

# Snell & Wilmer

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## Colin P. Ahler

Partner | Phoenix

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## Main Bio

Colin Ahler's practice is concentrated in special litigation and compliance with an emphasis in antitrust and unfair competition law, appellate matters, and government contracting. Colin regularly advises companies, joint ventures, trade associations, and other clients on compliance with state and federal antitrust laws, including the Sherman, Clayton, Robinson-Patman, and Arizona Antitrust Acts. He provides antitrust counsel when companies pursue mergers and acquisitions, enter into teaming agreements, collaborate with actual or potential competitors, agree on restrictive covenants, and make pricing decisions. Colin also routinely provides antitrust training, including to company sales forces, and drafts antitrust compliance policies and manuals.

Additionally, Colin is deeply experienced in antitrust litigation, having defended and prosecuted numerous antitrust matters in state and federal courts, including multi-district litigation and class actions. This experience includes antitrust claims brought by competitors as well as government authorities. Colin also co-chairs the firm's antitrust practice group.

In the appellate area, Colin has briefed dozens of briefs before state and appellate courts. This includes, for instance, extensive briefing with the U.S. Supreme Court, Ninth Circuit Court of Appeals, Arizona Supreme Court, and Arizona Courts of Appeals. Colin has also argued cases before appellate courts and has drafted numerous amicus briefs. Additionally, Colin has handled several matters that proceeded on a rapidly accelerated basis at the appellate level, including election-related and constitutional litigation.

In the government contracting area, Colin has extensive bid protest experience. He has challenged or defended dozens of government contract awards in several states as well as before federal agencies. Colin also advises companies on federal and state procurement statutes, manuals, and policies. He also counsels clients on the intersection between government contract and antitrust law.

Colin is also a seasoned trial lawyer. He has represented clients in numerous preliminary injunction hearings and expedited election-related trials. He also commonly litigates cases involving constitutional issues, including the First Amendment, due process, equal protection, separation of powers, or other provisions of the U.S. or Arizona Constitutions.

## Representative Experience

### *Antitrust*

- Defended retailer against claims of price fixing on online marketplace.
- Advised global manufacturer on pricing, rebate and incentive programs.

- Advised trade associations on information sharing, association policies and rules, and other antitrust issues relating to association activities.
- Advised multiple corporations and trade associations on scope of antitrust law immunity, including doctrines relating to state action, lobbying, and labor unions.

## **Appellate**

- Defended health care provider in state court, including court of appeals, against putative class action alleging negligent hiring of employee.
- Represented political organizations in defending against constitutional and statutory challenges to state election statutes in federal court, that was ultimately ruled upon by the United States Supreme Court.
- Defended against constitutional challenge to statutory procedure for filling U.S. Senate vacancy, including in appeal to Ninth Circuit.
- Represented electors and non-profit organizations in challenging state initiative measure as violating several provisions of Arizona Constitution, including in appeal to Arizona Supreme Court.
- Represented electors and non-profit organizations in challenge to proposed state initiative measure, including in appeal to Arizona Supreme Court.
- Defended against constitutional challenges to state executive orders during Covid-10 pandemic, including in state appellate courts.

## **Government Contracting**

- Represented government contractor as national counsel in bid protests in multiple states challenging government contract awards.
- Defended government contractor against bid protests in regard to state-awarded contracts in several states.
- Represented government contractor in contract disputes with federal government before Armed Services Board of Contract Appeals.

## **Other Experience**

- Defended several physicians against attempted injunction by former employee concerning covenant not to compete.
- Represented landowner in multiple federal trials concerning right and scope of access to land encircled by tribal reservation.
- Defended against constitutional challenge to state statute relating to tribal gaming.
- Conducted internal investigation and defended company in parallel investigations by Inter-American Development Bank and Department of Justice Foreign Corrupt Practices Act Unit.

## **Education**

- Harvard Law School (J.D.)
- Arizona State University (B.S., Economics, *summa cum laude*)

- Moeur Award Recipient (highest GPA in graduating class)

## Professional Memberships & Activities

- American Bar Association
  - Antitrust Section
- State Bar of Arizona
  - Antitrust Section
- Maricopa County Bar Association

## Representative Presentations & Publications

- "[G7 Commits to Tackling Antitrust Concerns Posed by AI Technologies](#)," Co-Author, Snell & Wilmer Legal Alert (November 10, 2023)
- "[FTC Challenges Private Equity Roll-Up Acquisition Strategy](#)," Co-Author, Snell & Wilmer Legal Alert (September 22, 2023)
- "Trending Antitrust Issues," Presenter, Snell & Wilmer Virtual CLE Series (June 30, 2022)
- "Basic Antitrust Principles," Presenter, Snell & Wilmer Virtual CLE Series (June 30, 2022)
- "[U.S. Supreme Court Unanimously Rules Against NCAA in Antitrust Case, Providing Valuable Insights on the Rule of Reason Standard](#)," Co-Author, Snell & Wilmer Legal Alert (June 22, 2021)
- "Antitrust Law Primer: How to Collaborate with Competitors," Co-Presenter, Snell & Wilmer Webinar (April 13, 2021)
- "[Fourth Circuit Affirms Divestiture Order in Antitrust Challenge Brought by Private Party Against Acquisition](#)," Co-Author, Snell & Wilmer Legal Alert (March 24, 2021)
- "[McCarron-Ferguson Act Repeal Upends 75 Years of Exemptions for Health Insurers and Sets New Antitrust Enforcement Expectations](#)," Co-Author, Snell & Wilmer Legal Alert (February 10, 2021)
- "[GSA Announces Plan to Modernize the Multiple Awards Schedules](#)," Co-Author, Snell & Wilmer Legal Alert (December 4, 2018)
- "[Proposed Aetna-Humana Merger Passes Another Hurdle in Antitrust Review](#)," Author, Snell & Wilmer Legal Alert (February 19, 2016)
- "Interpreting California's Unfair Competition Law and False Advertising Law Standing Requirement," Co-Author, Products Liability Litigation Reporter, Volume 20 Issue 2 (March 9, 2009)

## Professional Recognition & Awards

- The Best Lawyers in America<sup>®</sup>, Antitrust Law (2024)

## Community Involvement

- Nourish Phx (formerly ICM Food & Clothing Bank)
  - Board Member (2016-2023)
- Arizona Justice Project, Pro Bono Volunteer (2012)
- Florence Immigration and Refugee Rights Project, Pro Bono Volunteer (2009)

## Previous Professional Experience

- Perkins Coie LLP, Counsel (2012-2014)
  - Associate (2005-2012)
- Brown & Bain, P.A., Summer Associate (2003-2004)

## **Bar Admissions**

- Arizona

## **Court Admissions**

- Supreme Court of Arizona
- United States Court of Appeals, Ninth Circuit
- United States District Court, District of Arizona