

Antitrust & Trade Regulation

Related Practices

Class Action Defense
Health Care
Mergers & Acquisitions
Non-Compete, Unfair Competition and Trade Secrets
Securities

Related Industries

Automotive Government Policy & Practice
Automotive Industry Group

Overview

Dykema's antitrust and trade regulation team has the experience necessary to assist clients in preventing and addressing the full spectrum of potential antitrust and trade regulation issues. Composed of an interdisciplinary team of lawyers from our litigation, corporate, government policy, and intellectual property groups, we have the resources and expertise necessary to solve complex issues relating to the regulation of competition and trade.

We have successfully represented clients in a wide range of arenas, including regulatory, arbitration, and investigatory proceedings, as well as in state and federal courts throughout the United States. We have litigated a number of precedent-setting cases in state and federal trial and appellate courts involving issues of international jurisdiction, monopolization, mergers and restraints of trade.

Our attorneys have held positions with the U.S. Department of Justice, the Federal Trade Commission (FTC), and in state and national professional associations. Our team includes the current Chair and two past Chairs of the State Bar of Michigan Antitrust, Franchising and Trade Regulation Section as well as a recent United States Supreme Court law clerk. We routinely interact with state and federal regulators on matters involving investigations and adversarial agency proceedings. Our experience within the regulatory environment provides an enhanced perspective, benefiting our clients through more effective regulatory negotiations, litigation tactics and strategic advice. Our broad wealth of experience includes structuring transactions, business relationships, sales practices, pricing practices and internal processes to avoid antitrust and trade regulation problems.

We have also been instrumental in the formulation and implementation of important rules, policies and legislation, including the Hart-Scott-Rodino Antitrust Improvements Act of 1976, the Michigan Franchise Investment Law, and the Michigan Trade Secrets Act.

As a result of the collective experience of the team, the Firm is proud to be named the 2019 winner of the "Litigation of the Year – Cartel Defense" award by *Global Competition Review*.

Industry Focus

We have advised clients throughout the world in matters in a number of industries, including automotive, securities, finance, health care, medical devices, computer software and hardware, defense, home appliances, food and beverages, chemical manufacturing, sporting goods, transportation, energy, and a wide variety of other products and services.

The Dykema antitrust and trade regulation team is a team of choice for the automotive and manufacturing industries. We have represented automotive OEMs, Tier 1 and 2 suppliers and aftermarket parts manufacturers in the gamut of antitrust and trade regulation issues, including those associated with pricing, joint ventures, class action lawsuits, and dealer terminations. We also represent a number of suppliers involved in the recent criminal grand jury investigation into the automobile industry by the U.S. Department of Justice, European Union and other

regulators—the most expansive investigation in history—and in the related multi-district class action cases.

Antitrust Litigation

Our antitrust litigation experience includes representing corporate, trade association and individual clients in a number of high-stakes civil, criminal and administrative matters involving:

- Price-fixing, market allocation and bid-rigging.
- Mergers, acquisitions and joint ventures.
- Robinson-Patman price discrimination, predatory pricing and other price-related issues.
- Monopolization.
- Exclusive dealing and other vertical arrangements.
- Dealer, franchisee, and supplier terminations.
- Tying and bundling.
- Group boycotts.
- Antitrust issues arising from intellectual property disputes.

Antitrust Counseling and Compliance

Critical elements of our antitrust practice include prevention of future antitrust risks and helping clients to attain their business objectives by advising on matters such as:

- Structuring mergers, acquisitions, and joint ventures.
- Supervising trade association activities.
- Enforcing intellectual property rights.
- Structuring dealer relationships and effectuating dealer terminations.
- Identifying and preventing possible antitrust problems involving pricing, including effective implementation of minimum advertised pricing ("MAP") programs.
- Preparing pre-merger notification filings (under the Hart-Scott-Rodino Antitrust Improvements Act and foreign antitrust laws).
- Conducting antitrust reviews and internal investigations.
- Developing and implementing antitrust compliance programs and related training (formal and informal programs aimed at helping key personnel identify and avoid potential antitrust issues). For more information on Dykema's Antitrust Compliance Programs and Training [click here](#).

Trade Regulation

Our trade regulation litigation and counseling experience includes:

- Franchise regulation and compliance issues.
- Trade secret and non-competition issues.
- Advertising, product pricing, and labeling.
- Warranty matters.
- Sweepstakes and promotions.
- Specific rules and regulations governing certain industries, including petroleum distribution, automobile and equipment dealerships, securities, funeral services, manufactured housing, health care, and beer and wine distribution.

Publications

"Price Fixing: 'It Was the Machines, Sarah!'"

March–April 2019

The Journal of Robotics, Artificial Intelligence & Law, Vol. 2, No. 2, Full Court Press

"Major DOJ Antitrust Policy Shift On Immunity For Employees"

January 27, 2017

Law360

"Mea Culpa, Mea Culpa: The Antitrust Division Leniency Program"

Winter 2016

The Antitrust Lawyer

"The Supreme Court Turns Its Attention Back to Class Certification in Tyson Foods"

Winter 2016

The Antitrust Lawyer

"Stormy Weather: DOJ signals shift in corporate cooperation policy," Co-Author

September 22, 2015

Lexology

2012 Annual Review of Antitrust Developments, Contributor

March 2013

ABA Section of Antitrust Law

Speaking Engagements

Fireside Chat with Michigan AAG: *Antitrust, Franchise, and Trade Regulation Section Fall Forum*, State Bar of Michigan, Moderator

September 24, 2020

Dykema's 2020 SCOTUS Review and Preview

September 15, 2020

Effective Antitrust Compliance During the Covid-19 Crisis

July 21, 2020

Tales from the Antitrust Crypt: When and Why Some Cases and Transactions Take a Turn for the Worse

October 31, 2017