

# Antitrust & Trade Regulation

If you should be faced with antitrust or trade regulation disputes, we provide the aggressive, results-oriented representation you need in these high-stakes matters. We've been doing this successfully for quite a while.

In fact, when the Sherman Antitrust Act of 1890 was enacted, the already well-established firm of Gray Plant Mooty was there to counsel clients on this "emerging" area of the law. More than a century later, competition laws are still emerging—and our Antitrust & Trade Regulation team continues to represent clients in this critical area of business.

The Gray Plant Mooty team specializes in counseling business clients in situations where competition laws and business intersect. We have assisted clients—frequently conducting employee training sessions—on antitrust issues in a variety of contexts, including:

- Agricultural products
- Automobiles
- Banking/financial services
- Franchise
- Health care
- Intellectual property
- Manufacturing
- Pharmaceuticals
- Retail and restaurants
- Telecommunications
- Trucking/common carriers
- Utilities

Clients engage our Antitrust & Trade Regulation team to represent them in numerous related areas, including:

- Government investigations
- Immunities and exemptions
- Licensing of intellectual property rights
- Mergers and acquisitions (including pre-merger filings)
- Monopolies and regulated industries
- State and federal investigative demands and grand jury investigations
- Trade associations and joint ventures
- Distribution and pricing practices (including price and non-price vertical restraints)

In addition, we have litigated private treble-damage actions on behalf of business and individual plaintiffs involving claims of monopolization, monopoly leveraging, price-fixing, market allocation, sales below cost, refusals to deal, boycotts, regulated industries, and bid-rigging. We will, on a case-by-case basis, take plaintiffs' antitrust cases on a contingency basis.

## Representative Clients

- International Dairy Queen
- Toro

- Imation
- HNI Corporation
- HealthPartners
- 3M

## Experience

### Representative Matters

- *J & M Distributing, Inc. v. Hearth and Home Technologies LLC* (D. Minn. and N.D. W.Va. 2012-15): Won jury verdict for defense after nine-day trial in federal court on claims of conspiracy to restrain trade; earlier obtained dismissal of price discrimination claims by summary judgment
- *Dairy Queen Operators Association, et al. v. International Dairy Queen, Inc., et al.* (CPR Arbitrations) (defense of franchisor against multiple challenges to product supply and distribution practices, including bundling and below-cost pricing)
- *Reilly v. MediaNews Group* (N.D. Cal.) (federal antitrust suit to block organization of newspaper monopoly in San Francisco Bay Area)
- *Dagher v. Saudi Refining, Inc.* (N.D. Cal.; 9th Cir.; U.S.) (represented putative class of gas station dealers challenging joint venture of major oil companies)
- *The MLSonline.com, et al. v. Regional Multiple Listing Service of Minnesota, Inc.* (D. Minn.) (defense against antitrust challenge to rules enacted by real estate listing service)
- *Imation Corp. v. Quantum Corp.* (D. Minn.) (action for damages and injunctive relief for Sherman Act violations in the market for computer backup tape)
- *3M Corporation v. Appleton Papers, Inc.* (D. Minn.) (action for damages and injunctive relief for Sherman Act violations in carbonless paper industry)
- *Krist Oil Company, Inc. v. Bernick's Pepsi-Cola of Duluth, Inc.* (W.D. Wisc.) (defended beverage supplier in antitrust challenge to pricing and promotions practices)
- *In re Vitamins Antitrust Litigation* (Minn.) (represented defendant in multiple class actions brought in state and federal court alleging international price-fixing conspiracy)
- *In re Drug Pricing Litigation* (Minn.) (represented defendant in three class actions brought in state court against antitrust challenges to pricing practices in the pharmaceutical industry)
- *Collins, et al. v. International Dairy Queen, Inc. and American Dairy Queen Corp.* (M.D. Ga.; 11th Cir.) (defended franchisor against tying and monopolization claims brought by class of franchisees challenging franchisor's control of products supplied to franchise system)
- *Lovett, et al. v. General Motors Corp., et al.* (D. Minn.; 8th Cir.) (defense against Sherman Act Section 1 claims by dealer alleging horizontal price-fixing conspiracy joined by manufacturer)
- *In re Clozaril Antitrust Litigation* (N.D. Ill; S.D.N.Y.; J.P.M.L.; FTC) (represented defendant in unreasonable restraint and monopolization claims brought by two nationwide classes, attorneys general of 34 states, and separate action by Federal Trade Commission)
- *Phototron Corporation v. Eastman Kodak, et al.* (N.D. Tex.; 5th Cir.; U.S.) (represented plaintiff bringing claims under Sherman Act Sections 1 and 2 and Robinson-Patman Act)