



## Antitrust

While any antitrust issue poses a “problem” for clients, antitrust and distribution litigation and planning require lawyers capable of finding the most economical and practical means of solving those problems.

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/Joint 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 treble 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.**

#### PRACTICE CONTACT

Glenn E. Davis

#### PROFESSIONALS

Charles N. Insler

We find the best approach to defend our clients includes:

- intelligent staffing 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 purchaser, 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
- defeating 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.

- **Transactional matters**

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.

HeplerBroom's antitrust group keeps pace with these developments and maintains relationships with leading firms in numerous foreign jurisdictions to be sure our clients' interests are protected.

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

- *advertising data services*
- *agribusinesses*
- *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*
- *hospitality 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*
- *personnel service companies*
- *pharmaceutical wholesalers*
- *physician practice groups*
- *plastics manufacturers*
- *professional & industry trade associations*
- *software developers*

## Case Results

SEPTEMBER 20, 2022

Davis Secures Dismissal of Client from Multidistrict Antitrust Case

## Insights

### News

SEPTEMBER 18, 2025 | FIRM NEWS

**Davis Appointed Co-Chair of Missouri Bar Committee**

AUGUST 21, 2025 | RECOGNITION

**19 HeplerBroom Attorneys Honored with Inclusion on 2026 Best Lawyers Lists**

AUGUST 15, 2024 | RECOGNITION

**28 HeplerBroom Attorneys Honored with Inclusion on 2025 Best Lawyers Lists**

MAY 21, 2024 | FIRM NEWS

**Bozarth Attends Global Insurance Summit**

NOVEMBER 2, 2023 | RECOGNITION

**HeplerBroom Included in Best Law Firms® 2024 Edition**

AUGUST 17, 2023 | RECOGNITION

**Three HeplerBroom Attorneys Named Best Lawyers' 2024 "Lawyers of the Year"**

AUGUST 17, 2023 | RECOGNITION

**28 HeplerBroom Attorneys Honored with Inclusion on 2024 Best Lawyers Lists**

NOVEMBER 3, 2022 | RECOGNITION

**HeplerBroom Ranked Nationally as a 2023 "Best Law Firm"**

AUGUST 25, 2022 | RECOGNITION

**Davis Named 2023 Best Lawyers' Lawyer of the Year**

NOVEMBER 4, 2021 | RECOGNITION

**HeplerBroom Ranked Nationally as a 2022 "Best Law Firm"**

AUGUST 19, 2021 | RECOGNITION

**Four HeplerBroom Attorneys Named Best Lawyers' 2022 "Lawyers of the Year"**

NOVEMBER 5, 2020 | RECOGNITION

**HeplerBroom Ranked Nationally as a 2021 "Best Law Firm"**

AUGUST 27, 2020 | FIRM NEWS

**Illinois Government Responses to Covid-19 Updated 8/27/2020**

AUGUST 25, 2020 | RECOGNITION

**Three HeplerBroom Attorneys Named Best Lawyers' 2021 "Lawyers Of The Year"**

AUGUST 21, 2018 | RECOGNITION

**Davis Named 2019 Best Lawyers® "Lawyer of the Year"**

NOVEMBER 1, 2017 | RECOGNITION

**HeplerBroom Ranked Nationally as a 2018 "Best Law Firm"**

AUGUST 22, 2017 | RECOGNITION

Davis and Tunney named 2018 Best Lawyers® "Lawyers of the Year"

FEBRUARY 14, 2017 | FIRM NEWS

Partner Glenn Davis to Lead Formation of Missouri Bar Antitrust Law Committee

NOVEMBER 1, 2016 | RECOGNITION

HeplerBroom Ranked a 2017 Tier 1 "Best Law Firm"

NOVEMBER 4, 2015 | RECOGNITION

HeplerBroom Included in 2016 U.S. News & Best Lawyers "Best Law Firms" Rankings

NOVEMBER 6, 2012 | RECOGNITION

HeplerBroom Included in 2013 U.S. News & Best Lawyers "Best Law Firms" Rankings

## Publications

MAY 11, 2021 | PUBLICATION

Insler Publishes Article on BIPA for American Bar Association

MAY 6, 2021 | PUBLICATION

Insler Published in State Bar Association Journal

SEPTEMBER 25, 2015 | PUBLICATION

Bauer and Guntli Published Hot Case Summaries for FDCC

FEBRUARY 7, 2014 | PUBLICATION

Davis Authors Chapter in ABA Antitrust Law Section Book

## Events

SEPTEMBER 18, 2025 | SPEAKING ENGAGEMENT

Four HeplerBroom Attorneys Featured at Illinois Municipal League Conference

SEPTEMBER 12, 2023 | SPEAKING ENGAGEMENT

Davis Presents Webinar on Intersection of Employment and Antitrust Laws

AUGUST 26, 2021 | SPEAKING ENGAGEMENT

Bozarth and Varadachari Spoke at Defense Trial Attorneys National Conference

JULY 14, 2020 | SPEAKING ENGAGEMENT

HB Attorneys Present Seminar for American Bar Association

MARCH 12, 2020 | SPEAKING ENGAGEMENT

Insler Discusses Illinois BIPA at National Conference

OCTOBER 26, 2017 | SPEAKING ENGAGEMENT

Davis Talks about Cybersecurity at SLU's Workforce Center IT Summit and Associated Industries of Missouri Annual Meeting

JUNE 19, 2013 | SPEAKING ENGAGEMENT

Davis Presents at DRI on Antitrust & Consumer Protection

## Blog Posts

FEBRUARY 15, 2024 | BLOG

The FTC's Annual HSR Threshold and Filing Fee Increases for 2024

SEPTEMBER 21, 2023 | BLOG

New Antitrust Merger Guidelines Portend Big Changes

SEPTEMBER 19, 2023 | BLOG

Dramatic Changes for Premerger Clearance is First in 45 Years

SEPTEMBER 7, 2023 | BLOG

New Guidance on Best Practices for Internal Investigations

APRIL 18, 2023 | BLOG

Cooperation with the Justice Department: The Rules are Changing

FEBRUARY 9, 2023 | BLOG

Hart-Scott 2023 Premerger Filing Fees Increase Substantially

FEBRUARY 25, 2020 | BLOG

A Large Merger, Acquisition or Joint Venture in Your Future? --Updated HSR Merger Notification Threshold Tests for Federal Antitrust Review Apply February 27, 2020

AUGUST 15, 2019 | BLOG

Antitrust Compliance Programs – Now More than Ever

FEBRUARY 26, 2019 | BLOG

No Poaching—New Meaning for Employers at the Intersection of Employment Practices and Antitrust

FEBRUARY 21, 2019 | BLOG

Contemplating a Sizable Merger, Acquisition or Joint Venture?--Updated HSR Merger Notification Threshold Tests for Federal Antitrust Review Apply in March 2019

JULY 16, 2015 | BLOG

Changing Creameries: A Look Inside France's Yogurt Cartel