of California. Under US Attorney Bob Mueller, she was appointed to the elite Enron Task Force to investigate potential criminal manipulation of the California energy market and related crimes.

Companies and individuals facing government scrutiny – particularly in antitrust cartel, white collar, and complex, multi-jurisdictional investigations and defense – turn to Lisa for her experience as a seasoned litigator coupled with her background as a former federal prosecutor. Known for her strategic lawyering and tenacious pursuit of justice, she has been described by clients and peers as a "brilliant" attorney with "deft cunning" and the "practical" "know how to get to the real issue."

## RECENT ANTITRUST REPRESENTATIONS

*Fortune* and *Global Fortune* 100, 200 and 500 companies and their executives routinely turn to Lisa for assistance in price-fixing, bid rigging and market allocation conspiracy matters. For over two decades, she has successfully prosecuted or defended clients in nearly every major criminal cartel investigation by the US Department of Justice, Antitrust Division. Lisa has represented companies and individuals in a variety of sectors, including the automotive, aircraft and ocean transportation, telecommunications, semi-conductors, pharmaceuticals, construction, chemicals, industrial products, real estate and technology, and other electronic components industries. Representative antitrust matters include:

- Pfizer and its subsidiary Greenstone in a massive criminal investigation by the US Department of Justice, Antitrust Division, as well as sprawling litigation brought by 48 State Attorneys General and private civil plaintiffs, in connection with the generic pharmaceutical industry

- A major US government procurement company in an internal investigation of allegations of market allocation and bid-rigging and related antitrust compliance advice
- A Japanese manufacturer in a business review letter application before the US Department of Justice, Antitrust Division in the auto parts industry
- A Japanese manufacturer in a criminal price-fixing investigation by the US Department of Justice, Antitrust Division in the automotive hose industry
- A US company in coordinating a global defense in a price-fixing investigation by the US Department of Justice, Antitrust Division, the European Commission and Brazil's Administrative Council of Economic Defense
- A German automotive parts manufacturer in a criminal cartel investigation by the US Department of Justice, Antitrust Division and the European Commission in the auto lights and aftermarket industries
- A UK-based technology company in a criminal customer allocation investigation by the US Department of Justice, Antitrust Division, the Canada Competition Bureau and the UK Serious Fraud Office in the affiliate marketing network space
- A US sales executive in a criminal price-fixing investigation by the US Department of Justice, Antitrust Division of the generic pharmaceuticals industry
- A Japanese executive in a criminal product allocation investigation by the US Department of Justice, Antitrust Division in the power windows and automotive parts industry
- A US executive in a criminal bid-rigging investigation by the US Department of Justice, Antitrust Division of the foreclosure auction markets
- A Japanese manufacturer in a criminal price-fixing investigation by the US Department of Justice, Antitrust Division in the passive electronic components industry
- Japanese nationals in a criminal cartel investigation by the US Department of Justice, Antitrust Division in the car navigation (I and II) industry
- A Japanese executive in a criminal price-fixing investigation by the US Department of Justice, Antitrust Division in the automotive bearings and steering industry
- A Japanese technology company in its internal investigation, civil litigation and related criminal cartel prosecution by the US Department of Justice, Antitrust Division in the TFT-LCD and CRT industries
- A Japanese executive in a criminal cartel investigation by the US Department of Justice, Antitrust Division in the heating, ventilation, and air conditioning (HVAC) industry
- A Japanese executive in a criminal price-fixing investigation by the US Department of Justice, Antitrust Division in the wire harness industry
- A Fortune 500 company in an internal investigation and related criminal price-fixing prosecution by the US Department of Justice, Antitrust Division in the undersea cable industry
- German and Swiss executives in a cartel investigation by the US Department of Justice, Antitrust Division and international competition authorities in the freight forwarders industry
- An Asian airline carrier in its global internal investigation, civil litigation and related criminal cartel prosecution by the US Department of Justice, Antitrust Division in the air cargo and passenger services industries
- An individual in the US Department of Justice, Antitrust Division price-fixing investigation in the SRAM industry
- A Fortune 100 Silicon Valley technology company in an internal investigation related to the US Department of Justice, Antitrust Division cartel investigation of the E-Rate Program

## RECENT WHITE COLLAR REPRESENTATIONS

Lisa defends clients and conducts internal investigations in a number of other substantive areas, including accounting manipulation, commercial bribery, foreign labor practices, healthcare, insider trading, off-label marketing, securities fraud, tax and other federal and state regulatory matters. Representative matters include:

- Several current and former employees of a major pharmaceuticals company in connection with the criminal prosecution of Theranos founder and CEO Elizabeth Holmes and Sunny Balwani for alleged wire fraud
- A global pharmaceuticals company in connection with the criminal prosecution of a third party for fraud and conduct relating to unauthorized distribution of certain drugs in the Northern District of California

- A global technology company in several internal investigations of employee misconduct in its US subsidiary
- A foreign individual in a high-profile criminal investigation by the US Department of Justice and the US Attorney's Office for the Southern District of New York
- A technology company in an internal investigation of acquired subsidiary in Spain and Lithuania related to alleged misappropriation of client funds
- A major California utility in a state and federal criminal investigation relating to a natural gas explosion
- A Fortune 100 pharmacy company in its internal investigation of nationwide pharmacy prescription practices
- A California medical device company in its internal investigation of alleged off-label marketing and grand jury investigation by the US Attorney's Office and the FDA
- A skin care company in an antitrust investigation by the California Attorney General's Office into the use of Resale Price Maintenance agreements
- A Fortune 100 Silicon Valley technology company on an on-going basis in connection with subpoenas issued and investigations conducted by various law enforcement agencies
- A Fortune 100 retail company in its internal investigation of its foreign labor practices and related class action litigation
- A Fortune 200 Silicon Valley technology company in its internal investigation of alleged stock option practices in connection with SEC and US Attorney's Office inquiries
- A Fortune 200 company in an internal investigation of allegations related to corporate tax payments in connection with investigations by the IRS and the US Attorney's Office
- A leading marketer of apparel and soft goods in an audit committee investigation of allegations of bribery and kickbacks
- A major financial services institution in connection with NASD inquiries of alleged shelf space and directed brokerage programs
- A Texas technology company in its internal investigation of alleged improper revenue recognition practices related to an SEC inquiry

## RECENT FCPA REPRESENTATIONS

Lisa has extensive experience in all facets of the FCPA investigations, defense and compliance. She has directed and conducted cross-border investigations of FCPA and other anti-corruption and related compliance matters. Her practice is global in scope, with experience in Argentina, Belize, Brazil, Canada, Chile, China, Costa Rica, India, Israel, Ghana, Honduras, Hong Kong, Korea, Lithuania, Mexico, Philippines, Russia, Spain, Thailand and Venezuela. Representative matters include:

- A top US food company in an FCPA assessment of its global operations in Mexico, Venezuela, China, and Thailand and evaluation of FCPA compliance program
- A Silicon Valley company in two FCPA internal investigations of foreign subsidiaries in Israel and Russia
- A US nuclear power company relating to its compliance program for joint ventures and third party agents throughout Africa
- A Fortune 200 technology company in an FCPA internal investigation in China and Korea and related inquiries by the US Department of Justice, Criminal Division and the US Securities and Exchange Commission (SEC)
- Top technology company in an FCPA internal investigation in Mexico
- A US technology company in an FCPA internal investigation in India
- A Chinese CEO in an FCPA investigation by the US Department of Justice, Criminal Division and the SEC
- A US-Hong Kong consortium of investors relating to its FCPA compliance program and use of third party agents
- A Fortune 500 technology company in an FCPA internal investigation in China and its compliance program
- A major US utility relating to FCPA compliance program in Mexico
- A US energy company relating to FCPA risks in acquisitions in Ghana
- A Mexican airline in connection with its FCPA compliance program
- A French company relating to FCPA compliance and revision of compliance policies
- A major US energy company in an FCPA matter in Mexico
- A US nuclear power company relating to its compliance program for joint ventures
- A US company relating to FCPA risks in acquisition in Brazil and related due diligence
- A Chinese technology company relating to FCPA risks in mergers and acquisitions

## CREDENTIALS

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### Admissions

- California

### Prior Experience

- Former Trial Attorney, United States Department of Justice, Antitrust Division
- Former Special Assistant United States Attorney, United States Attorney's Office for the Northern District of California

### Recognitions

Chambers & Partners, the respected English legal research publisher, has recognized Lisa in the *Chambers USA* guide for her antitrust work every year since 2015.

- In 2015, *Chambers USA* stated Lisa "receive[d] significant praise for her experience in cartel and white-collar defense work, particularly in government investigations." Interviewed sources stated that "she's always got new and novel ways of solving problems," and that she is "quite brilliant."
- In 2016, *Chambers USA* interviewees noted that she was a "terrific lawyer" who "knows how to navigate clients in cartel cases." Lisa is also recognized for her handling of criminal antitrust cases, handling such matters as part of a broader white collar criminal defense practice.
- In 2017, a *Chambers USA* interviewee said Lisa is an "incredibly bright and practical" lawyer who "knows how to get to the real issue."
- In 2018, *Chambers USA* stated that Lisa is "is famed for her cartel work and representation of clients in complex government investigations." A market commentator stated, "She is very good, a smart lawyer" and "a well-connected strategist."
- In 2020, *Chambers USA* commented that Lisa is "well known for her criminal cartel expertise, leveraging her previous experience in the Antitrust Division of the DOJ." Sources further stated, "Lisa has the ability to digest vast amounts of data and craft a legal defense with deft cunning. She is brilliant."
- In 2021, *Chambers USA* remarked that Lisa is well known for her criminal cartel expertise, leveraging her previous experience in the Antitrust Division of the DOJ. Interviewees stated that "[s]he is extremely knowledgeable in antitrust" and "[s]he is a safe pair of hands for cartel work."

In 2021, *Chambers USA* also recognized and ranked DLA Piper's antitrust practice in California. They remarked that the team is "[p]articularly recognized for strong capabilities in the cartel space. Also demonstrates notable expertise in complex civil antitrust litigation. Represents multinational clients in the technology, healthcare and insurance sectors."

The *Legal 500 United States* has repeatedly recognized Lisa for having "been involved in a large number of high-profile cartel matters." She is an "antitrust expert" who "has 'incredible energy' and 'a keen ability to coordinate investigations involving regulatory authorities around the world.'" In 2020, *Legal 500 United States* recently ranked DLA Piper's US cartel practice, noting "DLA Piper LLP (US) invested considerably in its cartel practice last year, hiring the recommended Lisa Tenorio-Kutzkey, who joined the firm's San Francisco office following her departure from Orrick, Herrington & Sutcliffe LLP." *Legal 500* recently recognized Lisa for her work in complex antitrust civil litigation.

Lisa also has been recognized among the Top 100 Women in Investigations by *Global Investigations Review*, as a Top Women in Northern California by *San Francisco magazine*; and as a Super Lawyer by *Northern California Super Lawyers*.

### Education

- J.D., School of Law, University of California, Berkeley, School of Law
- B.A., Economics, Stanford University

## INSIGHTS

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## Publications

### Representing individuals in interviews – the US perspective

30 March 2021

Determining whether to consent to an interview, and any interview itself, can be pivotal.

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### DOJ expands home confinement options as coronavirus spreads in prisons

16 April 2020

Thousands of inmates in numerous states have already been released from detention centers in an effort to minimize the risk of COVID-19 to those in custody, while also minimizing the risk to the public.

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Lisa is frequent speaker and author on antitrust and white collar issues.

- "Representing Individuals in Interviews – The US Perspective" by J. Hillebrecht, L. Tenorio-Kutzkey & E. Christopherson, *Global Investigations Review, The Practitioner's Guide to Global Investigations, Volume I: Global Investigations in the United Kingdom and the United States*, March 2021
- Co-Author, "Suspending antitrust limitations periods during the COVID-19 pandemic: Constitutional and practical implications," *WestLaw*, May 19, 2020
- Author, "US Sentencing Guidelines," chapter in *Corporate Criminal Defense: Compliance, Investigation, and Trial Strategies*, Aspen Publishers
- Co-Author, "Anti-Corruption: A British, American and Japanese Perspective," *Japanese Competition Journal*
- Co-editor, *Cartel & Criminal Practice Committee Newsletter*, ABA Antitrust Section

## Events

- Panelist, "Antitrust For All Ages," 32nd Annual National Institute on White Collar Crime, San Diego, California, March 2017
- Panelist, "The Antitrust/IP Interface: A Moving Frontier," 4th Annual DLA Piper Global Intellectual Property Symposium, Tokyo, Japan, October 2017
- Panelist, "Global Cartel Enforcement: Risks for Asian Companies," 4th Annual International Arbitration, Compliance & Competition Law Summit, Tokyo, Japan, September 2017
- Panelist, "The DOJ's Cartel Enforcement Actions: What You Need to Know in 2017," Webcast, June 2017
- Panelist, "Conducting Global Antitrust Internal Audits in an Era of Heightened Enforcement," Webcast, May 2017
- Panelist, "Where Cartels Meet Corruption: Mitigating Compliance Costs of Global Regulation," GCR Live 2nd Annual Cartels Conference, Washington, DC, March 2017
- Panelist, "Antitrust Enforcement," 31st Annual National Institute on White Collar Crime, Miami, Florida, March 2017
- Panelist, "Navigating Global Antitrust Cartel Investigations," Japan Legal Technology Conference, Tokyo, Japan, October 2016
- Panelist, "US Criminal Cartel Enforcement & Trials From Both Sides of the Table," Webinar to the Australian Competition and Consumer Commission, August 2016
- Panelist, "Eleventh International Cartel Workshop," Tokyo, Japan, February 2016
- Panelist, "Global Trends in Corporate Regulatory Investigations in 2015 and Beyond LIVE," Webcast, June 2015
- Panelist, Annual Transnational Crime Conference, Berlin, Germany, May 2015