

## **ANTITRUST CLASS ACTIONS**

### **OVERVIEW**

Our Antitrust Class Action Team defends industry leaders in antitrust class action litigation across the full spectrum of competition issues. We have litigated and tried as lead counsel numerous matters on behalf of a variety of Fortune 500 clients, including leading companies in the agricultural, technology, floor covering, health care, semiconductor, medical device, pharmaceutical, communications, defense and insurance industries.

These include allegations of price discrimination and arrangements among members of the same industry (including price-fixing, bid-rigging, group boycotts and information-sharing), monopolization and attempted monopolization (including predatory pricing, refusals to deal and product bundling), and resale restrictions (including pricing and customer and territorial restraints).

Team members have held senior positions with and have experience before federal antitrust enforcement agencies. We regularly provide antitrust advice to various national clients regarding state, federal and international antitrust and competition laws.

## MEET THE TEAM



### **Charles E. Tompkins**

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## RELATED PRACTICE AREAS

- Business & Commercial Disputes
- Mass Torts & Product Liability

## EXPERIENCE

- Represent large agricultural company in putative class actions in pending MDL against claims of group boycott.

- Represented pharmaceutical company across multiple jurisdictions in defense of anticompetitive pricing practices.
- Defended a large carpet manufacturer in federal and state class actions regarding alleged agreements to fix prices of polypropylene and nylon carpet.
- Represented municipal bond underwriter and broker, in multiple class actions presently consolidated in MDL proceedings alleging bid-rigging in the municipal derivatives markets.
- Obtained dismissal at pleading stage of 52 class actions filed against Saia, Inc. across the nation (many in California) after MDL consolidation in Georgia.
- Defended multiple class and individual actions regarding an alleged international price-fixing cartel, and successfully opposed plaintiffs' effort to consolidate cases within existing MDL proceedings.
- Successfully defended Fender Musical Instruments Corporation against 40 antitrust price-fixing matters in MDL in Southern District of California; affirmed in precedential Ninth Circuit Opinion.
- Obtained dismissal of MDL alleging price-fixing against country's largest self-move truck rental organization; affirmed by the Eleventh Circuit in precedential opinion.
- Represented Blue Cross in a class action brought by physicians alleging price-fixing and other claims.
- Obtained dismissal of \$100M + claims against private water company in two consolidated class actions alleging consumer fraud and antitrust violations arising from purported conspiracy relating to delivery of water and sewer services in a new development north of Phoenix.
- Represented telecommunications and software company involving alleged aftermarket for service, software patches and upgrades, including as lead trial counsel in seven-month jury trial resulting in favorable verdict on six of eight antitrust claims, followed by precedential appellate reversal on remaining claims.
- Represented luxury automobile manufacturer in defense of class action alleging price-fixing by the manufacturer with its dealers.
- Obtained summary judgment in multiline insurer's favor in antitrust conspiracy case involving automotive replacement glass.

## RELATED INSIGHTS

Insights

Jul 26, 2023

### **Certification of Collective Actions in the CAT**

To bring a collective competition action in the Competition Appeal Tribunal (“CAT”), a proposed class representative first has to have their claim certified by the CAT. The CAT’s approach to certification is therefore an important issue and has been heavily scrutinised. In this Insight, we look at three recent judgments of the Competition Appeal Tribunal where the CAT has stalled the progression of the claims: *Gormsen v Meta Platforms, Inc.*, *Justin Gutmann v Apple Inc.*, and *Commercial and Interregional Card Claims*. We consider the factors that led to these decisions, which buck the trend over the last two years of class representatives achieving certification of their claims with relative ease, and set out our thoughts on the key learnings from the judgments.

Awards

Apr 20, 2023

### **BCLP Paris featured in 'Top Law Firms in France' by Le Point magazine**

Insights

Apr 20, 2023

### **Mastercard overcharge counterfactual declined – Tribunal rules in Merricks class action**

The Competition Appeal Tribunal has handed down a judgment determining several preliminary issues in the £17 billion collective action brought against Mastercard in relation to anti-competitive multilateral interchange fees, following on from the European Commission’s infringement Decision. In this Insight, we discuss the Tribunal’s rejection of Mastercard’s argument that it could rely on a counterfactual scenario premised on the interchange fees having been set at a lower, lawful level, thereby limiting the claimants’ recoverable losses. We consider in particular the Tribunal’s ruling that this argument was precluded by the binding effect of the decision, or alternatively, by the argument constituting an abuse of process given that Mastercard did not advance it before the Commission.

News

Apr 12, 2023

### **Legal 500 EMEA 2023**

BCLP has been ranked in 14 practice areas across 4 jurisdictions in the 2023 edition of The Legal 500 EMEA Guide.

Insights

Mar 29, 2023

### **Paris Litigation Gazette Issue 2**

Welcome to the Litigation Gazette. Each quarter, BCLP's Paris team will keep you informed of the main litigation news in competition law, commercial litigation, labor law, IP/IT/Data and compliance.

Insights

Sep 21, 2022

### **Hong Kong Court of Appeal decision on cartel fines imposed on entities within the same undertaking**

Competition Commission v W. Hing Construction & others [2022] HKCA 786 (judgment date: 2 June 2022) concerned an appeal from the first Hong Kong judgments concerning pecuniary penalties for contraventions of competition rules. The Court of Appeal held that pecuniary penalties for contraventions of competition rules are to be assessed based on the economic activities and conduct of the undertakings who are answerable for the contraventions, and that the legal or natural persons (entities) constituting such undertakings jointly and severally are liable for the pecuniary penalties. Accordingly, the Court of Appeal allowed the appeals by the Competition Commission (Commission) against two judgments in which the Competition Tribunal (Tribunal) reduced the pecuniary penalties ordered against the respondents in recognition of the respondents' limited participation in the anti-competitive conduct because they h...

Awards

Jun 23, 2022

## **The Best Lawyers in France 2023**

Awards

Jun 01, 2022

## **Chambers USA 2022**

Insights

Mar 02, 2022

## **Government expedites legislation on a register of overseas entities that own UK property in its Economic Crime (Transparency and Enforcement) Bill 2022**

As part of its response to the Russian invasion of Ukraine, HM Government intends to fast-track the long-awaited Economic Crime (Transparency and Enforcement) Bill. The Bill requires overseas entities to register with, and provide details of their beneficial owners to, UK Companies House before the overseas entity can be registered as the legal owner of UK land. Based on the draft Registration of Overseas Entities Bill (published and consulted on in July 2018 and originally intended to go live in 2021) implementation is now expected to proceed at pace once the Bill becomes law.