

OUR PRACTICE

Antitrust and Competition Law

Baker Donelson's Antitrust and Competition Law Group consists of experienced attorneys with a broad range of antitrust experience in international, national, state, and local issues, and frequently handles bet-the-company matters.

Civil Antitrust Litigation. In our civil antitrust practice, we represent leading companies and their management in mergers and acquisitions, complex civil antitrust litigation, and investigations conducted by federal and state competition authorities and agencies. We are experienced in jury and bench (judge-presided) trials, as well as administrative proceedings before federal and state regulatory bodies. Our expertise spans the defense of private-party antitrust suits and class actions, including those in multidistrict litigation, and those that involve parallel criminal prosecutions.

Our antitrust lawyers regularly combine forces with other Baker Donelson attorneys to litigate antitrust claims and counterclaims in lawsuits predominantly involving intellectual property, health care, labor and employment, energy, and tax law claims. Our large team excels at efficiently staffing for emergency action and can mobilize quickly to advocate for our clients when temporary restraining orders and preliminary injunctions are warranted or anticipated.

Criminal Antitrust Defense. In our criminal antitrust defense practice, we represent companies and individuals in state and federal investigations, from grand jury appearances through trials and appeals. We are experienced in defending against criminal investigations, negotiating plea agreements, managing whistleblowers and confidential informant allegations, as well as advocating for our clients who are involved in parallel proceedings where criminal and civil charges stem from the same investigation or set of facts. Our criminal defense attorneys are former prosecutors at the federal and state level with significant trial experience, including at the Department of Justice's Division of Antitrust.

Antitrust Counseling and Compliance. In our antitrust counseling and compliance practice, we work with our clients to anticipate risk, minimize risk, and avoid antitrust issues in their mergers, acquisitions, joint ventures, distribution and franchise agreements, standards-setting exercises, market research efforts, intellectual property acquisition and licensing, product/service offerings and pricing, advertising, trade association activities, and relationships with customers, competitors, and employees.

We are skilled at advising clients who must proactively report anticipated combinations under the Hart-Scott-Rodino Act, and we are zealous advocates to meet our clients' business goals before both the DOJ's Antitrust Division and the Federal Trade Commission's Bureau of Competition if a Second Request for Information or full investigation ensues.

Our Team. Our antitrust attorneys include former prosecutors and regulators from the Department of Justice (Division of Antitrust, U.S. Attorneys' Offices, Tax Division, and Fraud Division), the Federal Bureau of Investigation, the Federal Trade Commission's Bureau of Competition, and the Department of Energy.

Industries. We represent clients in a wide range of industries, including: aerospace, alcohol, agriculture, automotive, aviation, beverage, construction, defense, drugs, energy, entertainment, health care, manufacturing, medical devices, national security, oil and gas, pharmaceuticals, real estate, retail, tax, transportation, and waste management.



Case Studies

- Eleventh Circuit En Banc Appellate Ruling Affirms Dismissal of Antitrust Claims Against Automobile Insurer - Antitrust



Representative Matters

- Lead counsel in a multi-defendant class action defending a poultry processor against a putative nationwide class of broiler growers bringing claims under antitrust laws and the Packers and Stockyards Act alleging suppression of broiler grower compensation by the industry through information sharing and/or no-poach or non-solicitation agreements.
- Lead counsel in a multi-defendant class action defending a poultry processor against a putative nationwide class of hourly and salaried poultry workers bringing claims under antitrust laws alleging suppression of plant worker compensation and/or benefits by the industry through information sharing, serving as liaison counsel for a large group of defendants.
- Lead counsel for defendant in a multi-defendant class action alleging collusive practices in the pricing of multi-family apartments through information sharing.
- Defendants' liaison counsel in a major multi-district antitrust matter, *In re: Autobody Shop Antitrust Legislation* (M.D. Fla.), involving allegations by auto body shops of collusion by insurers to cap rates and reimbursements at artificially low levels and boycott non-compliant shops.
- Successfully represented a major hospital system in seeking state action antitrust immunity under state laws (Certificate of Public Advantage) for a major merger.
- Served as national counsel for a major pharmaceutical company in complex multi-defendant price-fixing and Robinson-Patman price discrimination, multi-district litigation class actions, and related consumer class actions in federal and state courts.
- Represented a transportation company in a major multi-district class action litigation alleging price-fixing of fuel surcharges and served on defendants' case management committee.
- Successfully defended client in an FTC preliminary injunction action seeking to enjoin major acquisition (three-day expedited federal court trial) and FTC administrative trials involving predatory pricing, monopolization, price discrimination, and merger issues.
- Represented a defendant distributor in a multi-defendant dealer termination case alleging group boycott, monopolization, Robinson-Patman price discrimination, and violations of state law. Monopolization claims dismissed and summary judgment on Section 1 claims.
- Served as coordinating counsel in a major Department of Justice benchmarking/information sharing investigation involving trade associations and member companies.
- Represented hospitals in major FTC investigations of consummated mergers involving substantial document production, depositions, submission of numerous white papers, and presentations to staff by economic and industry experts, executives, and attorneys.
- Substantial experience in Hart-Scott-Rodino filings, agency follow-up inquiries, second requests, and merger investigations.
- Represented a sports equipment manufacturer in a Department of Justice investigation relating to the termination of antitrust decrees.
- Represented clients in investigations and consents involving the Department of Justice and the Federal Trade Commission.