



# Antitrust Litigation

## Key Contacts



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## Overview

Combining deep experience with a willingness to litigate aggressively, O'Melveny's team of former federal prosecutors and antitrust regulators guides clients through every stage of a criminal proceeding, from preliminary investigation through potential government cooperation and all the way through trial.

To advance our clients' interests with antitrust prosecutors, we use diplomacy or create trial risks for the government, including taking the case to trial. With in-depth knowledge of the U.S. Department of Justice Antitrust Division's amnesty programs, we know their benefits for our clients, and how to defend clients when they are not in the programs.

## History of Success

O'Melveny has represented clients in virtually all the significant criminal antitrust investigations of the last 10 years. For most of those clients, no charges were ever filed and the investigation was not made public. In the few cases where DOJ did file charges, we were able to secure a very favorable resolution.

## Accolades

**"With its national coverage and depth of expertise, the**

firm's bet-the-  
company labor and  
employment  
litigation practice is  
very well known."

*Legal 500 US*

### **Precedent-Setting Cases**

We successfully defended a Japanese company in a precedent-setting criminal antitrust case that marked the first time criminal charges had been brought against wholly foreign conduct. In the case of *United States v. Nippon Paper Indus, Co., Ltd.*, 62 F. Supp. 2d 173 (D. Mass. 1999), we defended NPI in a six-week criminal price fixing jury trial. This case was first time that a federal grand jury indicted a company for its alleged involvement in a wholly foreign conspiracy. After the jury deadlocked, the district court granted NPI's motion for judgment of acquittal in a landmark ruling.

### **Broad Experience**

Our criminal antitrust experience is broad and varied. Along with conducting numerous internal investigations on behalf of domestic and foreign corporations of conduct that raises potential criminal and civil antitrust exposure, we have represented, among others: a foreign industrial chemical manufacturer in a grand jury investigation and parallel class actions alleging price-fixing; a high-level executive and Liquid Crystal Display panel manufacturer in connection with US DOJ Antitrust Division investigation; and an executive of a financial institution in antitrust and SEC investigations into bid-rigging allegations in the municipal finance industry.

## **Clients**

- Advanced Micro Devices, Inc.
- Asiana Airlines
- Capital One Financial Corporation
- Honeywell International
- Norsk Hydro ASA
- Precision Castparts Corporation
- Quest Diagnostics Incorporated
- SanDisk Corporation
- SK Hynix Inc.

## **Related Practices**

- Antitrust & Competition
- Antitrust Counseling & Compliance
- Criminal Antitrust
- Merger Clearance