

CPM Wins Important Ruling in Automotive Parts Price-Fixing Case Preserving Right of American Consumers and Businesses to Seek Damages

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Judge Marianne O. Battani issued an order denying a motion to dismiss in the automotive bearings price-fixing case on August 26, 2014, rejecting defendants' arguments that the Foreign Trade Antitrust Improvements Act ("FTAIA") limits the ability of American consumers and businesses to seek damages for price-fixing conduct in Japan for automotive parts incorporated into vehicles sold in the United States. Application of the FTAIA has emerged as a hot-button issue as foreign cartelists seek to use it as a shield against damage claims. Defendants NTN Corporation ("NTN") and NTN USA Corporation ("NTN USA") argued that the FTAIA barred plaintiffs' claims arising from price-fixed bearings sold in foreign markets and incorporated into motor vehicles imported into the United States. The Court ruled that defendants' conduct is not the type of conduct that Congress intended to exclude from the Sherman Act's reach when it passed the FTAIA.

The case is *In re Automotive Parts Antitrust Litigation – Bearings Cases*, MDL No. 2311, Case No. 2:12-cv-500, E.D. Mich. The full decision is available below.

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Practice Areas

Antitrust & Global Competition