Eversheds Sutherland crafts strategies to manage antitrust risks and represents clients in both government investigations and private litigation.

Eversheds Sutherland's antitrust attorneys work to ensure that our clients' business plans comply with antitrust and competition laws. They work hand-in-hand with our corporate and deal lawyers to ensure prudent business transactions avoid antitrust pitfalls. We advise on mergers, acquisitions, joint ventures, pricing, structuring of distribution systems and trade association activities. We also counsel on related issues of consumer protection and franchising.

We advise clients in investigations undertaken by federal or state authorities that run the gamut from merger second request investigations to criminal grand juries. We work to resolve matters expeditiously and effectively at the administrative level when possible, but are prepared to litigate before administrative agencies and state and federal courts. We also have a substantial background in private antitrust litigation, including the defense of putative class actions by direct and indirect purchasers based on theories of price fixing, bid rigging and market allocation.

Our practice deals with industries ranging from ball bearings to defense and aerospace, from hospitals to payment processing. We also advise clients in highly regulated industries, including energy, insurance, finance and health care, on specialized antitrust concerns and on the intersection of antitrust and other regulatory requirements.

**Why Eversheds Sutherland**

**Business-oriented advice.** Eversheds Sutherland provides preventive antitrust counseling to help clients avoid anticompetitive relationships with competitors that can pose serious civil and criminal repercussions. Subject to such limitations, Eversheds Sutherland antitrust attorneys endeavor when possible to provide sophisticated and aggressive advice that will permit the achievement of the client's business objectives without undue legal risk.

**Industry knowledge.** Our antitrust lawyers have intimate knowledge of our clients and the industries in which they do business. We leverage our industry knowledge to provide custom-crafted advice and solutions in a counseling context and to devise fact-based strategies and arguments in defending out clients' transactions from challenge.
Multidisciplinary strength. Some antitrust issues inevitably touch on matters such as finance, taxation and franchise-dealer relationships. Our broad practice allows us to draw upon the talents and training of lawyers who practice in those areas. The result is a seamless, coherent service that benefits our clients' bottom line.

Investigation management. We protect our clients at every turn during an antitrust investigation. We have substantial experience in defending against criminal grand jury investigations, as well as civil investigations conducted by the U.S. Department of Justice, the Federal Trade Commission, and state antitrust enforcement agencies, including second request and other merger investigations. Our extensive knowledge of the interests and concerns of various authorities means we can often resolve matters quickly and completely before the issues escalate.

Litigation and arbitration experience. When antitrust investigations yield action by the authorities, our clients benefit from our well-honed skills in both litigation and arbitration. We prepare and defend individual and class action cases, negotiate pleas and fines if appropriate, aid PR firms in reputation preservation or rehabilitation and work to recover damages from responsible parties.

Nuts and Bolts
In mergers, acquisitions and joint ventures, we are experienced in:

- Evaluating potential antitrust risks associated with transactions contemplated by our clients
- Structuring transactions to reduce antitrust risks or achieve other appropriate client objectives
- Preparing premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act and the Defense Production Act ("Exon-Florio")
- Handling second request and other investigations initiated by the U.S. Department of Justice the Federal Trade Commission and state antitrust enforcement agencies
- Defending the legality of transactions in litigation brought by the enforcement agencies or private parties

Our experience in horizontal restraints includes:

- Advising standard-setting organizations, trade associations, joint ventures and individual firms on the legality of contemplated standard-setting, pricing and other types of collective activities
- Structuring business arrangements to reduce antitrust risks
• Preparing compliance programs tailored to individual client needs and business characteristics
• Representing corporations and individuals in connection with grand jury investigations into possible criminal conduct
• Representing corporations and associations in connection with civil investigations by the U.S. Department of Justice, the Federal Trade Commission and state attorneys general
• Negotiating plea agreements to resolve criminal cases and consent orders to settle civil cases
• Defending the legality of business arrangements or other challenged activities in class action litigation as well as other civil proceedings brought by enforcement agencies or private parties
• Prosecuting treble damage actions on behalf of injured parties

Related matters include:

• Consumer protection and false advertising claims
• Business torts under state statutory and common law
• Compliance with rules governing the sale of franchises
• Restraints in patent, trademark, or other intellectual property licenses
• Interlocking directorates
• Competition issues arising in administrative proceedings before regulatory agencies in such industries as energy, insurance, healthcare, and financial services
• Legislative counseling and representation with respect to antitrust and trade regulation matters

Representative Industries include:

• Automotive
• Ball bearings
• Beverages
• Cable television
• Chemicals
• Colleges and universities
• Computer equipment and services
• Construction materials
• Consumer electronics
• Dairy products
• Defense and aerospace
• Electric generation and service
• Electronic voting
• Engineering services
• Engines
Financial services
- Food products
- Food service hardware
- Hazardous waste facilities
- Hospitals
- Industrial machinery
- Insurance and reinsurance
- Medical diagnostics
- Mining
- Natural gas and pipelines
- Non-food consumer products
- Nuclear plants, fuel and service
- Oil exploration, development and production
- Packaging materials
- Paper and forest products
- Paving and road construction
- Payment processing
- Pet food
- Pharmaceuticals
- Pipe
- Telecommunications
- Waste removal services

Take Action
Eversheds Sutherland’s end-to-end antitrust practice begins with sophisticated advice on mergers, acquisitions and other business transactions with the goal of balancing business objectives with the need for antitrust compliance. Clients rely on us to manage and effectively defend investigations, and to ensure the most vigorous litigation defense possible if matters should escalate.

Experience
Represents a Fortune 500 company in dozens of antitrust actions consolidated in an MDL proceeding alleging a conspiracy among insurance companies to set rates.

Represented Statoil, an oil company partially owned by the Kingdom of Norway, in disputes involving the international reach of US antitrust laws.

Lead counsel for British Nuclear Fuels plc in the $5.4 billion auction sale of its U.S. subsidiary, Westinghouse Electric Company, to Toshiba Corporation.