

## Antitrust Litigation

### Straight Talk Resolution of Antitrust Disputes

Antitrust is about balance—achieving competitive goals within the boundaries of the law. Andrews Kurth lawyers understand that striking that balance in business also entails recognizing and maximizing opportunities. When this leads to conflicts, that's where our straight talk comes in to play.

Experienced in multidistrict, federal and state antitrust litigation, and in governmental investigations, Andrews Kurth lawyers defend clients in antitrust inquiries and disputes and resolve high-stakes complex litigation. Our areas of representation include:

- Antitrust Disputes and Litigation
- Government Investigations
- Antitrust Counseling and Compliance and Training Programs

Our lawyers assist clients in responding to regulatory inquiries. We encourage the good faith efforts of clients and vigorously defend them in challenges, all while keeping overarching business goals in view.

Our litigation counsel helps global industry leaders in energy, financial services, transportation, food and manufacturing find a proper and workable balance.

Andrews Kurth lawyers, including our Antitrust Corporate practice group, work to protect clients' interests and reduce their liability exposure. At the helm of our practice is a veteran litigator and Fellow of the American College of Trial Lawyers. We have received wide recognition, including from *Chambers USA*, *Texas Super Lawyers* and *Texas Lawyer* for our exemplary trial outcomes and skillful management of complex antitrust challenges.

### Antitrust Disputes and Litigation

We have the experience and resources to litigate any civil or criminal antitrust matter. Andrews Kurth lawyers effectively represent clients in courtrooms and before government agencies. We defend clients in disputes alleging anticompetitive conduct and we assert their rights against the unfair conduct of others. Our record in antitrust litigation includes:

- **Price-Fixing Class Action Defense Victory**—Tried and won a price-fixing case brought against our client by more than 52,000 class members.
- **Class Action Certification Denied**—Defeated a motion for class certification in a price-fixing case.
- **Defense of Advertising and Promotional Practices**—Successfully defended the world's largest soft drink bottler in antitrust litigation relating to its advertising and promotional practices.
- **Antitrust Violations Dismissed**—Obtained dismissal of antitrust claims against a governmental entity accused of antitrust violations in connection with its participation in petitioning Congress to repeal the Wright Amendment.
- **Dismissal of Antitrust Claims Obtained**—Achieved pre-trial dismissal of federal and state antitrust claims against a beverage distributor and successfully defended the dismissal on appeal.

### Government Investigations

Federal and state antitrust laws give antitrust regulators the power to investigate companies and individuals regarding alleged anticompetitive conduct and merger and acquisition transactions.

While an effective compliance program is always our first defense, if clients receive civil investigative demands, subpoenas or information requests, we work with them to craft a proper response. We regularly represent a variety of companies in responding to government antitrust investigations.

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### Antitrust Counseling and Compliance and Training Programs

By thoroughly understanding our clients' businesses, we work to identify and help forestall actions that could raise competitive issues.

The strategies that we formulate evolve in the context of everyday business decisions, market forces and regulatory frameworks. Issues we regularly address include contractual, pricing and distribution concerns and interactions with customers, suppliers and competitors.

We create antitrust compliance and training programs for clients that do not have them and offer suggestions for improvements to existing ones.

To maintain the strength of compliance programs, we extend our resources to clients on an ongoing basis through educational seminars and programs on antitrust matters designed to help employees understand their legal obligations.

### Industry Experience in Antitrust

Andrews Kurth handles numerous antitrust civil and criminal investigations and trials. Our industry experience includes:

- Chemicals
- Electric Power Generation, including wind
- Energy
- Liquefied Natural Gas Transportation, Reliquification, Storage and Distribution
- Oil and Gas Exploration and Production
- Oil, Gas and Products Transportation, Storage and Distribution
- Oilfield Services and Equipment, including contract drilling
- Petroleum Refining
- Financial Services, including commercial banking and investment banking
- Food and Beverage
- Franchising
- Health Care
- Internet and e-Commerce
- Manufacturing
- Mining
- Publishing
- Commercial and Residential Acquisition
- Development and Ownership
- Telecommunications
- Transportation

Our experience across a wide range of industries furthers our efficient and strategic handling of antitrust litigation.

While many antitrust disputes can and should be resolved before trial, if the case proceeds to trial we have lawyers who are battle-tested at trial in significant antitrust cases.