

## Antitrust

Both law and policy come into play in antitrust matters. For that reason, our Antitrust Group brings together both stellar litigators and experienced policy advisors who take a well-rounded multidisciplinary approach to antitrust matters.

The Antitrust Group focuses on litigation in federal and state courts, and counseling and representation before the U.S. Department of Justice, the Federal Trade Commission, international antitrust enforcement bodies and U.S. Congressional Committees. For almost 20 years, our team has represented defendants in significant antitrust cases involving complex, multi-jurisdictional issues for both public and private companies. Our team also has significant experience representing plaintiffs in antitrust cases.

We handle both the criminal and civil issues that arise in antitrust disputes. This can involve representation of individuals or companies, and it can involve government investigations that lead to appearances in front of grand juries, congressional committees, state and federal courts, or government agencies. Members of our group have major case experience at all of these levels including successful representation in a major antitrust case before the U.S. Supreme Court.

Since competition varies from industry to industry, we leverage our experience in dozens of industries and across practice areas to assemble a team that meets your needs. The group is co-led by a former deputy assistant attorney general in the Antitrust Division of the U.S. Department of Justice, who also served as chief counsel and staff director of the U.S. Senate Judiciary Committee.

### **Representative Matters**

- Developed and conducted a consumer protection audit for public hospitality company in the time-share market. The audit entailed reviewing every consumer-facing aspect of the company's business including its compliance with state and federal consumer protection laws. Following the audit, conducted multiple training sessions for all of the company's consumer-facing employees and management.
- Successfully represented one of the largest health insurance companies in the country in a lawsuit alleging violations of the Sherman Act and Colorado Antitrust Act. Asserted counterclaims under the Sherman Act, Colorado Antitrust Act, Colorado Consumer Protection Act, and ERISA, in addition to various tort claims.
- Advised technology company regarding antitrust and related strategic acquisition issues.
- Represented client in putative class action lawsuit regarding disputed foreclosure practices and alleged violations of the Colorado Consumer Protection Act, the Fair Debt Collection Practices Act, and the Colorado Antitrust Act.
- Represents a number of oil and gas companies in obtaining state and local government land use and operating permits either through negotiation or litigation. Representation includes assisting companies in royalty, operating, and antitrust disputes with other operators.
- Multiple representations of directors of publicly traded corporation against stockholder derivative claims, including claims arising out of alleged usurpation of corporate opportunities, violation of stockholder approved stock incentive plans and "Revlon" type claims under Nevada law.
- Represented a private issuer in one of the first cases where the SEC issued a subpoena, pursuant to the new Dodd-Frank Act, to a company solely to assist the Hong Kong securities exchange with its investigation of a Hong Kong issuer.
- Defended a major gaming industry cash access supplier in a \$900 million antitrust litigation case brought by former executives.
- Represented Qwest (now CenturyLink) in lawsuits against multiple Competitive Local Exchange Carriers regarding switched access services.

- Part of litigation team that won dismissal of a Section 1 and Section 2 gas transportation antitrust case seeking more than \$100 million in Federal Court in Denver.
- Represented an individual in an international criminal antitrust investigation brought by the U.S. Department of Justice and European authorities in the worldwide shipping/freight-forwarding industry.
- Represented major sports unions in various matters including grievances and arbitration and general litigation.
- Represented Metalwest, one of six defendants, in a large antitrust case in Federal Court in Oklahoma City. The plaintiff, Champagne Metals, sought more than \$500 million in lost profits in damages, alleging a group boycott under Section 1 of the Sherman Act. After seven years of litigation, including an important decision by the Federal Appeals Court, the case settled during trial. *Champagne Metals v. Ken-Mac Metals et al.*
- Represented Qwest Communications in a nationwide consumer fraud class action in Madison County, Illinois, involving the Universal Services Fund (USF).
- Brownstein served as lead counsel for Qwest Communications in *Bell Atlantic v. Twombly*, a consumer class action antitrust case.
- Represented a class of temporary nurses in federal antitrust litigation against a state-wide hospital association and several individual hospitals in Arizona. The case resulted in a \$24 million settlement.
- Defended Aspen PHO in an antitrust investigation brought by the FTC for price fixing.
- Defended Coach (USA), a transportation company, in an antitrust case brought by hotel concierges under the California Cartwright Act for price fixing commissions for Coach tours in the San Francisco Bay area. *Abid v. Grosvenor Bus Lines, Inc. dba Coach USA et al.*
- Won a summary judgment while defending an antitrust action in the gaming industry.
- Represented United Airlines in an antitrust investigation by the Colorado Attorney General involving air service to rural airports in Colorado.
- Successfully defended Trans-Canada Pipeline, a large Canadian pipeline company, in a gas transportation antitrust case in Federal Court in Montana. *Paladin Associates v. Montana Power et al.*

## News & Events

- Affirmative Defenses and the Plausibility Pendulum
- Use of Big Data: Are Your Clients or You Violating the Law, Including Consumer Protection and Equal Opportunity Laws?
- Senate Extends Employee Whistleblower Protection to Antitrust Violations

### Meet The Team

Sarah Auchterlonie	Shareholder	T 303.223.1228	sja@bhfs.com
Richard B. Benenson	Managing Partner	T 303.223.1203	rbenenson@bhfs.com
Eric R. Burris	Shareholder	T 505.724.9563	eburris@bhfs.com
Justin L. Cohen	Shareholder	T 303.223.1254	jcohen@bhfs.com
Craig M. Finger	Associate	T 303.223.1135	cfinger@bhfs.com
Martha L. Fitzgerald	Shareholder	T 303.223.1472	mfitzgerald@bhfs.com
Alissa H. Gardenswartz	Shareholder	T 303.223.1207	agardenswartz@bhfs.com
Joshua A. Weiss	Associate	T 303-223-1268	jweiss@bhfs.com