

Practices

Antitrust and Trade Regulation

Stakes are high for businesses that fail to comply with antitrust laws — from federal and state criminal and civil investigations to costly civil litigation. Whether looking to grow through mergers and acquisitions or simply sustain operations in an increasingly competitive environment, businesses need highly experienced legal counsel to successfully avoid potential antitrust and trade regulation pitfalls.

Akerman's Antitrust and Trade Regulation practice advises businesses in all facets of antitrust law. We have broad experience prosecuting and defending antitrust lawsuits nationwide, including class actions and multidistrict litigation, as well as advising clients on how to structure transactions so as to avoid potential antitrust risk. Our lawyers also have a strong record of success in responding to civil and criminal investigations brought by federal and state enforcement authorities at all levels, including the U.S. Department of Justice (DOJ), the Federal Trade Commission (FTC), and the states' attorneys general.

Recognized by *U.S. News – Best Lawyers* as a national leader in antitrust law, we have a strong track record in advising clients and litigating claims under the Sherman Act, the Clayton Act, the Robinson-Patman Act, the FTC Act, and state antitrust statutes. We handle cases and advise clients on a broad range of issues, including restrictions on distribution, price fixing, bid rigging, market allocation, group boycotts, refusals to deal, tying arrangements, information exchanges, price discrimination, resale price maintenance, export

Connect With Us



Richard B. Brosnick

Partner, Litigation
+1 212 880 3834



Charles H. Critchlow

Partner, Litigation
+1 212 259 8770

Our Team

Related Work

Healthcare
Litigation
M&A and Private Equity
Trade Secrets,
Restrictive Covenants,
and Unfair Competition

joint ventures, and joint purchasing/buying cooperatives.

Our team provides antitrust counseling to businesses of all sizes, and prepares and implements antitrust compliance programs tailored to each client's specific business. We also assist clients with transactional issues related to mergers and acquisitions, including Hart-Scott-Rodino pre-merger notification, negotiations with state and federal regulators — both for clients seeking merger approval and clients opposing a merger — administrative filings, and corporate structuring.

What We Do

- Prosecute and defend antitrust lawsuits
- Design and implement antitrust education programs
- Conduct antitrust audits
- Respond to federal grand jury subpoenas and federal or state civil investigative demands
- Simultaneously respond to document demands and conduct witness interviews in multistate locations
- Prosecute and defend false advertising, unfair competition, and covenant-not-to-compete claims
- Premerger notifications and related investigations
- Structure and implement pricing and distribution plans, joint ventures, and other transactions in compliance with U.S. antitrust laws and, in cooperation with a trusted network of foreign counsel, competition laws overseas

Representative Experience

- Representation and defense of a U.S. affiliate of a multinational luxury goods supplier against allegations of no-poach agreements in the luxury retail employee sector in violation of Section 1 of the Sherman Act.

- Representation and defense of the U.S. subsidiary of an international cement and concrete company against civil price fixing and related conspiracy and class action claims, as well as in connection with a parallel state attorney general investigation.
- Representation and defense of a medical staffing company in Federal Trade Commission investigation of alleged no-poach and other practices related to staffing agreements.
- Representation and defense of an international consumer electronics company in obtaining the dismissal of claims of alleged collusion and attempted monopolization arising from its distribution practices and policies.
- Representation and counsel for international consumer electronics and other consumer goods companies with respect to authorized dealer programs and pricing and distribution practices, including minimum and maximum resale price maintenance, MAP programs, and Robinson-Patman compliance.
- Representation and counsel for several agricultural chemicals producer export joint ventures on a broad range of business law matters, including domestic and overseas competition compliance and risk mitigation.
- Representation of a vitamin C manufacturer in the first class action ever brought in U.S. court against Chinese companies.
- Counseling and strategic coordination of competition defense matters in multiple jurisdictions, including proceedings in Brazil, Venezuela, India, and South Africa.
- Representation of industrial chemical and insecticide producers in various merger reviews and related investigations before U.S. agencies.
- Pre-trial and trial defense of an electrical contractor in alleged price fixing and bid rigging

cases in multiple U.S. federal courts.

- Representation of a leading health services company in a multistate antitrust and consumer protection investigation relating to pharmaceutical pricing.
- Representation and counsel for a healthcare trade association related to FTC and state attorney general investigations of industry pricing practices and strategies.
- Preparation of Hart-Scott-Rodino filing and provided antitrust guidance on the formation of an industry coalition supporting the development and growth of the nature-based carbon removal market.
- Preparation of Hart-Scott-Rodino filing for and provided antitrust guidance to a biotechnology company in its de-SPAC transaction.
- Preparation of Hart-Scott-Rodino filings for and provided antitrust guidance to a global cannabis operator related to multiple acquisitions and divestitures.