

HeplerBroom's antitrust counsel approach each trade regulation matter with our client's business objectives firmly in mind. Our attorneys excel at antitrust problem-solving because we have depth of experience across the spectrum of issues involved in antitrust, distribution, and trade regulation matters. There is no substitute for our years of antitrust experience across a vast range of business sectors.* And when it comes to antitrust dispute resolution, our Midwestern-based antitrust lawyers offer economic and logistical advantages and value to our clients, regionally and nationally.

- Our areas of concentration include:
- Antitrust and Consumer Class Actions
 - Compliance/Government Enforcement
 - Distribution/Supply Relationships
 - Mergers & Acquisitions/Spinoff Ventures
 - Intellectual Property
 - International Antitrust Matters
 - Trade and Professional Associations
 - Unfair Trade Practices & Business Torts

Antitrust Litigation

Many plaintiffs bring antitrust actions with the hope of coercing a settlement under the threat of trial damages. What's different between HeplerBroom's Antitrust Law Group and other attorneys? **Our antitrust trial lawyers are actually that—trial lawyers, not trial preparers—who have actually tried complex antitrust cases to jury verdict and managed complex antitrust litigation.** We find the best approach to defend our clients includes:

- intelligent drafting with experienced antitrust trial counsel
 - early and continuous coordination with clients on strategy and goals
 - aggressive, firm, and direct dealings with plaintiffs' counsel
- We have a strong record of success on dismissal and summary judgment motions, but the capability to try the case to completion often makes the difference in securing victory.

HeplerBroom's antitrust lawyers have conducted significant civil and criminal antitrust litigation in both federal and state courts in a range of matters, including:

- conspiracy, resale price maintenance, dealer termination, indirect purchase, and monopolization claims under the Sherman Act
- exclusive dealing, tying, and requirements contract arrangements under the Clayton Act
- price discrimination claims under the Robinson-Patman Act

- defense of enforcement investigations and informal investigative proceedings with the Antitrust Division of the Justice Department and the Federal Trade Commission
- defending class certification in national antitrust class actions

When a client is victimized by antitrust violations, we provide a complete evaluation of all options and aggressively pursue the approach that fits the client's needs, whether it is a reference to government prosecutors, pursuit of private litigation (alone or as part of a class action), or negotiation of business terms to compensate for the injury. We have successfully prosecuted claims to recovery in excess of national class action settlement awards.

Antitrust Business Services

The best way to solve antitrust issues is to avoid them by proactively addressing them head-on in business planning. When "the facts are alive," we can help shape business conduct with advance planning to minimize or avoid antitrust risk. Our practice in this area has several dimensions.

- **Mergers and acquisitions, joint ventures, and strategic alliances**
These often involve questions concerning the legality of formation of the entity under increasingly close antitrust regulation. Some may require pre-merger notification under the Hart Scott Rodino Act and resolving competitive concerns by working with the Justice Department Antitrust Division or the Federal Trade Commission. Vertical restrictions on distributors, dealers, and sales representatives and development of suitable agreements to protect parties' interests are vitally important. Termination of distributors and dealers or modification of distribution channels—across a patchwork of state laws as well as federal antitrust law—require careful planning. Pricing determinations may also require antitrust guidance to avoid unlawful pricing and Robinson-Patman Act price discrimination problems. Collaborations and relationships with competitors and participation in trade associations and industry organizations pose their own special risks.

Antitrust compliance programs

One way to help companies and individuals understand and address key antitrust and trade regulation issues is through a sound antitrust compliance program. Our Antitrust Law Group has prepared individually tailored antitrust compliance programs for large and small, publicly- and privately held companies, including web-based compliance programs accessible to employees on their computers.

Creativity and experience is essential in structuring companies and transactions to avoid application of antitrust and trade regulation laws. Requirements contracts and exclusive dealing arrangements, refusals to deal, industry standard setting, competitive benchmarking, ancillary restraints (such as non-competition or non-solicitation agreements), and even unilateral conduct by firms with market power may create serious antitrust risks.

International Antitrust
Antitrust regulation and enforcement are no longer American monopolies. Hundreds of countries now have antitrust or competition laws that affect how companies do business overseas. Whether you're dealing with products distributed in the European Union or Viet Nam, importing products from China or Mexico, or setting up manufacturing operations in South Africa or Canada, competition laws apply to your business conduct. Antitrust and trade regulation principles across the globe are divergent in their application and meaning. Today, companies need counsel who are sensitive to international antitrust and have the ability to understand and develop solutions worldwide. Enforcement is vigorous in the EU and other countries, and breathtaking fines have been levied on American firms for conduct that would likely be legal under American antitrust analysis.

A sample of the business sectors we've represented in antitrust issues:

- agriculturalists
- animal pharmaceutical & food products
- automotive component manufacturers
- branded food manufacturers
- brewer & beer distributors
- building components manufacturers
- construction & electrical contractors
- construction equipment manufacturers
- consumer products manufacturers
- distributors & independent sales representatives
- electric utilities
- financial services
- food packaging manufacturers
- hospital systems
- hospital industry
- integrated health delivery systems
- internet-based publishers
- lime producers
- managed care organizations
- medical devices & technology
- military equipment manufacturers
- national franchise systems
- optics and lens manufacturers
- personal service companies
- pharmaceutical wholesalers
- physician practice groups
- plastics manufacturers
- professional & industry trade associations
- software developers

- Business & Corporate
- Class & Mass Tort Actions
- Healthcare