Antitrust Cases

Examples of Antitrust Cases

In re TFT-LCD (Flat Panel) Antitrust Litigation (U.S. District Court, N.D. Cal.). Zelle was appointed by the multi-district litigation court to serve as co-lead class counsel for end-user consumers and businesses that purchased TVs, computer monitors, and laptop computer containing LCD screens alleged to have been the subject of one of the largest antitrust cartels in history. All-cash settlements totaling nearly $1.1 billion were reached with the defendants just before trial, leading to one of the largest consumer antitrust recoveries ever obtained.

In re Vitamin C Antitrust Litigation (U.S. District Court, E.D.N.Y.). Zelle represents one of the largest Chinese pharmaceutical groups in connection with federal and state antitrust class actions filed on behalf of direct and indirect purchasers of vitamin C. This complex, multi-district litigation is the first antitrust case brought against China-based companies in a U.S. court. Zelle defended its clients against claims that the Chinese vitamin C manufacturers fixed the price of vitamin C exported to the United States in violation of the Sherman Act. The Chinese vitamin C manufacturers raised an affirmative defense of foreign sovereign compulsion, contending that the alleged conduct at issue was compelled by the Chinese Government. All cases were consolidated in the Eastern District of New York for pretrial purpose and the federal direct purchaser case was tried in early 2013. Through trial and on the eve of closing arguments, Zelle successfully secured settlement for its clients with direct and indirect purchasers.

Vitamins Antitrust Litigation (U.S. District Court, D.D.C.). Zelle represented a major international food manufacturer as an opt-out plaintiff in a federal antitrust action against domestic and foreign manufacturers of bulk vitamins, vitamin premixes and other vitamin products used in the manufacture of food products. The complaint alleged that the manufacturers violated U.S. antitrust laws by, among other things, conspiring to fix prices, allocate sales and allocate customers. The matter was settled on a highly favorable basis to our client, for significantly more money than could have been achieved through the class action.
**Linerboard Antitrust Litigation (U.S. District Court, E.D. Pa.).** Zelle represented, as opt-outs, three major international food manufacturers in this federal antitrust action against integrated manufacturers of linerboard, corrugated medium, and corrugated containers. Recoveries exceeded the class action settlement value.

**EPDM Antitrust Litigation (U.S. District Court, D. Conn.).** Zelle represented a large corporate plaintiff, which opted out of a class settlement and pursued separate litigation in connection with an alleged conspiracy to fix prices and allocate market shares by manufacturers of EPDM, a synthetic rubber product.

**In re Cathode Ray Tubes (CRT) Antitrust Litigation (U.S. District Court, N.D. Cal.).** Zelle is counsel for plaintiffs in this antitrust class action on behalf of consumers and businesses in 22 states that bought television and computer monitor products containing Cathode Ray Tubes made by electronics manufacturing giants Samsung, LG, Panasonic, Hitachi, Toshiba and others. Zelle attorneys took the lead on researching, briefing and arguing plaintiffs’ class certification motion, which was granted and certified 22 statewide damages classes covering an 11 year class period. Zelle’s attorneys also handled all of the work with the economic experts and defeated the motion to exclude the expert’s testimony. Plaintiffs ultimately secured a $576.75 million all-cash settlement for the end-user plaintiffs.

**In re Automotive Parts Antitrust Litigation (U.S. District Court, E.D. Mich.).** Zelle serves on the Plaintiffs’ Executive Committee for the End-Payor Plaintiffs in this antitrust class action on behalf of consumers and businesses that bought vehicles containing auto parts systems made by defendant auto parts manufacturers. These cases involve alleged price fixing and bid rigging conspiracies pertaining to 28 different part systems and over 30 defendant company groups; it is one of the largest criminal antitrust investigations in history of the U.S. Department of Justice. Zelle attorneys were tasked to handle the economic experts for the plaintiffs.

**Air Cargo Antitrust Litigation (High Court of Justice, London).** Zelle represents a major international engineering and manufacturing company, shipping goods by air freight all over the world, in an antitrust lawsuit filed in the United Kingdom to recover the overcharges paid by the company as a
result of a conspiracy by several of the world’s biggest airlines to fix the prices for international air cargo shipping services.

**Diamonds - Sullivan et al. v. DeBeers et al. (U.S. District Court, D.N.J.).** Zelle represented plaintiffs in a class action lawsuit brought on behalf of purchasers of diamonds and diamond jewelry in the United States, alleging that the De Beers group of companies unlawfully monopolized the gem diamonds market. The court approved a class action settlement on April 14, 2008. The settlement created a $295 million Settlement Fund for resellers and consumers who purchased diamonds from January 1, 1994 through March 31, 2006. In addition, as part of the settlement, De Beers agreed to a stipulated injunction, which provides that De Beers will abide by federal and state antitrust laws, will not engage in certain specific conduct to control prices or restrict supply, and will submit to the Court’s jurisdiction for the purpose of enforcement of the injunction. The settlement was upheld by the Third Circuit’s December 20, 2011 en banc decision. On May 21, 2012, the U.S. Supreme Court denied the objectors’ final petition for review.

**Microsoft Antitrust Litigation.** Zelle brought Indirect purchaser antitrust class actions in state courts in California, Minnesota, Iowa and Wisconsin, alleging that Microsoft has illegally maintained a monopoly in the market for personal computer operating systems word processing and spreadsheet software. Zelle was Co-Lead Counsel in the Minnesota and Iowa cases, both of which were settled in the middle of trial. We were Liaison Counsel and Chair of the Executive Committee in the California case, and principal counsel in Wisconsin. These cases collectively settled for nearly $1.7 billion, a substantial portion of which went to provide computers and related products to lower-income school districts, in addition to compensating class members. These were the largest settlements of private state court antitrust cases in history.

**Smokeless Tobacco Antitrust Litigation (California Superior Court, San Francisco).** Zelle was a member of Plaintiffs’ Executive Committee in this action on behalf of a class of California indirect purchasers of moist snuff products. Plaintiffs alleged that U.S. Smokeless Tobacco monopolized the moist snuff market and engaged in restrictive and exclusionary acts in violation of California state antitrust laws. The case settled for $96,000,000. Under the
settlement, class member claimants received cash payments of up to $585. This settlement was one of the largest consumer class action settlements in California state court history, and provided a substantially better recovery to class members than court-approved settlements in related actions against U.S. Smokeless in Wisconsin, Michigan, Minnesota, Kansas, and a 13-state consolidated settlement in Tennessee. Those cases all settled for coupons for U.S. Smokeless moist snuff products rather than for cash payments to class members.

In re Lithium Ion Batteries Antitrust Litigation (N.D. Cal.). Zelle serves as court-appointed liaison counsel for a proposed class of direct purchasers of lithium-ion batteries, the dominant form of rechargeable battery found in a variety of consumer electronics. The defendant manufacturers are alleged to have formed a cartel to fix the prices of certain lithium-ion battery cells, in violation of federal antitrust law.

DRAM Antitrust Litigation (U.S. District Court, N.D. Cal.; California Superior Court, San Francisco). Zelle a member of plaintiffs’ Executive Committee, in a nationwide class action brought by indirect purchasers of DRAM. Plaintiffs allege that DRAM manufacturers conspired to fix the prices from April 1, 1999 through December 31, 2002. The case settled for almost $310 million in cash, plus injunctive relief.

Natural Gas Antitrust Cases (U.S. District Court, D. Nev.; California Superior Court, San Diego). Zelle was Co-Lead Counsel in the federal class action and a member of the Executive Committee in the state class action against marketers of natural gas in California, alleging violations of the Sherman Act, California Cartwright Act and the Unfair Competition Act. The actions were brought on behalf of direct and indirect persons and entities in California who purchased natural gas between January 1, 2000 and December 31, 2001, i.e., during the California Energy Crisis. The actions alleged that, among other things, the defendants and their co-conspirators engaged in a variety anticompetitive practices which raised interstate natural gas transportation prices, the bundled price of natural gas, spot natural gas prices, and natural gas market basis swap derivative settlement amounts in and for California. The federal class action ended with settlements totaling approximately $26 million, while the state class action resulted in settlements
totaling almost $165 million.

**Credit/Debit Card Tying Cases (California Superior Court, San Francisco).** Zelle is lead counsel for a class of California consumers of products and services from retail businesses that accepted and/or issued Visa and MasterCard payment cards, alleging that defendants’ violations of the California state antitrust and unfair competition laws resulted in higher prices for consumers. In April 2013, the Superior Court granted final approval to settlements totaling $31 million in cash with defendants.

**Pet Food Express Ltd. v. Royal Canin USA Inc. (N.D. Cal.).** Zelle represented Pet Food Express, a regional pet-supply retailer, in a breach of contract dispute with supplier Royal Canin where the supplier asserted counter-claims based on California unfair competition law. Zelle successfully obtained the district court’s dismissal of the counter-claims on a motion for summary judgment.

**El Sineitti v. ConocoPhillips Company (California Superior Court, San Francisco).** Zelle represented a major refiner and distributor of petroleum fuel products in defense of price-discrimination claims brought under California law by a former branded dealer gas station. Zelle successfully obtained summary judgment on behalf of its client, and secured a decision from California Court of Appeal affirming the judgment.

**Brand Name Prescription Drugs Antitrust Litigation (U.S. District Court, N.D. Ill.).** A federal antitrust action by plaintiff classes of retail pharmacists alleging price fixing of brand name prescription drugs by two-dozen of the world’s largest pharmaceutical manufacturers and wholesalers. The class obtained over $700 million in settlements, plus commitments with respect to future pricing practices.

**UK Cartonboard Matter (High Court of Justice, London).** A private antitrust action in the United Kingdom on behalf of an international food manufacturer alleging price-fixing by suppliers of packaging materials. Kellogg of Great Britain’s claims related to the defendants’ participation from mid-1986 until at least April 1991 in a European Community-wide price-fixing conspiracy, as a result of which Kellogg alleged that it was charged excessive prices for
cartonboard. Attorneys for Zelle negotiated a favorable settlement on its client's behalf.

**Cast Iron Soil Pipe Antitrust Litigation (U.S. District Court, N.D. Cal.).**
Zelle filed a direct purchaser class action against defendant manufacturers of cast iron soil pipe ("CISP") for violations of the federal antitrust laws. Plaintiffs allege a conspiracy among the defendants to fix prices for CISP from 2006 to the present, and that one defendant's acquisition and liquidation of a competitor's CISP business unlawfully decreased competition in the market for CISP.

**Transpacific Passenger Air Transportation Antitrust Litigation (U.S. District Court, N.D. Cal.).** Zelle represents purchasers of passenger air transportation services for international flights involving at least one flight segment between the United States and Asia/Oceania. Plaintiffs allege that defendant airlines conspired to fix the price of air passenger travel, including associated surcharges, beginning no later than January 1, 2000.