



## Katherine I. Funk

Shareholder

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Katie Funk is a trusted advisor to corporate executives and in-house legal departments, successfully guiding clients to reach their strategic objectives for 25 years.

Katie Funk is an experienced antitrust and business attorney, regularly advising clients on transactions and investigations before the Federal Trade Commission (FTC), Department of Justice (DOJ), and state attorneys general. Having served as an attorney at the FTC, Katie provides pragmatic business counsel on antitrust compliant formation and operation of joint ventures, the buying and selling of health care entities, licensing and distribution arrangements, strategic transactions, competitor engagement, and global corporate compliance. She counsels clients in a wide range of industries, including health care, technology, agriculture, and manufacturing.

In addition, Katie assists clients in navigating the maze of regulations in matters concerning antitrust, consumer protection, and privacy issues, including rulemakings under the Magnuson Moss Warranty Act, the Federal Trade Commission Act, the "right to repair," and state enforcement proceedings.

Within the health care industry, Katie works with clients on the formation and operation of clinically integrated networks, the buying and selling of provider entities, and other health care system transactions.



### Representative Matters

- Represent third party in FTC merger review.
- Advise integrated national network of community pharmacies.
- Serve as antitrust counsel to vertically integrated medical device company on transactions and investigations by FTC and DOJ.
- Serve as lead antitrust counsel on multiple hospital transactions.
- Advise on antitrust aspects of joint venture between automaker and EV battery manufacturer.
- Represent buyer of assets pursuant to DOJ consent decree.
- Structure cross-border pharmaceutical venture between multiple entities.
- Represent poultry processor in multiple antitrust class actions.



### Professional Honors & Activities

- Member – American Bar Association, Antitrust and Business Law Sections
- Member – American Health Lawyers Association, Antitrust Section
- Named an "Outstanding Healthcare Antitrust Lawyer" by *Nightingale's Healthcare News* (2008)



### Publications

- "2025 Changes to the HSR Pre-Merger Notification Thresholds, HSR Filing Fees, and Interlocking Directorate Thresholds" (January 2025)
- "Top Ten Issues in Health Law 2025: Antitrust Trends and Forecast for the Health Care Industry Under a New Administration," *AHLA Health Law Connections* (January 2025)
- "The End of Non-Competition Agreements? Not so Fast!" (April 2024)
- "2024 Changes to the HSR Pre-Merger Notification Thresholds, HSR Filing Fees, Civil Penalties, and Interlocking Directorate Thresholds" (January 2024)

- "FTC and DOJ Propose Major Overhaul of Merger Guidelines," republished in *Corporate Counsel* and *PropertyCasualty360* (July 2023)
- "FTC and DOJ Propose Sweeping Changes to Pre-Merger Notification Filings" (July 2023)
- "FTC Proposes Rulemaking to the Health Breach Notification Rule to Include Information Disclosures by Health Apps and Other Technologies" (May 2023)
- "DOJ to Health Care Industry: There Are No Antitrust Safety Zones" (February 2023)
- "2023 Changes to the HSR Pre-Merger Notification Thresholds, Filing Fees, and Interlocking Directorate Thresholds," republished February 8, 2023, in *Corporate Compliance Insights* (January 2023)
- "Health Care Entities Take Notice: DOJ Antitrust Division and HHS-OIG Look to Cooperate More on Antitrust Enforcement in Health Care" (January 2023)
- "FTC Puts Employers on Notice: Employee Non-Competes Are Problematic and Could Soon be Unlawful," republished February 6, 2023, in *Corporate Counsel* (January 2023)
- "New York Requests Public Comments Regarding PBM Patient-Steering " (July 2022)
- "HHS Issues Post-*Dobbs* HIPAA Privacy Guidance for Employer Health Plans, Other Covered Entities" (July 2022)
- "DOJ Cracks Down on Alleged Wage Fixing and No Poach Agreements," republished in *Westlaw* (February 2022)
- "Annual Update to HSR Pre-Merger Notification Filing Thresholds for 2022" (January 2022)
- "Employers Beware: Employee Non-Solicitation and Non-Recruitment Agreements Can Raise Potential Civil and Criminal Antitrust Liability" (August 2021)
- "All Hands on Deck: Executive Order Promoting Competition in the American Economy" (July 2021)
- "FTC's Chances of Fixing a Broken Repairs Market Look Slim," *Law360* (June 2021)



## Speaking Engagements

- "Top Ten 2025: Antitrust Trends and Forecast for the Health Care Industry Under a New Administration," AHLA's Speaking of Health Law Podcast (February 2025)
- "Antitrust Fundamentals in Healthcare Transactions," AHLA Health Care Transactions Conference (April 2024)
- "Antitrust Hot Spots for Business Lawyers," ABA Business Law Section Annual Meeting (September 2023)
- "Healthcare Antitrust Year in Review," ABA Antitrust in Healthcare Conference (June 2022)
- "Health Care is Local: State AGs add New Wrinkle to Antitrust Review of Health Care Transactions," AHLA Health Care Transactions Conference (April 2020)
- "CARES Act," Coalition of Franchisee Association (April 2020)
- Frequent speaker as part of the ALI/ABA Product Distribution CLE Program (2010 – 2015)



## Webinars

- The FTC's Proposed Ban on Non-Competes: What We Know and What You Can Expect (February 2023)
- Your HR Department May Be a Ticking Antitrust Time Bomb (June and July 2022)



## Education

- University of Iowa College of Law, J.D., with distinction
  - Associate Editor, *Iowa Law Review*
- Creighton University, B.S.B.A. in Accounting and Economics



## Admissions

- Washington, D.C.

- U.S. Supreme Court
- U.S. Circuit Court, District of Columbia
- U.S. District Court, District of Columbia