Antitrust Litigation

Antitrust issues are a major concern in many industries, whether you're in a highly regulated industry or a highly competitive market. Federal and state antitrust enforcers are increasingly active, and private litigations, whether by competitors or consumer representatives, are a daily occurrence. Mintz Levin views your antitrust issues as business issues that need to be resolved efficiently and effectively. We can help you advance your business goals without running afoul of federal and state antitrust.

We offer comprehensive antitrust counseling services, including counseling on transactions and business practices, including acquisitions, divestitures, and joint ventures. We also provide antitrust advice on relations with competitors, suppliers, and customers as well as on licensing and distribution relationships. With offices on the US coasts and a network of local counsel in every state, Mintz Levin is well positioned to handle any antitrust litigation matter, including major government investigations and multistate class actions.

We regularly advise clients on how to comply with state and federal antitrust laws, consumer protection laws, and other business regulations. We also help clients avoid litigation by successfully guiding them through the transaction review process before the Department of Justice (DOJ) and Federal Trade Commission (FTC).

Quick Facts

- Nationwide practice representing clients in complex litigation, class action, and unfair/deceptive trade practice issues under both federal and state competition laws
- Effectively challenged governmental decisions in court and in administrative proceedings
- Obtained FTC clearance for the largest competitive cable television merger ever approved by federal antitrust agencies
- Industry focus on media, communications, and health care sectors
- Attorneys who have held key positions in antitrust enforcement agencies
Representative Experience

- Obtained a directed verdict for our client CVS Caremark Corporation at close of plaintiffs' case in an antitrust jury trial, a result later affirmed by the court of appeals.

- Serve as lead counsel for Cox Enterprises in multidistrict litigation involving 20 separate antitrust class action suits that have been consolidated. The suits allege that the cable industry's practice of leasing set-top boxes to customers who also purchase cable television services constitutes an illegal tying arrangement under the antitrust laws. We defeated class certification on a nationwide class theory, and defended the win at the 10th Circuit.

- Served as lead counsel for Bright House Networks in a nationwide antitrust class action. The suit alleged that the cable operator's practice of leasing set-top boxes to customers who also purchase cable television services constituted an illegal antitrust tie.

- Successfully represented Teva Pharmaceuticals, Inc. in the Nexium antitrust MDL class action, in which three classes of Nexium purchasers sought over $25 billion in damages. Served as co-lead counsel in the first “pay for delay” case to go to trial since the Supreme Court's 2013 decision in FTC v. Actavis. Our cross-examination of a key “reverse payment” expert resulted in the Court striking the expert's testimony after he left the stand, and paved the way for a favorable settlement for our client shortly before the close of the evidence. Following Teva’s settlement, we were retained to assist one of the other defendants, and the jury ultimately entered a verdict in favor of the remaining defendants on causation grounds.

- Served as counsel for IDT International, Inc. (IDT) and Oregon Scientific, Inc. (OSI) in over 30 class action cases around the country concerning the sale of certain types of flat-panel display screens. The MDL case was consolidated to the US District Court for the Northern District of California, but we represented the clients in multiple states. We secured dismissals of IDT and OSI with no out-of-pocket damages or settlement costs.

- Defended Ganz, Inc. (manufacturer of Webkinz plush toys) in putative class actions alleging violations of the antitrust laws and UCL based on alleged tying of less popular products to purchases of “core line” products. We obtained a class-wide settlement reached through mediation.

- Served as counsel for Eli Lilly and Company in a lawsuit alleging that a group of pharmaceutical manufacturers conspired to overstate the average wholesale price (AWP) for prescription drugs covered by the Medicare program. Plaintiffs advanced claims under §§ 1 and 2 of the Sherman Act and the Racketeer Influenced and Corrupt Organizations (RICO) Act. Through our advocacy, we convinced the plaintiffs to drop their claims against Eli Lilly in their consolidated amended complaint, thereby concluding Eli Lilly's involvement in that matter without any liability.

Rankings & Recognitions

- Attorneys recognized by Chambers USA, Best Lawyers, and Super Lawyers

Connect

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