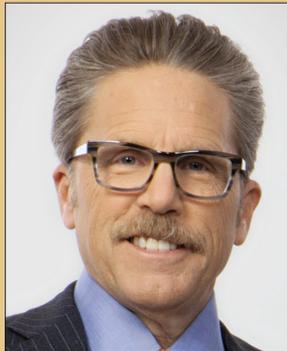


California LAWYER

CORPORATE ANTITRUST - CIVIL: Direct Purchasers



CALIFORNIA LAWYER ATTORNEY OF THE YEAR

Bruce L. Simon

PEARSON, SIMON & WARSHAW, LLP

Federal prosecutors and private civil litigators broke new ground in resolving a price-fixing conspiracy among the world's largest makers of liquid-crystal displays (LCDs), as well as in the sheer size of the monetary outcome. In the first criminal trial of a publicly traded company in a decade, the prosecution team of Huston, Scott, Snyder, Tewksbury, and New York State Bar member E. Kate Patchen proved overcharges so large that AU Optronics was fined \$500 million—five times the statutory cap and tied for the largest antitrust fine in history. In addition, three executives of the Taiwan-based company, accused of fixing prices between 2001 and 2006, were convicted last year in two trials in San Francisco. Niall E. Lynch was key to pursuit of the case in its early stages, prior to his departure from the Antitrust Division to join Latham & Watkins in San Francisco.

In private civil actions, Heimann and Simon won a jury verdict last year against Toshiba, even though

evidence they brought was circumstantial and the defendant had never been accused of criminal wrongdoing. Their work created a roadmap for large-scale civil prosecution and restored the threat of trial in major antitrust class cases. Although both sides agreed to vacate the Toshiba verdict for a \$30 million settlement, separate deals with other defendants produced another \$443 million in settlements.

And for the class of consumers who were overcharged, known as indirect plaintiffs, Alioto and Scarpulla scored a staggering \$1.1 billion in settlements in ten separate all-cash deals, through an eleven-month marathon of meetings. The accomplishment is all the more significant because it is notoriously difficult to prove damages and causation in indirect purchaser cases. The deal covers Washington, D.C., and 24 states where consumers and businesses bought LCD TVs, laptop computers, and monitors from 1999 to 2006.

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