

UNFAIR TRADE & ANTITRUST

Moore & Van Allen provides regular antitrust advice and preventive counseling to a number of clients engaged in traditional manufacturing, distribution, and retailing businesses and in specialized areas including health care, insurance, and financial services.

Representative topics on which the firm has provided recurring advice include general development and design of distributorship systems and policies; distributor terminations and substitutions; design and administration of pricing systems and pricing and advertising programs; issues arising out of trade association membership and activities; and matters arising from collaborative agreements among competitors. Many of the firm's clients have sought counseling on antitrust issues involving international sales and distribution practices.

The firm has significant experience in the antitrust aspects of mergers and acquisitions, including antitrust considerations that arise in the course of merger negotiations and due diligence, Hart Scott Rodino filings, the handling of "second requests," and the negotiation of remedial orders. The firm has also provided extensive advice and opinions with respect to antitrust aspects of joint ventures, both for research and development and for production and marketing, including structuring several joint ventures in regulated industries.

The firm's litigation practice embraces antitrust and unfair trade practice claims under federal and state law and in both federal and state courts. One of our lawyers is a founding member of the Antitrust and Trade Practices Law Section of the North Carolina Bar Association and currently serves on the Section Council. Some representative cases handled by the firm include:

- *State of South Carolina ex rel. Medlock v. National Council of Compensation Insurers, et al.* In this parens patriae case in South Carolina state court, the firm represented a national provider of workers' compensation insurance in a case alleging price-fixing in the servicing of assigned risk policies in South Carolina. The firm represented the same carrier in a similar suit in North Carolina state court.

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- *The Pantry, Inc. v. Murphy Oil Company, Inc.* The firm defended a retailer against claims alleging predatory below cost sales of gasoline in North Carolina.
- *Sancap Abrasives, Inc. v. Swiss Abrasives Marketing, Inc., et al.* The firm defended a large international manufacturer of industrial abrasives against Sherman Act conspiracy and monopolization claims.
- *National Mill, Inc. v. CoatsAmerican, Inc.* The firm defended the North American operations of a major international thread producer against Sherman Act Section 1 and 2 claims and price discrimination claims brought by a former competitor in the manufacturer of industrial thread products.