

## Services

### Antitrust and Trade Regulation

#### Practice Contact

Kenneth J. Rubin

#### Attorneys

Alycia N. Broz

Laura E. Erdman

Kimberly Weber Herlihy

Douglas R. Matthews

Timothy B. McGranor

James J. McMonagle

Adam L. Miller

Kara M. Mundy

Danielle S. Rice

Jabari A. Shaw

Nina I. Webb-Lawton

Robert N. Webner

James A. Wilson

Rebecca "Elissa" Wilson

#### Areas Of Concentration

Antitrust and Trade Regulation  
Litigation

Vorys lawyers start with the premise that to serve our clients, we need to understand their business, their needs and their objectives. This approach has allowed us to develop a nationally-recognized antitrust practice encompassing litigation, civil and criminal investigations, and counseling. We have substantial experience in related trade regulation issues such as non-competition, trade secret and dealer termination litigation. We also have broad experience counseling clients about a myriad of antitrust issues, in a wide variety of industries.

Our firm's antitrust experience is reflected in the **significant leadership positions** its lawyers have held in the **Antitrust Sections of the American Bar Association and the Ohio State Bar Association**. Our lawyers regularly speak at business and bar programs on a variety of antitrust issues, including the variety of issues arising in the payments space, as well as **teach at the law school level**.

### What We Do

#### Counseling

Antitrust issues arise in every industry, in many different situations – such as when businesses decide pricing, consider mergers or attend trade association meetings. When our clients come to us with an antitrust concern, they want rapid, practical and balanced advice. Our antitrust lawyers respond with prompt, reasoned and real solutions that our clients can put into action.

We counsel, among others:

- Trade associations about compliance, benchmarking and standardization
- Online libraries about product pricing
- Manufacturers about contract provisions
- Retailers about distribution issues, including dealer terminations, advertising restrictions, and pricing and discount programs
- Medical providers about joint ventures and other cooperative alliances

- International companies about structuring acquisitions and ancillary restraints
- An auto manufacturer about purchasing practices
- Franchisors about pricing policies for franchisees
- Airlines on joint buying groups

Our lawyers have a broad spectrum of experience combined with good business judgment that can prevent a concern from becoming a crisis. Our antitrust counselors also are antitrust litigators who have first-hand experience with the real-life consequences of antitrust challenges.

Our clients want to plan ahead, anticipate and avoid potential problems. Our antitrust counselors help to develop cost-effective compliance planning and training programs that are targeted specifically to our clients and their industries. We work with our clients' business people to determine what antitrust issues may arise and to inform and strategize with our clients on how to avoid or minimize antitrust risks.

### Mergers, Acquisitions and Joint Ventures

Our attorneys have substantial experience in handling mergers and acquisitions and in resolving the concerns of antitrust enforcers about mergers and acquisitions. Some of the significant matters we have handled recently include:

- We represented a major manufacturer in a post-acquisition investigation concerning its acquisition of several competitors
- We represented a number of clients in Department of Justice and Federal Trade Commission investigations of mergers and acquisitions, including a major manufacturer of lawn care products, a manufacturer of high pressure cylinders, and a manufacturer of porcelain enamel frits.
- We represented clients in opposing clearance of transactions in the credit reporting and plastic manufacturing industries.

Our attorneys also regularly counsel clients in the creation of joint ventures in a wide variety of industries, including health care, manufacturing and food services. To learn more about our mergers and acquisitions practice, [click here](#).

### Health Care

Health care has become a focus of antitrust regulatory enforcement efforts and private litigation in recent years. As health care providers join together in networks, regulators often will scrutinize those alliances to determine their effect on prices and consumer choice. Prescription drug prices and availability also are matters of great concern to regulators and private entities. At present, no other field is as closely watched for antitrust issues as health care.

Our lawyers represent a broad spectrum of clients in the health care field, including insurance companies, pharmaceutical manufacturers, hospitals, and other medical providers. As a result, we have experience in the wide range of areas in which health care antitrust issues may arise. Our involvement in counseling, government investigations, and litigation in the health care area includes the following examples:

- We represented a major health care insurer in arbitration with a hospital relating to a “most favored nations” clause
- We defended a university-affiliated hospital in litigation with a terminated physician
- We defended a major health insurance company in precedent-setting litigation regarding physician control of health insurance companies
- We successfully represented, at trial and on appeal, a major health insurance company challenging territorial restrictions imposed on it by a national trade association
- We defended a pharmaceutical manufacturer in multidistrict litigation involving alleged price fixing
- We counsel medical groups on forming alliances with other groups and the degree of integration needed to survive antitrust scrutiny
- We counsel hospitals regarding medical staff privileges issues
- We counsel hospitals on use of exclusive contracts for providers

To learn more about our health care practice, [click here](#).

### News

[News, 12.29.2023](#)

More Than 30 Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars List

[News, 11.2.2023](#)

Vorys Receives 72 Tier One Rankings on 2024 Best Lawyers "Best Law Firms" List

[News, 10.9.2023](#)

74 Vorys Attorneys Included in 2023 *Columbus CEO's* Best Lawyers

[News, 10.6.2023](#)

Shaw Selected for the 2024-2025 Right of Publicity INTA Committee

[News, 6.1.2023](#)

Thirty-Three Vorys Attorneys Ranked in 2023 *Chambers USA* Guide

[News, 4.18.2023](#)

Shaw Receives 2023 Cincinnati Bar Association Young Lawyers Section Leadership Award

[News, 11.3.2022](#)

Vorys Receives 69 Tier One Rankings on 2023 *U.S. News – Best Lawyers* "Best Law Firms" List

[6.29.2022](#)

59 Vorys Attorneys Included in 2022 *Columbus CEO's* Best Lawyers

[6.16.2022](#)

Vorys Professionals Receive Awards at the CMBA 2022 Annual Meeting

6.1.2022

Thirty-Three Vorys Attorneys included in 2022 Chambers USA Guide

News, 1.3.2022

Vorys Elevates 13 to Partner

News, 11.4.2021

Vorys Receives 81 Tier One Rankings on 2022 U.S. News – Best Lawyers "Best Law Firms" List

News, 8.19.2021

116 Vorys Attorneys Named to 2022 *Best Lawyers in America* List; 34 Vorys Attorneys Named to *Best Lawyers*' "Ones to Watch" List

News, 5.20.2021

Thirty-Three Vorys Attorneys included in 2021 Chambers USA Guide

News, 11.5.2020

Vorys Receives 68 Tier One Rankings on 2021 U.S. News – Best Lawyers "Best Law Firms" List

News, 8.20.2020

112 Vorys Attorneys Named to 2021 *Best Lawyers in America* List; 26 Vorys Attorneys Named to Best Lawyers' Inaugural "Ones to Watch" List

News, 4.23.2020

Thirty Vorys Attorneys included in 2020 *Chambers USA* Guide

News, 11.7.2019

Vorys Receives 66 Tier One Rankings on 2020 U.S. News – Best Lawyers "Best Law Firms" List

News, 8.15.2019

More Than 100 Vorys Attorneys Named to 2020 Best Lawyers in America® List

News, 11.1.2018

Vorys Receives 77 Tier One Rankings on 2019 U.S. News – Best Lawyers "Best Law Firms" List

News, 8.15.2018

More Than 100 Vorys Attorneys Named to 2019 Best Lawyers in America® List

News, 12.5.2017

56 Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars List

News, 10.31.2017

Vorys Receives 70 Tier One Rankings on 2018 U.S. News – Best Lawyers "Best Law Firms" List

News, 8.17.2017

More Than 100 Vorys Attorneys Named to 2018 The Best Lawyers in America® List

News, 11.1.2016

Vorys Receives 71 Tier One Rankings on 2017 U.S. News- Best Lawyers "Best Law Firms" List

News, 8.15.2016

More Than 100 Vorys Attorneys Named to 2017 The Best Lawyers in America® List

News, 5.27.2016

Thirty-Six Vorys Attorneys included in 2016 *Chambers USA* Guide

News, 12.2.2015

More Than 60 Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars List

News, 11.2.2015

Vorys Receives 67 Tier One Rankings on 2016 U.S. News- Best Lawyers "Best Law Firms" List

News, 8.17.2015

More Than 100 Vorys Attorneys Named to 2016 The Best Lawyers in America® List

News, 5.19.2015

Thirty-Nine Vorys Attorneys included in 2015 *Chambers USA* Guide

News, 12.3.2014

More Than 70 Vorys Attorneys Included on 2015 Ohio Super Lawyers and Rising Stars List

News, 11.3.2014

Vorys Receives 63 Tier One Rankings on 2015 U.S. News - Best Lawyers "Best Law Firms" List

News, 8.18.2014

Seven Vorys Attorneys Named 2015 Lawyers of the Year by Best Lawyers

News, 8.18.2014

More Than 100 Vorys Attorneys Named to 2015 The Best Lawyers in America® List

News, 5.23.2014

Thirty-nine Vorys Attorneys included in 2014 *Chambers USA* Guide

News, 11.1.2013

Vorys Receives 64 Tier One Rankings on 2014 *U.S. News* - Best Lawyers "Best Law Firms" List

News, 8.14.2013

Ten Vorys Attorneys Named 2014 Lawyers of the Year by Best Lawyers

News, 8.14.2013

More Than 100 Vorys Attorneys Named to 2014 *The Best Lawyers in America*® List

News, 5.24.2013

Thirty-nine Vorys Attorneys included in 2013 *Chambers USA* Guide

News, 12.17.2012

Vorys Attorneys Recognized as 2013 Ohio Super Lawyers and Rising Stars

News, 11.1.2012

Vorys Receives 63 Tier One Rankings on 2013 *U.S. News - Best Lawyers* "Best Law Firms" List

News, 8.23.2012

126 Vorys Attorneys included in the 2013 *The Best Lawyers in America*® List

News, 6.7.2012

Thirty-five Vorys Attorneys Listed in 2012 Edition of *Chambers USA*

News, 10.5.2011

Eleven Vorys Attorneys Named 2012 "Lawyer of the Year" by Best Lawyers®

News, 9.6.2011

More than 100 Vorys Attorneys named on 2012 *The Best Lawyers in America*® List

News, 6.10.2011

26 Vorys Attorneys Featured in 2011 Edition of *Chambers USA*

News, 3.17.2011

72 Vorys Attorneys Recognized as 2011 Ohio Super Lawyers and Rising Stars

News, 12.22.2010

Wilson Quoted in *USA Today* Article "States Try to Counter Supreme Court's Minimum-Price Ruling"

News, 11.3.2010

Wilson Quoted in *Competition Law360* Article "Antitrust Policy to Face Scrutiny Post-Election"

News, 9.17.2010

Vorys Ranks in 26 Categories in Inaugural *U.S. News – Best Lawyers* "Best Law Firms" List

News, 8.11.2010

Vorys Prevails in Price-Fixing Case

News, 8.9.2010

Vorys Ranked #1 Law Firm in Ohio on 2011 *Best Lawyers in America*® list

News, 6.24.2010

27 Attorneys Recognized in 2010 *Chambers USA*

News, 4.6.2010

27 Vorys Attorneys Recognized in 2010 *Chambers USA*

News, 1.20.2010

Wilson Quoted in *Competition Law360* Article "Top Antitrust Deals in '09 Have Enforcement Tie"

News, *Competition Law360*, 1.5.2010

Wilson Quoted in *Competition Law360* Article "Antitrust Litigation Recedes from Peak in 2009"

News, 1.5.2010

Vorys Elevates Two Attorneys to Partner

News, 12.22.2009

54 Vorys Attorneys Recognized as 2010 Ohio Super Lawyers

News, 12.22.2009

Nine Vorys Attorneys Selected As 2010 Leading Lawyers By *Cincy Magazine*

News, 12.22.2009

20 Vorys Attorneys Named Ohio Rising Stars

News, *Forbes Magazine*, 6.3.2009

Wilson quoted in "Prisoner's Dilemma," appearing in *Forbes Magazine*

News, *PC World*, 5.19.2009

Wilson quoted in *PC World* article "EBay, Others Want End to Retail Price-fixing"

News, 5.11.2009

Wilson quoted in *Competition Law360* article "Varney Signals Tough Stance on Monopoly Rules"

News, *The Daily Reporter*, 4.3.2009

Capital Law presentation to feature chair of ABA's Section on Antitrust Law

News, *BNA Antitrust & Trade Regulation Report*, 4.3.2009

Wilson quoted extensively in "ABA Chair's Showcase Probes Effects of Faltering Economy on Enforcement"

News, *BNA Antitrust & Trade Regulation Report*, 4.3.2009

Wilson quoted extensively in "ABA Antitrust Spring Meeting Ends With Enforcers' Views on Challenges"

News, *E&ETV*, 3.25.2009

Wilson discusses Federal Trade Commission priorities on market manipulation, OPEC

News, *The National Law Journal*, 3.23.2009

Wilson quoted in *The National Law Journal* article "FTC Ruling A Warning To Trade Groups: Rare Consent Order A Wake-Up Call To Upgrade Compliance Practices"

News, 12.19.2008

Wilson quoted in *Competition Law360* article "Competition Cases to Watch in 2009"

News, *The National Law Journal*, 12.9.2008

Wilson quoted in *The National Law Journal* article "Scrutiny of Mergers May Increase Under Obama Administration"

*News, Focus Washington, 11.21.2008*

Jim Wilson discusses upcoming changes in antitrust law on "Focus Washington" with Chuck Conconi

*News, 3.19.2007*

28 Vorys Attorneys Named Leading Lawyers for Business by *Chambers USA*

## Publications

*Client alert, 1.13.2023*

FTC Proposes Rule to Ban Non-Compete Agreements

*Client alert, 1.12.2023*

FTC Reportedly Pursuing Robinson-Patman Act Violations

*Authored article, LexisNexis Practical Guidance Practice Note, 9.9.2021*

Robinson-Patman Act: Advertising and Promotional Allowances and Services

*Client alert, 10.23.2019*

*Client Alert:* Jury Clears 5-Hour Energy of Liability for Antitrust Violations, But the Damage Is Done

*Client alert, 11.4.2016*

*Labor and Employment Alert:* Department of Justice Warns HR Professionals of Their Individual Liability for Antitrust Violations

*Authored article, 4.26.2011*

Extradition: The New Sword or the Mouse that Roared?

*Client alert, 12.1.2010*

*Client Alert:* Accountable Care Organizations: What About Antitrust Risks?

*Client alert, 12.1.2010*

West Penn Allegheny Health System, Inc. v. UPMC: Third Circuit Finds Conspiracy and Attempt to Monopolize Claims Meet the Test

*Client alert, 9.28.2010*

*Client Alert:* The Akzo Nobel Decision: A Warning to the Unwary

*Authored article, 7.1.2009*

"First Do No Harm: The Discount Protection Consumer Protection Act and the Potential Procompetitive Effects of Resale Price Management"

*Authored article, 5.19.2009*

James A. Wilson's testimony on behalf of the American Bar Association relative to the Discount Pricing Consumer Protection Act

## Speaking Engagements

Event, 5.14.2024

Advanced Analytics, AI and the Federal Proposal Process

Event, 3.5.2024

Webinar: Legal Considerations for Navigating Endorsement and Promotional Activities

Event, 11.27.2023

University of Cincinnati, Lindner School of Business Guest Lecture

Event, 9.13.2023

AF&PA Fall 2023 General Counsels Coordinating Committee Meeting

3.9.2020

Health Care Law Meeting

1.14.2020

Merchant Lawsuits Against Visa and Mastercard

9.4.2019

10th Law of Shale Plays Conference

8.23.2019

Category Management Association (CMA) Webinar

2.7.2019

Mediation Training

5.9.2018

Pricing, Promotions and Your Antitrust Exposure: What you Need to Know About the Robinson-Patman Act

5.1.2014

The Foreign Corrupt Practices Act: Compliance and Investigations

Ohio State Bar Association Annual Convention 2014

3.30.2011

American Bar Association Section of Antitrust Law Spring Meeting

Presented by the American Bar Association

2.16.2011

"Most Favored Nation" Clauses in Health Care: What is All the Fuss About?

2011 Health Care Teleseminar Series

4.21.2010

Antitrust Law 2010 Spring Meeting

Presented by the American Bar Association

2.10.2010

International Cartel Workshop

Presented by the American Bar Association

11.12.2009

Current Issues in Commercial Law and Litigation

Presented by Vorys, Sater, Seymour and Pease

10.16.2009

6th Annual Business and Tax Institute

Presented by Capital University Law School