



REPRESENTATIVE MATTERS CONTINUED

in the U.S. The Plea Agreement and Judgement are public documents. A carve in status was secured for the client resulting in his non-prosecution and grant of immunity. Twenty-Six Japanese executives have received jail sentences as a result of the Japanese Auto Parts Investigation, the largest investigation in the history of the Department of Justice. Over \$2.4 billion in criminal, antitrust fines have been secured against all of the auto parts manufacturers since 2013.

- **Skin Care Company (2014).** Represented Defendant, a major skin care company, in a price fixing claim under California's antitrust statute, the Cartwright Act. After having secured our first Motion to Dismiss, the Plaintiff was given leave to amend his claim – which he did. The case was then settled for a nominal amount.
- **Rosenblatt v. St. Vincent's Hospital, et al. (2012).** Represented medical practice group specializing in interventional radiology alleging violations of Sherman Act §§ 1 and 2 in connection with hospital's agreement in unreasonable restraint of trade with rival practice group seeking to obtain monopoly in radiology in relevant geographic and service markets. Vigorously conducted discovery proceedings led to favorable settlement for plaintiff client.
- **Executive Search Company (2011-2012).** Actions in New York State Supreme Court and U.S. District Court for the South District of New York involving a business dispute between two competitors: claims under the Lanham Act, and in contract and tort. Case was settled in favor of client.
- **Polyurethane Manufacturer Antitrust Litigation, U.S. District Court for the Northern District of Ohio (2010).** Represented Defendant in a price fixing and allocation of customer case: two class actions, involving the direct and indirect plaintiffs, along with the opt out and direct plaintiffs. Ongoing litigation.
- **Acquisition of a Dialysis Corporation (2010).** Represented large dialysis corporation in its \$120 million sale. The transaction was approved by the U.S. Federal Trade Commission within 20 days.
- **LaFaro v. New York Cardiothoracic Group, PLLC (2009).** Represented team of cardiothoracic surgeons threatened with expulsion from public hospital based on demands by competing surgeons. United State Court of Appeals for the Second Circuit reinstated antitrust complaint in major reported decision, resulting in favorable settlement.
- **Australian Investment Bank, U.S. District Court for the Southern District of California (2009).** Defended Chairman, CEO and the five most senior officers in a business dispute with a former joint venture partner. Plaintiff's damage claims were as high as \$100 million, but after Defendants' four counterclaims survived Plaintiff' Motion to Dismiss, the parties settled the case. This was a significant victory for the client in federal and state civil litigation in California. In order to assert claims against the Plaintiffs, four counterclaims were pleaded, which survived an Iqbal/Twombly Motion to Dismiss. This motion required a heightened pleading standard as set down by the U.S. Supreme Court.
- **College Football Conference (2009).** Presented testimony to the U.S. Senate Judiciary Committee on the antitrust violations of the college football structure, the BCS.
- **National College Bookseller, West Virginia (2008).** Defended booksellers in a price fixing and consumer protection case that resulted in our Motion to Dismiss being granted with prejudice.
- **Credit Suisse Securities (USA) LLC et al. v. Glen Billing, U.S. Supreme Court (2007).** Submitted Amicus Curiae Brief in support of Petitioner for a leading investment bank arguing for antitrust immunity for permissible underwriting conduct.
- **Ansell, Inc. v. Schmid Lab., 757 F. Supp. 467 (D.N.J.), 941 F.2d 1200 (3rd Cir., 1991). (Latex Industry Antitrust Representation).** Advised leading participant in highly concentrated commodities and manufacturing industry for many years in connection with challenges to sales practices and acquisitions of other industry participants, and in defense of Clayton Act § 7 litigation contesting merger with a competitor, resulting in rejection of the adversary's complaint at both the trial court level and on appeal in the Third Circuit.

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