

Antitrust

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CONTACTS

Richard P. Sybert
Partner

OVERVIEW

GRSM offers skilled and experienced antitrust representation to business clients on both the litigation and counseling sides. Clients can expect solid and practical legal advice that recognizes the realities of doing business and the risks of certain proscribed conduct under both federal and state antitrust laws.

LITIGATION

The antitrust litigation practice at GRSM is characterized by the complexity of the cases we handle, proactive and preemptive advice and counseling, and our trial-ready approach with a proven history of

successful outcomes. Our matters often involve high-stakes private civil actions and parallel government investigations, novel theories, and multi-district and multistate litigation. We also bring to bear related experience in both state and federal claims which often find their way alongside antitrust claims, such as false advertising, unfair competition, franchise violations, misappropriation of trade secrets, infringement of intellectual property, and other business torts.

We organize and deploy our resources effectively and efficiently, giving our clients cost-effective results no matter the size of the litigation. At the outset of every engagement, we work to gain a thorough understanding of a company's business and business objectives with respect to the litigation. Competition problems vary from industry to industry, and there is no substitute for "getting down in the trenches" and learning the realities of each business.

We analyze all relevant facts at the beginning of each case to craft a careful and well-thought-out overall and cost-efficient approach, working alongside our clients to assess the strengths and weaknesses of legal and economic arguments, identify appropriate experts, and provide analysis and advice to determine the best litigation and, where advisable, settlement and resolution strategies.

COUNSELING AND COMPLIANCE

Antitrust law is complex and fact-intensive and presents unique and difficult challenges to businesses seeking to comply with the law and avoid liability. What may seem an obvious and logical business practice may be a "trap for the unwary" and in fact expose a company to significant risk. The acts or mistakes of a single employee can expose an entire company to the full range of federal and state antitrust liability including treble damages and attorney's fees in private actions, punitive administrative fines, criminal sanctions, shareholder actions, and exclusion from public procurement.

For these reasons, many routine business decisions and everyday commercial practice should be reviewed in advance for antitrust compliance through an antitrust audit process or otherwise. GRSM attorneys advise our clients on preventive steps and policies to mitigate these risks, integrating employment and business law skill with industry knowledge and familiarity with the client. Our attorneys have substantial experience in antitrust counseling on a wide range of issues, and many have both formal business training and have served as in-house counsel and managers.

Our attorneys provide counseling to many clients in the United States with respect to, *inter alia*, privacy, advertising, and consumer protection issues. We ensure that our clients will be thoroughly prepared for, e.g., Federal Trade Commission and state Attorney General investigations. We have handled inquiries relating to:

- Marketing of product names
- Labeling
- False and comparative advertising
- Celebrity endorsements
- Internet marketing issues
- Marketing and selling of weight loss products and dietary supplements
- Marketing of violent entertainment and food to children
- Fair Debt Collection Practices, including the Fair and Accurate Credit Transactions Act (FACTA)

We also deal with the Consumer Product Safety Commission and its regulations, franchise regulation, and other matters that are often intertwined with antitrust claims. Finally, we have experience in assisting clients in the accurate and timely filing of Hart-Scott-Rodino (HSR) pre-merger notifications with the FTC and the Antitrust Division of the Department of Justice.