

practice chair

Gary D. Sesser / Partner

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The partners in our Antitrust Practice Group have decades of experience counseling clients on complex antitrust questions and compliance issues, as well as representing clients in government investigations, both civil and criminal, and in private treble damage lawsuits. In addition, we advise and assist clients with their pre-merger notification obligations under Hart-Scott-Rodino as well as help them to address any inquiries or concerns from the U.S. Department of Justice or the Federal Trade Commission arising out of such filings.

Over the years we have helped clients with antitrust problems in diverse industries and businesses, from shipping to art authentication, from food additives to corporate aircraft. Issues we have addressed include allegations of price-fixing and illegal market allocation schemes, allegedly anticompetitive mergers, price discrimination under the Robinson-Patman Act, and associated common law claims, such as interference with contractual relations, covenants-not-to-compete, and distributor terminations. We also regularly advise on joint ventures, distributorship agreements, and other business arrangements.

We have assisted a major shipping line and its executives in obtaining full immunity from criminal prosecution under the Justice Department's Corporate Leniency Program. When the Antitrust Division attempted to revoke the immunity, the antitrust compliance program we had devised and implemented for the client was cited as a significant factor in the court's decision to uphold our client's immunity. Less fortunate executives from other shipping lines were sentenced to jail and their companies were fined tens of millions of dollars in connection with this international cartel investigation and criminal prosecution.

In keeping with the firm's multidisciplinary approach, we work closely with other groups in the firm – not only the Litigation Practice Group, but also the Corporate, Intellectual Property, Health Care and Maritime Practice Groups.