



ETHAN J. BARLIEB

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FOCUS AREAS

Antitrust

EDUCATION

Cornell University

B.S. 2003

University of Miami School of Law
J.D. 2007, *magna cum laude*, Order of the Coif

ADMISSIONS

Pennsylvania

New Jersey

USDC, Eastern District of Pennsylvania

USDC, District of New Jersey

Ethan J. Barlieb, a partner of the Firm, concentrates his practice in the areas of ERISA, consumer protection and antitrust litigation. Ethan received his law degree, *magna cum laude*, from the University of Miami School of Law in 2007 and his undergraduate degree from Cornell University in 2003.

Prior to joining Kessler Topaz, Ethan was an associate with Pietragallo Gordon Alfano Bosick & Raspanti, LLP, where he worked on various commercial, securities and employment matters. Before that, Ethan served as a law clerk for the Honorable Mitchell S. Goldberg in the U.S. District Court for the Eastern District of Pennsylvania.

Current Cases

- Amarin Pharma, Inc.

CASE CAPTION

*In re: Vascepa Antitrust Litigation
Indirect Purchaser Plaintiffs*

COURT

United States District Court for the
District of New Jersey

CASE NUMBER

21-cv-12061-ZNQ

JUDGE

Zahid Quraishi

PLAINTIFF

Welfare Plan of The International
Union of Operating Engineers
Locals 137, 137A, 137B, 137C,

137R; Local 464A United Food and Commercial Workers Union Welfare Service Benefit Fund; Uniformed Fire Officers Association Family Protection Plan Local 854; Uniformed Fire Officers Association for Retired Fire Officers Family Protection Plan; Teamsters Health & Welfare Fund of Philadelphia and Vicinity; and Board of Trustees of the Heavy and General Laborers' Local Unions 472 and 172 of NJ Welfare Fund

DEFENDANTS

Amarin Pharma, Inc., Amarin Pharmaceuticals Ireland Limited, and Amarin Corporation PLC

Plaintiffs filed a Consolidated Class Action Complaint alleging that, having pursued and lost patent infringement litigation against would-be generic competitors as well as exhausting every regulatory means to prevent and delay the launch of generic competitors, Amarin adopted an unlawful strategy to artificially extend its monopoly for its sole product Vascepa. By locking up every viable supplier of the key ingredient needed to manufacture generic Vascepa, Amarin boxed generic manufacturers out of the market. This scheme left Amarin free to continue charging supracompetitive prices and obtain the most profit it could out of Vascepa, at the expense of the Plaintiffs and other purchasers of the drug.

- Netflix, Inc. & Hulu, LLC

CASE CAPTION

Borough of Longport and Township of Irvington v. Netflix, Inc. and Hulu, LLC

COURT

United States District Court for the District of New Jersey

CASE NUMBER

21-cv-15303-SRC

JUDGE

Stanley R. Chesler

PLAINTIFF

Borough of Longport and Township of Irvington

DEFENDANTS

Netflix, Inc. and Hulu, LLC

Plaintiffs filed a Class Action Complaint on August 13, 2021 alleging that, as providers of video programming and cable television service, Defendants were required to file an application for “individual certificates of approval or a system-wide franchise[.]” See N.J. Stat. Ann. § 48:5A-16. Defendants failed to apply for and obtain certificates of approval and municipal consents and/or a system-wide franchise. Defendants are providing cable television service throughout New Jersey without authorization, and in contravention of the New Jersey Cable Television Act (“CTA”). Such certificates of approval and/or franchise would have authorized Defendants to use public rights-of-way to provide their cable television service and video programming, provided that Defendants make payments to each municipality in which it provides service. The required payment is equal to a percentage of the gross revenues derived from subscription fees paid by subscribers in each municipality. Defendants were required to obtain certificates of approval and municipal consents and/or a system-wide franchise before providing cable television service and video programming in the Borough of Longport and Township of Irvington, and the other New Jersey municipalities. Defendants’ failure to obtain such approval and/or franchise did not relieve Defendants of the obligation to pay fees based on a percentage of their gross revenues derived from subscription fees paid by subscribers in each municipality. Defendants have failed to comply with N.J. Stat. Ann. § 48:5A-30 because they have failed to pay Plaintiffs and the other Class members the required fees. Plaintiffs seek to require Defendants to abide by the CTA, and pay what they owe to New Jersey municipalities.

News

- January 10, 2022 - Michigan Federal Court Approves Settlement for Vehicle Owners in Ford Motor Co. Exhaust Fumes Consumer Litigation

Publications

Ethan J. Barlieb, *HOPE VI Revitalization Grants: Weighing the Problems and Benefits and Considering Solutions in the Context of Liberty City, Miami*, 15 U. Miami Bus. L. Rev. 201 (Spring 2007).

Joseph D. Mancano & Ethan J. Barlieb, *The FCPA: Can Your Company Survive the Wave?*, The Legal Intelligencer, (July 21, 2011).

Gaetan J. Alfano & Ethan J. Barlieb, *Pennsylvania Causes of Action*, The Legal Intelligencer, 2nd Edition.

Ethan J. Barlieb, *A Win for Card Issuing Banks Victimized by Data*

Breaches, Kessler Topaz Meltzer & Check, LLP, Spring 2015 Newsletter.

Awards/Rankings

- Pennsylvania Rising Star by Super Lawyers (2013, 2014, 2015 and 2016)

Memberships

- American Association for Justice

Community Involvement

- Cornell Alumni Admissions Ambassador
- University of Miami School of Law, Young Alumni Committee
- Louis D. Brandeis Society