

LITIGATION – Antitrust and Trade Regulation

Facilitating Your Objectives from Clearance to Litigation

What approach to antitrust issues facing your business make the most sense for you? Is creating a path to clearance the best solution? Is going to court the right answer? What about compliance counseling? The job of our antitrust and trade regulation attorneys is to help you achieve your business goals – period. We are prepared to represent you in all types of antitrust matters, from counseling and compliance to M&A to complex jury trials and everything in between.

How We Can Help You

We are well-positioned to handle both your antitrust transactional and litigation needs in the U.S. and abroad. Our clients include some of the country's best-known companies in industries such as chemicals, construction, consumer products, distribution, financial services, healthcare, manufacturing, pharmaceuticals, real estate finance, sports, technology, and insurance.

We provide comprehensive antitrust services for regulated and non-regulated industries by:

- Establishing antitrust compliance programs and providing ongoing counseling
- Facilitating merger and acquisition clearance and agency review
- Handling antitrust issues associated with licensing, joint technology agreements, settlements and IP contracts
- Providing antitrust counseling on distribution and pricing issues
- Negotiating with government agencies as part of investigative proceedings
- Handling civil antitrust litigation matters, including jury trials, the defense of class actions and opt-out lawsuits
- Representing corporate and individual clients in the defense of criminal antitrust investigations and lawsuits

Mergers, Acquisitions and Affiliations

Planning the antitrust aspects of a merger or acquisition begins as soon as you are considering the transaction. Working closely with attorneys from the appropriate practice and industry teams, we will guide you through the full range of issues that arise out of your merger/acquisition, joint venture, collaboration, or other form of affiliation. We have represented hundreds of public and private companies in deals with an aggregate value of billions of dollars.

Achieving Clearance

Litigation with the government can take years. While we litigate to win, our true mission is to facilitate your business objectives. If we are able – and we often are – to get clearance and get the deal done long before litigation becomes necessary, that's a win. Our approach to achieving clearance is understanding your business and the proposed transaction, including your business goals given the regulatory hurdles you may face.

Government Investigations

The recent trend by the Federal Trade Commission (FTC) and the U.S. Department of Justice (DOJ) has been toward an aggressive approach to U.S. antitrust enforcement. And while no one can predict what the future may hold, our team can help you navigate government investigations with confidence. We are prepared to defend your company against antitrust or unfair trade practice allegations before the DOJ, FTC, state attorneys general, and other federal and state regulatory agencies. We can also assist if you are subpoenaed to provide documents and/or testimony as a third-party witness.

Counseling and Compliance

Educating our clients is one way we protect them. We want you to understand all of the issues your company may face regarding pricing, distribution and antitrust compliance. We also counsel trade associations and individual association members regarding antitrust constraints related to meetings, exchanges, certification programs and lobbying.

Litigation

As seasoned trial attorneys, we take an aggressive but strategic approach to handling complex class actions, individual litigant antitrust cases, and state or federal government cases. From the time a complaint is served, our intention is to take your case to trial, if necessary. This approach has enabled us to secure decades of favorable settlements, jury decisions and non-jury decisions for our clients – many resolved without a financial loss to the client. We've litigated national class action conspiracy lawsuits, as well as cases involving sophisticated antitrust issues, such as antitrust injury and standing and issues that arise from the interface between antitrust and patent law.

Our antitrust lawyers are recognized by inclusion in the *American College of Trial Lawyers*, *the International Academy of Trial Lawyers*, *The Best Lawyers in America*[®], *Chambers USA* and *Super Lawyers*. We are often asked to serve as key speakers and panelists for competition law programs, and we frequently author articles and teach classes on competition-related issues.

ADVANCING OUR CLIENTS' GOALS

Scoring a Victory for a Credit Scoring Agency

Our team defended a credit scoring agency against a class action complaint alleging violation of Sherman Act § 1 regarding consumer lending practices. We obtained dismissal of the class action, with prejudice.

Helping a Healthcare Provider with Strategic Growth

Integral to the strategic growth of one of our integrated health system clients is partnering with other healthcare providers to better serve the community. We worked closely with our client to minimize antitrust risk in proposed acquisitions and/or partnerships and then guided them through the necessary Hart-Scott-Rodino pre-merger notification filings and government investigations to successful completion.

Flexing Our Muscles in a Bodybuilding Dispute

A long-established U.S. amateur bodybuilding organization and an international amateur bodybuilding organization were accused of improperly monopolizing aspects of the U.S. bodybuilding market. Our attorneys represented the U.S. amateur bodybuilding defendant against claims of monopolization in federal court to a successful settlement, discontinuing the lawsuit.

A Vigorous Defense Against a Multi-Pronged Assault

In dozens of related actions that have now been consolidated, our client, a major dental product distribution company, and its two largest competitors have been sued in federal court both by competitors and a purported class of dental supply purchasers. The plaintiffs allege conspiracy to harm them through price-fixing and a nationwide boycott. Our team is vigorously contesting every component of their claims.