Steptoe’s cartel & conspiracies defense team (composed of lawyers in Brussels, London, and the US) defends companies in enforcement actions, including simultaneous investigations conducted by several agencies, and handles or coordinates follow-on or stand-alone civil damages litigation across multiple jurisdictions. Our team also conducts audits and confidential investigations of potential cartel violations.

The risks to clients are very significant: large corporate fines, private damages claims, personal criminal liability of company officials in the US and other jurisdictions, and potential debarment from national government and multinational agency procurement programs. We help clients with a wide range of risks and issues:

- Dawn raids by EU and other national authorities
- Responding to DOJ investigations and search warrants
- Amnesty/leniency applications
- Criminal and administrative investigations by US, EU, and national authorities
- Stand-alone follow-on civil damages litigation in US and EU Member States
- Compliance programs
Representative Matters

- We are defending Japanese auto parts maker Sanoh Industrial in the US DOJ’s criminal investigation of an international cartel involving steel tubes, as part of DOJ’s broader auto parts investigation. Rapid investigation uncovered and permitted an amnesty application, which was granted in 2015. We conducted the initial investigation, handled the amnesty application, and continue to advise regarding DOJ’s ongoing criminal case against a co-conspirator company, Maruyasu Industries. We also are handling the company’s defense of follow-on civil damages claims in the sprawling *In re Auto Parts Antitrust Litigation* pending in Detroit, MI.

- We successfully defended LG Chem in several cartel investigations by the US DOJ and the European Commission. Only one investigation, involving lithium-ion rechargeable batteries, resulted in an extremely narrow guilty plea in the US. The team handled initial defense of follow-on US civil damages claims. It has also successfully defended the company in follow-on litigation initiated by Microsoft Mobile Oy in the UK High Court.

- We recently acted before the UK Competition and Markets Authority (CMA) in an investigation into resale price maintenance allegations relating to Internet sales of ITW’s Foster commercial refrigerators. Our team was instrumental in securing a favorable settlement of the case with the CMA.

- We also recently secured a very favorable outcome for a client in an antitrust investigation by the Swiss Competition Authority. Our client was accused of preventing its authorized distributors from engaging in cross-border trade with Swiss retailers and of engaging in resale price maintenance practices. In light of our client’s responsiveness and cooperation with the investigators, the Swiss Authority closed its investigation in exchange for commitments.

- From 2006 onward, we have defended JAL in Air Cargo and Air Passenger government investigations in the US and Europe. We are still defending JAL in civil cases pending in the High Court in England in an action brought by many shippers against BA and other airlines alleging a global cartel to fix the prices of surcharges (principally fuel surcharges).

- Representative defenses of company officials include the head of international sales of Rubycon in the capacitors cartel, a high-level executive of Corning in the ceramic substrates auto parts matter, a Japanese executive of Denso in an auto-parts price-fixing investigation, an executive of Cliron Pharma in an ongoing generics pharmaceuticals price-fixing investigation, an American executive of Takata in an auto parts price-fixing investigation, and the senior executive in an ongoing investigation into Florida medical oncology market allocation practices.


- Defending Amadeus IT SA against claims alleging conspiracy among three global distribution systems to impose substantially similar terms to distribute airline tickets. The case involves complex regulatory questions and developments in high-technology markets.
News & Publications

PUBLICATIONS
Global Competition Law: Cartels
Lex Mundi
May 15, 2020
By: Patrick F. Linehan, Rachel B. Peck

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