

News

BCLP ANTITRUST TEAM NOTCHES NINTH CIRCUIT APPELLATE WIN

Aug 04, 2023

A cross-office team of BCLP antitrust lawyers led by Partner Charles Tompkins (Washington, D.C.) secured a win at the Ninth Circuit Court of Appeals on behalf of firm client Flex (f/k/a Flextronics) and its affiliates.

Flex has alleged that defendants engaged in an international conspiracy to fix the prices of inductors, a ubiquitous component of electronic circuits that can be found in smartphones, personal computers, video game consoles, televisions, automotive applications, and many other electronic products.

At the district court, BCLP faced two different motions to dismiss Flex's Fourth Amended Complaint: one filed by the three defendants identified as cartel participants by the amnesty applicant, and one filed by the three other, remaining defendants. After briefing and argument on the motions to dismiss, the BCLP team resolved the actions against the three amnesty-identified defendants before the District Court granted the motion to dismiss filed by the three remaining defendants.

BCLP appealed the decision to the Ninth Circuit, arguing that Flex's complaint properly alleged both parallel pricing by the three remaining defendants and sufficient "plus factors" weighing in favor of the complaint's plausibility. After briefing and oral argument, a three-judge panel overturned the district court order and gave a sweeping victory to Flex, holding that the complaint not only alleged parallel pricing but also successfully alleged at least five "plus factors" making Flex's price-fixing claim plausible.

Along with Charles, the team included Partners J.C. André (Santa Monica) and Lindsay Sklar Johnson (Atlanta), Counsel Joseph Poppen (San Francisco), and Associates Emilee Hargis (St. Louis), Ashley Hyun-Jeong Kim and Evan Boyle (Chicago), and Brooke Ingoglia (Atlanta/Dallas).

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