

## Cases of Note

### ***IN RE: DYNAMIC RANDOM ACCESS MEMORY (DRAM) ANTITRUST LITIGATION (N.D. CAL., 9TH CIR.)***

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Eimer Stahl is defending Korean semiconductor supplier SK hynix Inc. and its American subsidiary SK hynix America, Inc. against state and federal antitrust claims alleged by putative classes of direct and indirect purchasers of DRAM, a type of semiconductor memory. The indirect-purchaser complaint has been dismissed with prejudice; that dismissal is currently on appeal to the Ninth Circuit. The direct-purchaser complaint was also dismissed, and a motion to dismiss their amended complaint is currently pending in the Northern District of California. Partners Nate Eimer and Vanessa Jacobsen are the lead attorneys on the case, assisted by Stakeholders Brian Chang and Jacob Hamann.

### ***IN RE: INTERIOR MOLDED DOORS ANTITRUST LITIGATION (E.D. VA.)***

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Eimer Stahl partners Vanessa Jacobsen and Nate Eimer are lead trial counsel for Masonite Corporation, along with partners Ben Waldin and Alec Solotorovsky, and Stakeholder Greg Schweizer, in multiple antitrust class actions filed in the Eastern District of Virginia in 2018. At issue is whether Masonite participated in a conspiracy with its competitor, JELD-WEN, to raise, fix, maintain and/or stabilize the prices of interior molded doors. The plaintiffs contend that this alleged coordinated effort purportedly caused purchasers to pay artificially inflated prices for interior molded doors. The plaintiffs purport to represent classes of direct and indirect purchasers of interior molded doors from Masonite and JELD-WEN. The litigation is currently in the class certification phase.

### ***CROP INPUTS ANTITRUST LITIGATION (S.D. ILL., D. MINN.)***

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Two teams of Eimer Stahl attorneys are defending antitrust complaints brought on behalf of putative classes of purchasers of seeds and crop-protection chemicals such as fungicides, herbicides, and insecticides used by farmers. The complaints allege that certain manufacturers, wholesalers, and retailers of crop inputs conspired to fix the prices of those crop inputs and to boycott and prevent electronic platforms from competing in the crop-input retail sales market. Partners Nate Eimer and Vanessa Jacobsen and Stakeholder Brian Chang represent Winfield Solutions, LLC. Partner Michael McCluggage and Stakeholder Collin Vierra represent Federated Co-operatives Limited. Defendants anticipate moving to dismiss the complaints.

### ***PRO MUSIC RIGHTS, LLC V. APPLE INC., ET AL. (D. CONN.)***

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Eimer Stahl Partner Vanessa Jacobsen and Stakeholder Brian Chang secured a complete victory on behalf of Apple Inc. in the District of Connecticut. Plaintiff Pro Music Rights, LLC is a performance-rights organization alleging that it attempted to enter into a music-licensing agreement with buyers of public-performance licenses for music streaming services, terrestrial radio stations, commercial television stations, and wineries. When nobody was interested, PMR decided to “sue[] the entire music industry for running an illegal cartel for the performance rights of musical works,”

according to a PMR press release. PMR's complaint asserted claims under Connecticut state law and Sections 1 and 2 of the Sherman Act. Vanessa successfully argued that the court should completely stay discovery pending the defendants' motion to dismiss—a particularly notable win given a local rule providing: "The filing of a motion to dismiss shall not result in a stay of discovery." Subsequently, the court granted defendants' motion to dismiss the complaint in full with prejudice.

### **IN RE: AUTO BODY SHOP LITIGATION (M.D. FLA., 11TH CIR.)**

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In 2014, automobile collision repairers across the country filed a series of 20 statewide antitrust actions alleging that a number of insurers conspired to suppress the rates paid for repairs in the multi-billion dollar collision repair industry and boycott shops with which they have no relationships. Mike McCluggage of Eimer Stahl serves as leader of the joint defense group of over 100 lawyers defending these actions, and Eimer Stahl took the lead role in briefing 20 separate motions to dismiss the antitrust claims, all of which were granted between 2015 and 2017. The firm also took the lead role in briefing the oppositions to the plaintiffs' appeals of these dismissals. After an initial reversal of the dismissal of the antitrust claims, *Quality Auto Painting Center of Roselle, Inc. v. State Farm Indem. Co.*, 870 F.3d 1262 (11th Cir. 2017), Eimer Stahl briefed a petition for an en banc review of the reversal. The Eleventh Circuit granted the extraordinary relief of en banc rehearing. Eimer Stahl again prepared briefing on the antitrust issues. On March 4, 2019, the en banc panel affirmed the district court's dismissal of the antitrust claims. *Quality Auto Painting Center of Roselle, Inc. v. State Farm Indem. Co.*, 917 F.3d 1249 (11th Cir. 2019). In 2020, the Eleventh Circuit affirmed dismissal of the antitrust claims in the remaining appeal, again on briefing by Eimer Stahl.

### **WISCONSIN MANUFACTURERS AND COMMERCE, ET AL. V. TONY EVERS, ET AL. (WIS. CIR. CT., WIS. CT. APP.)**

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Eimer Stahl Partner Ryan Walsh and Of Counsel Amy Miller represent three chambers of commerce in the State of Wisconsin in a state-court action seeking to enjoin the release of medical data by government officials. One day before the chambers filed suit, government officials announced that they would be releasing the names of thousands of employers with two or more employees who had tested positive for SARS-CoV-2 or had close contacts who were investigated by contact tracers. The chambers obtained a temporary injunction preventing the release while the courts determine whether the release would violate Wisconsin's law protecting the confidentiality of medical records. The case is currently on interlocutory appeal to the Wisconsin Court of Appeals.

### **PEOPLE V. WEATHERS (ILL. CIR. CT.)**

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Eimer Stahl recently secured approval by the Cook County Criminal Court of an agreement between Eimer Stahl's pro bono client, Jerome Weathers, and the State of Illinois settling Mr. Weathers' post-conviction petition. In 2002, Mr. Weathers was convicted of murder and sentenced to 75 years in prison. Mr. Weathers, a father of four and now grandfather, has always maintained his innocence. He alleged in his post-conviction petition that he was physically coerced into providing a false confession by two Chicago Police Department detectives who have been accused of coercion in over 60 other cases. Under the terms of the settlement, Mr. Weathers' sentence will be reduced to 28 years,

so he will have fewer than 10 years left to serve before his release.