

NEWS

Moore & Van Allen Secures Acquittal for Client in High-Profile Federal Criminal Antitrust Case

Media
07.2022

Moore & Van Allen PLLC (MVA) is pleased to announce a major victory for its client, retired Pilgrim's Pride Corporation CEO Bill Lovette, in a high-profile federal criminal antitrust case brought by the Justice Department's Antitrust Division alleging a multi-year conspiracy to rig bids and fix prices in the national broiler chicken market in violation of the Sherman Act.

"Our client, Bill Lovette, should never have been charged," said MVA's lead counsel and White Collar Defense & Investigations Co-head John A. Fagg Jr. "We are pleased that the jury saw what we have known all along - that Bill Lovette is innocent. After three long trials over the last 10 months, justice prevailed for all ten defendants."

The first two trials, each lasting more than six weeks, ended in mistrials when the juries failed to reach a verdict on any one of the ten defendants. For the first time in its history, the Justice Department's Antitrust Division proceeded with an unprecedented third trial, which the government pursued against a smaller group of five defendants.

After more than a month of trial, including the Defense's aggressive, fact-based defense case that included complex economic expert testimony, the jury found Mr. Lovette and the other defendants not guilty after less than one day of deliberation. "The quick verdict in favor of all five defendants vindicates these innocent men's courageous decisions to fight the government's baseless charges," said Mr. Fagg.

In addition to Mr. Fagg, MVA's team representing Mr. Lovette included partners Frank E. Schall and James P. McLoughlin, Jr., and attorneys Kaitlin M. Price, Catherine R. Prater, Katherine Clarke McDiarmid, Fielding E. Huseh, Drew P. Newman, and Alexis T. Narducci, among others. According to Mr. McLoughlin, "this was a true team effort that showed the depth and talent of our white collar bench. The complexity and difficulty of bringing not one, but three antitrust conspiracy trials within 10 months to a successful conclusion against the resources and expertise of DOJ's Antitrust Division is a remarkable achievement." Mr. Schall added, "each one of our experienced lawyers played a pivotal role."

Joining MVA in the defense of Mr. Lovette was Dru Nielsen, a seasoned trial lawyer in Denver. Ms. Nielsen was a true partner with MVA's trial team.

The case began in June 2020 when four defendants were charged with participating in an alleged 8-year conspiracy among the nation's largest poultry producers to rig bids and fix prices for broiler chicken products. In October 2020, the government filed a superseding indictment adding our client and five other

MOORE & VAN ALLEN SECURES ACQUITTAL FOR CLIENT IN HIGH-PROFILE FEDERAL CRIMINAL ANTITRUST CASE

individuals. The first trial began in October 2021, and it was followed by a second trial in February 2022. Failing to win a single conviction in either trial, the government dismissed charges against five defendants, but continued its pursuit of the remaining five defendants in the extraordinary third trial. According to Mr. Schall, “we were disappointed and surprised that the Antitrust Division pressed forward with a third trial against our client, but we successfully responded as a team.”

All the MVA attorneys had the highest praise for the other defense counsel for their skills and unwavering commitment to working together for the benefit of all clients. Mr. Fagg commented, “the camaraderie was a professional highlight for all of us.”

Mr. Fagg concluded, “In the end, justice prevailed. Although neither Bill nor the other defendants should have had to endure this two-year nightmare, we couldn’t be happier that the jury came back so quickly with a just result.”

The case is *U.S. v. Penn, et al.* (Case No. 1:20-cr-00152) in the U.S. District Court for the District of Colorado.