



## Corporate Plaintiff Affirmative Recovery

### PRACTICE CONTACTS

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Zelle attorneys were at the forefront of the affirmative recovery “opt-out” practice as it was first developing. In 1999, Zelle attorneys filed individual Sherman Act claims on behalf of over 150 individual plaintiffs in the *In re Vitamins Antitrust Litigation*, MDL No. 1285, and ultimately secured them settlements of \$2 billion. Since then, our team has successfully represented, through trial, numerous individual plaintiffs that have opted out of the class action to aggressively pursue single damages in the tens to hundreds of millions each. Zelle’s clients operate across a broad range of markets, including packaged foods, paper products, industrial products, financial instruments, and pharmaceuticals.

With a robust corporate recovery practice, we help clients recover losses suffered because of antitrust violations by their suppliers, competitors or other industry participants. We identify and assess the anticompetitive conduct, determine the scope of a client’s injury and the value of a potential claim, and recommend strategies to maximize recovery. In some cases, that might mean monitoring an existing class action and working with the claims administrator to maximize the value of the client’s claim in the settlement distribution process. In other situations, we might recommend that clients file individual actions (by “opting out” of the class action) when it is cost-effective to do so. The opt-out plaintiffs we represent typically recover two to three times what they would have recovered had they stayed in the class action and shared in the class recovery.