

Antitrust



Selendy Gay Elsberg's antitrust experience includes representing both plaintiffs and defendants in litigation, advising and defending clients in government enforcement actions, and dealings with competition law agencies in the United States and the European Union.

We invest in long-term relationships with our clients, developing an in-depth understanding of each client's business and the broader industries in which it operates so that we can offer advice that is effective and responsive. As students of our clients' businesses, we come to the table with a complete understanding of the issues our clients face in matters of competition. Our lawyers have counseled on high-level business strategies; mergers, including related litigation; antitrust investigations; threats of litigation; and challenges to other companies' anticompetitive practices.

We combine our deep knowledge of antitrust law with an industry-leading expertise in trial strategy and effective dispute resolution. By approaching each matter as if it will go to trial, we are fully prepared to defend or prosecute any litigation matter, and handle any required appeals, if necessary. This trial focus also allows us to provide sharper strategic advice and often achieve favorable settlements that make trial unnecessary.

Our representative engagements include:

- **American Federation of Teachers**, a public servants union, and other investors in the U.S. Department of the Treasury against most major money center banks (including Goldman Sachs, Merrill Lynch, Barclays, Citigroup, and others) in a class-action litigation alleging the rigging of the \$13 trillion securities market and alleging violations of the Sherman Act based on collusion.
- **Discover Financial Services**, a financial services company and operator of Discover Bank, in a complex antitrust suit against Visa and MasterCard that settled on the eve of trial in favor of client for \$2.75 billion.
- **Pulse Network LLC**, a subsidiary of Discover Financial Services, in the prosecution of its antitrust case against Visa for the monopolization and attempted monopolization of the market for debit card network services.
- **Connecticut General Life Insurance Co.**, a managed care company, as defendant in a suit seeking over \$1 billion in damages. Secured dismissal of antitrust and RICO claims regarding payment of out-of-network benefits.
- **YES Network**, an American television network, in claims against Cablevision for restricting viewership of the Yes Network, citing monopolization under Section 2 of the Sherman Act. We ultimately established essential facility, resulting a favorable deal in which Cablevision would broadcast the network's programs to 3 million subscribers with significantly fewer restrictions.
- **Ticketmaster Entertainment Inc.**, an American ticket sales and distribution company, against claims brought by MovieFone alleging that Ticketmaster tried to quash MovieFone's move into the concert business by interfering in its public offering and intimidating potential investors.