

APPENDIX: State Antitrust Enforcement Activity 1993-2002

Within each category, developments are shown *according to the dates the cases were initially filed* (or investigations opened).

Horizontal conspiracy (price-fixing, bid-rigging, customer allocation)

1975

City of Long Beach [California] v. Standard Oil of Calif.

46 F.3d 929; 1995-1 Trade Cases ¶ 70,875 (9th Cir., January 31, 1995)

city and state lose appeal from jury verdict in favor of Exxon (the sole non-settling defendant) after 75-day trial conducted October 1991-April 1992

Washington v. Chevron Oil Co.

ATRR No. 1598, at 57 (C.D. Cal., January 11, 1993)

gasoline price-fixing; other plaintiff states include California, Arizona, Oregon; settlement

1985

New York v. Cedar Park Concrete Corp.

1997 WL 527908 (S.D.N.Y., August 25, 1997)

price-fixing on concrete work for Javitz Convention Center in NYC; related to Nasso case

New York v. Julius Nasso Concrete Corp.

202 F.3d 82; 2000-1 Trade Cases ¶ 72,767 (2d Cir., January 25, 2000)

case remanded for new trial

1988

Connecticut v. Amer. Disposal Services Inc.

ATRR No. 1657, at 357 (Conn., March 25, 1994)

bid-rigging; settlement

1989

Hartford Fire Ins. Co. v. California

509 U.S. 764 (June 28, 1993)

19 plaintiff states' suits against insurers for allegedly restricting terms of commercial general liability insurance; U.S. Supreme Court held that (1) domestic insurers did not lose their McCarran-Ferguson Act immunity from federal regulation simply because they agreed or acted with foreign reinsurers allegedly not regulated by state law, and (2) district court should not have refused to exercise Sherman Act jurisdiction over foreign reinsurers under principles of international comity

1990

Florida v. Jones Chemicals, Inc.

148 F.R.D. 282; 1993-2 Trade Cases ¶ 70,337 (M.D. Fla., March 4, 1993)
chlorine price-fixing; discovery rulings

Kentucky v. U.C. Milk Co., Inc.

1996-1 Trade Cases ¶ 71,333; 1996 WL 179571 (W.D. Ky., February 2, 1996)
milk bid-rigging; defendants' motions for summary judgment denied

Kentucky v. Louis Trauth Dairy, Inc.

1998-1 Trade Cases ¶ 72,198 (6th Cir., April 16, 1998) (unpublished)
milk price-fixing; appeals court affirms jury's acquittal of defendant;
case had been triggered by federal criminal prosecution

New York v. Rattenni

81 N.Y.2d 166; 613 N.E.2d 155; 597 N.Y.S.2d 280; 1993-1 Trade Cases ¶ 70,181
(N.Y., April 5, 1993)
customer allocation in trash hauling; propriety of instructions to grand jury

1991

Connecticut v. BPS Petroleum Distributors, Inc.

ATRR No. 1609, at 401 (D. Conn., April 2, 1993)
partial settlement; there was a related federal criminal prosecution

Florida v. Abbott Laboratories

1993-1 Trade Cases ¶ 70,241; 1993 WL 216099 (N.D. Fla., May 24, 1993)
infant formula price-fixing; settlement with Abbott

1992

Connecticut v. Tobacco Valley Sanitation Service Co.

818 F. Supp. 504; 1993-1 Trade Cases ¶ 70,182 (D. Conn., April 8, 1993)
customer allocation; motion to dismiss denied
settlement: ATRR No. 1621, at 19 (D. Conn., June 25, 1993)

Butterworth [Florida] v. National League of Professional Baseball Clubs

644 So.2d 1021; 1994-2 Trade Cases ¶ 70,737 (Fla., October 6, 1994)
ability of attorney general to investigate major league baseball re possible
"combination or conspiracy . . . in connection with the sale and purchase of the
San Francisco Giants"

1993

Alaska v. Suburban Propane Gas Corp.

1995-1 Trade Cases ¶ 71,042; 1995 WL 441987 (D. Alas., January 12, 1995)
denial of class certification in case involving Sherman 1 and 2, and merger
claims

California v. Projection Systems Inc.

1993-1 Trade Cases ¶¶ 70,255, and 70,256; 1993 WL 254840, and 219531 (Cal.,
May 7, 1993)
settlement

U.S. [Connecticut] v. A.C. Petersen Farms

ATRR No. 1655, at 302 (financial terms); ATRR No. 1656 at 324 (guilty pleas)
(D. Conn., March 10, 1994)
milk price-fixing; joint federal-state investigation and prosecution
Connecticut settles milk price fixing investigation (joint federal-state) with Maple Hills
Farms, Inc.
ATRR No. 1633, at 447 (September 22, 1993)

Maine v. Aloupis

1993-1 Trade Cases ¶ 70,152; 1993 WL 95385 (Me., February 17, 1993)
conspiracy to allocate operating room time for gynecological surgery; settlement

Md. Pharmacists Assoc. Inc. v. [Maryland]

694 A.2d 492; 1997-1 Trade Cases ¶ 71,839 (Md., May 30, 1997)
1993 state investigation of possible boycott of Hallmark by retail druggists;
trade association sought, unsuccessfully, to recoup costs incurred in complying
with CIDs when no case brought as a result

Minnesota v. Tim Amdahl Chevrolet Co.

1993-1 Trade Cases ¶ 70,275; 1993 WL 264566 (Minn., June 10, 1993)
auto repair price-fixing; settlement

Ohio v. Louis Trauth Dairies, Inc.

1996-1 Trade Cases ¶ 71,396 (S.D. Ohio, April 25, 1996)
milk price-fixing; motions for summary judgment denied, with one exception

Tennessee v. Dean Foods Products Co.

1993-2 Trade Cases ¶ 70,373; 1993 WL 451285 (Tenn., September 27, 1993)
milk price-fixing; settlement

Tennessee v. Pet Inc.

1993-2 Trade Cases ¶ 70,303; 1993 WL 330646 (Tenn., June 23, 1993)
milk price-fixing; settlement

Tennessee v. Turner Dairies, Inc.

1993-2 Trade Cases ¶ 70,361; 1993 WL 404176 (Tenn., September 2, 1993)

milk price-fixing; settlement

Tennessee v. Greeneville Oil Co.

1994-2 Trade Cases ¶ 70,745; 1994 WL 637443 (E.D. Tenn., September 7, 1994)

oil companies price-fixing

Virginia v. Meadow Gold Dairies, Inc.

ATRR No. 1610, at 431 (W.D. Va., April 12, 1993)

partial settlement

Virginia v. Meadow Gold Dairies, Inc.

1993-2 Trade Cases ¶ 70,385; 1993 WL 476633 (W.D. Va., August 19, 1993)

milk price-fixing

West Virginia v. Meadow Gold Dairies, Inc.

1995-1 Trade Cases ¶ 70,866 (W.D. Va., November 25, 1994)

milk price fixing follow-on case; dismissed on limitations grounds

1994

Arizona v. Wolf

ATRR No. 1676, at 193 (Ariz., July 20, 1994)

indictments in bid-rigging case re sale of carpet to schools

California v. Sacramento Valley Ambulance Assoc.

1994-1 Trade Cases ¶¶ 70,535, 70,536; 1994 WL 160107 & 160104 (Cal., February 17, and January 7, 1994)

settlement

Colorado v. Airline Tariff Publishing Co.

1995-2 Trade Cases ¶ 71,231; 1995 WL 792070 (D.D.C., June 10, 1995)

50 plaintiff states, domestic travel by state employees; settlement

Connecticut v. Urethane Applications Inc.

ATRR No. 1673, at 99 (D. Conn., July 6, 1994)

a follow-on suit

Ieyoub [Louisiana] v. Borden, Inc.

1995 WL 59548 (E.D. La., February 10, 1995)

milk price-fixing; described as a “tag along suit”

Michigan v. C.R. Equipment Sales, Inc.

898 F. Supp. 509 (W.D. Mich., June 6, 1995)

school bus manufacturers allegedly agreed not to compete

Michigan v. McDonald Dairy Co.

1996-1 Trade Cases ¶ 71,291 (W.D. Mich., June 27, 1995)

milk price fixing; motions to dismiss denied

Minnesota v. Philip Morris, Inc.

551 N.W.2d 490; 1996-2 Trade Cases ¶ 71,506 (Minn., July 25, 1996)
Minnesota's tobacco suit, including price-fixing and monopolization claims,
survived motion to dismiss; settled May 1998

Brewer Oil Co. v. New Mexico

908 P.2d 799, 1995-2 Trade Cases ¶ 71,232 (N.M., November 9, 1995)
CIDs issued in 1994 as part of investigation of alleged gasoline price-fixing
improperly quashed by lower court

In re NASDAQ Market Makers Antitrust Litigation

169 F.R.D. 493 (S.D.N.Y. 1996)
price-fixing; also involving class action private plaintiffs

[New York] v. Urethane Applicators Inc.

ATRR No. 1668, at 668 (E.D.N.Y., June 7, 1994)
complaint filed regarding bid-rigging on roofing contracts

Montgomery [Ohio] v. Jones Chemicals, Inc.

1995-2 Trade Cases ¶ 71,081 (N.D. Ohio, June 7, 1995)
chlorine bid-rigging; defendants' motions for summary judgment denied

Pennsylvania settles price-fixing case against 5 operators of horse-drawn carriages at
Independence Hall, Philadelphia

ATRR No. 1668, at 667 (June 1994)

Utah v. University of Utah

1994-1 Trade Cases ¶ 70,550; 1994 WL 182000 (Utah, March 16, 1994)
conspiracy re nurses' salaries and fees charged to managed care plans; joint
federal-state; settlement

1995

Kentucky investigation of withdrawal of all orthopedic surgeons and urologists in
northern Kentucky from Medicaid program, in protest of reduced reimbursement rates

ATRR No. 1702, at 305 (February 17, 1995)

Maryland won't challenge formation of home health network

ATRR No. 1716, at 757 (May 25, 1995)

[Mississippi] v. Abbott Laboratories, Inc.

1995-2 Trade Cases ¶ 71,157 (S.D. Miss., September 22, 1995)
infant formula price-fixing; motion to remand granted; state using private
plaintiffs' counsel

New York v. Kessler

1997-1 Trade Cases ¶ 71,821; 1997 WL 903952 (N.Y., December 2, 1996)
building manager's requests for kickbacks from suppliers could ground a
conspiracy claim under New York statute

Virginia v. Physicians Group, Inc.

1995-2 Trade Cases ¶71,236 (W.D. Va., April 26, 1995)
conspiracy to boycott group health plan for state employees; settlement, with
FTC settling the same day

Washington v. Larson

1996-2 Trade Cases ¶¶ 71,475 & 71,476 (Wash., May 7, 1996)
pharmacy price-fixing; settlement

1996

California investigation into milk price fixing among supermarkets begins October 1996
investigation closed: ATRR No. 1821, at 89 (July 21, 1997)

In re Carbon Dioxide Industry Antitrust Litigation

ATRR No. 1756, at 388 (M.D. Fla., February 5, 1996)
Florida settles with four defendants, who agreed to pay \$1.16 million to settle
price fixing and customer allocation charges; a follow-on to federal investigation
(but no federal indictment)

In re Warren Supply Co., Inc.

1996-1 Trade Cases ¶ 71,289; 1996 WL 87074 (Minn., January 30, 1996)
tying; settlement

Minnesota v. Earl F. Andersen, Inc.

ATRR No. 1778, at 237 (Minn., July 2, 1996)
playground equipment bid-rigging; settlement

Wilson Corp. v. New Mexico

1996-1 Trade Cases ¶ 71,389 (N.M., May 19, 1996)
use of civil investigative demands upheld in gasoline pricing investigation

Tennessee v. Sam Luter Oil Co., Inc.)

1997-1 Trade Cases ¶ 71,835 (M.D. Tenn., September 3, 1996)
gasoline price-fixing; settlement

Tennessee v. Tenn. Assoc. of Mental Health Orgs.

1996-2 Trade Cases ¶ 71,614 (Tenn., September 13, 1996)
mental health providers price-fixing; settlement

Texas v. American Tobacco Co.

14 F.Supp.2d 956; 1998-1 Trade Cases ¶ 72,205 (E.D. Tex., September 8, 1997)
Texas' tobacco suit; horizontal conspiracy claim dismissed as outside of
Brunswick definition of antitrust injury; settled January 1998

Washington v. American Tobacco Co.

1996 WL 931316 (Wash., November 19, 1996)
tobacco lawsuit; alleges conspiracy not to produce safer cigarettes; settled
November 1998 as part of the nationwide "Master Settlement Agreement:

1997

In re Disposable Contract Lens Antitrust Litigation

2001-1 Trade Cases ¶ 73,150 (M.D. Fla.)
conspiracy to restrict mail order and warehouse club sales of disposable lenses;
32 plaintiff states; defendants' motions for summary judgment denied

Illinois v. Hensley

2000-1 Trade Cases ¶ 72,772; 2000 WL 296804
price-fixing among auto repair shops in Centralia area; settlement

Minnesota v. Osborne

ATRR No. 1844, at 66 (December 16, 1997)
complaint filed in case against bid-rigging in sale of lighting fixtures to public
construction projects

Minn. Twins Partnership v. Minnesota

592 N.W.2d 847, 1999-1 Trade Cases ¶ 72,507 (Minn., April 29, 1999)
State's 1997 investigation of team's threat to leave the Twin Cities (theory
not clear, but apparently involving team owners' actions "in concert"); team's suit
to block enforcement of CIDs successful, because of baseball exemption from
antitrust laws

In re Western New York Coupon Litigation

1998-1 Trade Cases ¶ 72,119 (W.D.N.Y., March 18, 1998)
alleged conspiracy between Wegmans Food Markets and food manufacturers to
eliminate or reduce their couponing in western New York; settlement (the
"largest cash payment ever made to New York consumers as the result of
an antitrust suit brought by the state") was for \$4.2 million

In re Toys R Us Antitrust Litigation

191 F.R.D. 347 (E.D.N.Y., 2000)
section 1 conspiracy; follow-on to FTC suit; numerous non-state plaintiffs;
settlement

Oregon v. Mulkey

1997-1 Trade Cases ¶ 71,859; 1997 WL 599410 (D. Ore., June 16, 1997)
crab fishermen price-fixing; California, Washington & US also plaintiffs;
settlement

Texas v. American Modern Lloyds Ins. Co.

1997-2 Trade Cases ¶ 71,932; 1997 WL 669969 (Tex., July 21, 1997)
alleged price-fixing and tying with respect to insurance coverage sold to mobile
home dealers; settlement

Washington v. Wash. Dental Service

1997-1 Trade Cases ¶ 71,716; 1997 WL 156521 (Wash., January 15, 1997)
use of MFN clause in provider contracts; settlement

1998

Hawaii v. Chevron Corp.

168 F. Supp. 2d 1180 (D. Haw., September 28, 2001)
allegations of gasoline price-fixing; state's motion for partial summary judgment
on statute of limitations issue granted

Utah v. Evans

1998-2 Trade Cases ¶ 72,361 (Utah, November 25, 1998)
competing radio station managers (father/son) conspiracy; settlement

Brixen & Christensen Architects v. Utah

2001-2 Trade Cases ¶ 73,328 (Utah, June 28, 2001)
investigation into bid-rigging on door hardware for public construction projects
began in September 1998; CIDs issued are enforceable

1999

Alaska begins three year-long investigation of gasoline pricing
investigation closed: ATRR No. 2084, at 534 (November 21, 2002)

New York v. Asian American Tourist Inc.

ATRR No. 1921, at 182 (S.D.N.Y., July 29, 1999)
Chinese language bus tours in NYC; settlement

2001

Alaska v. Hoffman-LaRoche, Inc.

2001-2 Trade Cases ¶ 73,390 (D.D.C., August 3, 2001)
vitamin price-fixing; 7 state plaintiffs; settlement

California v. Dynergy Power Marketing, Inc.

160 F. Supp.2d 1155, 2002-1 Trade Cases ¶ 73,544 (S.D. Cal., July 31, 2001)

state's case alleging price-fixing in retail electricity markets remanded to state court

Giral v. Hoffman-LaRoche Ltd. (D.C., April 26, 2001)

indirect purchaser claims re vitamin price-fixing; 23 state plaintiffs; total settlement of \$225 million

Major League Baseball v. Butterworth [Florida]

181 F.Supp.2d 1316; 2002-1 Trade Cases ¶ 73,638 (N.D. Fla., December 27, 2001)

attorney general cannot enforce CIDs issued during investigation of contraction of number of major league teams from 30 to 28; theory not altogether clear, but seems to involve conspiracy

In re Cardizem CD Antitrust Litigation (E.D. Mich., MDL Docket No. 1278)

Michigan filed suit in May 2001, on behalf of all 50 states; this suit was consolidated with ongoing private litigation commenced in August 1998; allegation that two drug manufacturers agreed that Andrx would not market a less expensive generic version of the heart medication Cardizem CD; settlement of the states' suit is pending a final approval hearing before the district court, scheduled for October 2003, according to the Sixth Circuit's recent opinion in this matter, 332 F.3d 896, 905 n. 9

New York v. Feldman

210 F.Supp.2d 294; 2002-1 Trade Cases ¶ 73,597 (S.D.N.Y., February 15, 2002)
stamp bid rigging; plaintiff states include California and Maryland; appears to be a follow-on or result of joint federal-state investigation; motions to dismiss denied

2002

Massachusetts investigating relationships between Boston area hospitals and referring physicians

ATRR No. 2042, at 89 (February 2002)

Vertical price-fixing and non-price restraints

1986

New York v. Anheuser-Busch, Inc.

811 F. Supp. 848; 1993-1 Trade Cases ¶ 70,151 (E.D.N.Y., January 14, 1993)
territorial restrictions upheld

1993

California v. Steelcase, Inc.

1993-1 Trade Cases ¶ 70,126; 1993 WL 286586 (Cal., February 2, 1993)
mostly vertical price-fixing; settlement

Florida settles resale price maintenance case against Valent USA Corp.
ATRR No. 1612, at 499 (March 9, 1993)

New York v. Keds Corp.

1994-1 Trade Cases ¶ 70,549; 1994 WL 97201 (S.D.N.Y., March 17, 1994)
resale price maintenance case brought by 50 states; settlement

Pennsylvania settles resale price maintenance case against United Chair Co.
ATRR No. 1607, at 324 (March 1993)

1995

Louisiana v. Brunswick Bowling & Billiards Dover Inc.

665 So.2d 520; 1996-1 Trade Cases ¶ 71,419 (La., November 15, 1995)
scope of attorney general's investigative powers, in a case that appears to
be mostly vertical in nature

Maryland approves rebate plan of Triangle Pacific Co., a new entrant into the flooring
market

ATRR No. 1736, at 518 (October 23, 1995)

New York v. Reebok Int'l Ltd.

903 F. Supp. 532; 1995-2 Trade Cases ¶ 71,155 (S.D.N.Y., October 20, 1995)
resale price maintenance; settlement
two Florida residents' challenge to settlement rejected on standing grounds, at
96 F.3d 44; 1996-2 Trade Cases ¶ 71,558 (2d Cir., September 16, 1996)

Pennsylvania v. Playmobil USA, Inc.

1995-2 Trade Cases ¶ 71,215; 1995 WL 787518 (M.D. Pa., December 15, 1995)
resale price maintenance; settlement; on January 31, 1995, DOJ resolved its own
RPM case against the company. Had been a joint federal-state investigation.

1997

Connecticut v. Ty, Inc.

1997-2 Trade Cases ¶ 71,917 (Conn., September 11, 1997)
"beany babies" resale price maintenance; settlement

Missouri v. American Cyanamid Co.

1997-1 Trade Cases ¶ 71,712; 1997 WL 129408 (W.D. Mo., February 7, 1997)
resale price maintenance in agricultural chemicals; 50 state plaintiffs; settlement

Texas v. Zeneca, Inc.

1997-2 Trade Cases ¶ 71,888 (N.D. Tex., June 27, 1997)
resale price maintenance; 48 state plaintiffs; settlement

2000

Florida v. Nine West Group, Inc. (S.D.N.Y., December 14, 2000)
resale price maintenance; 50 state plaintiffs; settlement = \$30.5 million

Mergers/Joint Ventures

1993

New York approves Fleet Bank acquisition of 32 Chemical Bank branches after Fleet agrees not to acquire one bank in Olean, NY
ATRR No. 1610, at 430 (April 1993)

New York v. Kraft General Foods, Inc.
state challenge to the Post-Nabisco ready-to-eat cereal merger, involving a 2.82% market share in a market with over 200 brands
862 F. Supp. 1035; 1994-2 Trade Cases ¶ 70,738 (S.D.N.Y., September 12, 1994)
court denies injunctive relief
1995-1 Trade Cases ¶ 70,911 (S.D.N.Y., February 22, 1995)
state loses on the merits

Pennsylvania v. Russell Stover Candies, Inc.
1993-1 Trade Cases ¶ 70,224; 1993 WL 145264 (E.D.Pa., May 6, 1993)
state challenge to candy merger; loses on the merits
ATRR No. 1631, at 361 (E.D. Pa., September 7, 1993)
settlement

Pennsylvania approves Amerigas Propane's acquisition of Petrolane Gas Services, Ltd., after company agrees to waive tank removal fees for 2 years in 1 Pennsylvania market, for 1 year in 3 others
ATRR No. 1624, at 136 (July 16, 1993)

1994

Massachusetts v. Doane Beal & Ames, Inc.
1994-1 Trade Cases ¶ 70,516; 1994 WL 117068 (D. Mass., February 15, 1994)
funeral home merger; settlement

In re Cape Ann & Northeast Health Systems, Inc.
ATRR No. 1671, at 16 (Mass., June 15, 1994)
hospital merger; settlement

Missouri settles case against hospital's acquisition of physician practices, with hospital agreeing to limit hiring of doctors in nine specialties in southwest Missouri for 3 years
ATRR No. 1695, at 24 (December 16, 1994)

New York critical of Federated Department Stores acquisition of Macy's, seeks spin-off of 12 Macy stores; FTC and Florida have signed off on deal
ATRR No. 1678, at 257 (August 23, 1994)

Bon Ton Stores Inc. [New York] v. May Dept. Stores
881 F. Supp. 860; 1994-2 Trade Cases ¶ 70,800 (W.D.N.Y., November 30, 1994)
acquisition in Rochester
1995-1 Trade Cases ¶ 70,917 (March 6, 1995; settlement)

Pennsylvania v. Providence Health Sys., Inc.
1994-1 Trade Cases ¶ 70,603; 1994 WL 374424 (M.D. Pa., May 26, 1994)
hospital "alliance"; joint federal-state investigation, with DOJ deferring to state in the settlement

Pennsylvania approves one hospital merger; convinces parties to another to abandon their plans (both in late 1994)
ATRR No. 1696, at 60

[Tennessee] v. Nashville Memorial Hospital
ATRR No. 1657, at 358 (Tenn., March 17, 1994)
some antitrust analysis; otherwise, review of sale of nonprofit hospital to a for-profit buyer

1995

Maine v. Rite-Aid Corp.
1995-2 Trade Cases ¶ 71,148 (Me., September 29, 1995)
drug store merger; joint state-FTC investigation; settlement

Minnesota v. Murphy Oil USA, Inc.
ATRR No. 1706, at 428 (Minn., February 14, 1995)
pipeline acquisition; settlement

Pennsylvania settles hospital merger case
ATRR No. 1723, at 94 (July 20, 1995)

Pennsylvania v. Capital Health System Services
1995-2 Trade Cases ¶ 71,205; 1995 WL 787534 (M.D. Pa., December 15, 1995)
hospital merger; settlement

Tennessee declines to challenge Columbia HCA merger with Healthtrust
ATRR No. 1697, at 100 (January 11, 1995)

Texas v. Columbia/HCA Healthcare Corp.

ATRR No. 1710, at 555 (Tex., April 21, 1995)
acquisition of Healthtrust approved on condition that competition is preserved among HMOs in Corpus Christi and one hospital in Denton is divested; FTC settled the same day, with divestitures

1996

California settles with Smith's Food & Drug re sale of 18 grocery stores in southern California. Company agreed not to sell one of the stores, and not to sell some of the others until would-be acquirers divest stores in same markets

ATRR No. 1750, at 218 (February 20, 1996)

Colorado investigating (with DOJ) proposed merger between Vail Resorts and Ralcorp Holdings, the owner of three Summit County resorts

ATRR No. 1775, at 154 (August 9, 1996)

Maine v. Central and Western Main Regional PHO, Inc.

1996-1 Trade Cases ¶ 71,320; 1996 WL 157202 (Me., January 18, 1996)
challenge to cooperative agreements among physician hospital organization, regional network, and others; settlement

Maine v. Maine Heart Surgical Assocs., P.A.

1996-2 Trade Cases ¶ 71,653 (Me., July 22, 1996)
nine heart surgeons who merged their practices agreed to limit their prices to rates prevailing in Boston area

Maine v. American Skiing Co.

1996-2 Trade Cases ¶ 71,478 (Me., June 27, 1996)
settlement; DOJ had already cleared after divestitures in New Hampshire

In re Partners Health Care System, Inc.

ATRR No. 1763, at 568 (Mass., March 29, 1996)
hospital merger; settlement requiring firm to cap its employment of physicians at 40% of available primary care physicians, pediatricians, and obstetricians/gynecologists in 26 communities

Montana agrees "conditionally" to the merger of the only two hospitals in Great Falls

ATRR No. 1753, at 290 (March 7, 1996)

Texas approves hospital merger on condition that one party makes good faith effort to sell interest in PPO

ATRR No. 1750, at 215 (February 14, 1996)

Morales [Texas] v. IBP, Inc.

ATRR No. 1759, at 439 (Tex., April 11, 1996)
TRO sought to permit further study of proposed merger of meat packers

Wisconsin v. Kenosha Hospital and Medical Center

1997-1 Trade Cases ¶ 71,669; 1996 WL 784584 (E.D. Wis., December 31, 1996)
hospital merger; settlement

1997

California approves merger of UCSF and Stanford hospitals

ATRR No. 1822, at 131 (July 23, 1997)

California v. Shell Oil Co.

ATRR No. 1842, at 13 (C.D. Calif., December 19, 1997)

Shell/Texaco merger agreed to by California and FTC on condition of sale of
a large number of gasoline stations in the San Diego area; settlement

Washington v. Texaco

1997-2 Trade Cases ¶ 72,019; 1997 WL 824020 (W.D. Wash., December 19,
1997)

Oregon & Washington sign consent decree with parties requiring divestiture of a
refinery

Missouri to investigate possible “alliance” between Blue Cross Blue Shield of Missouri
and BJC Health System

ATRR No. 1796, at 109 (January 1997)

Montana clears joint venture between hospital and new ambulatory surgery center,
subject to several conditions

ATRR No. 1843, at 39 (November 24, 1997)

Pennsylvania withholds approval of merger between Penn State Hershey Medical Center
and Geisinger Health Systems, pending further study

ATRR No. 1819, at 36 (June 30, 1997)

Texas v. Mid-America Dairymen, Inc.

1997-2 Trade Cases ¶ 71,930 (Tex., September 3, 1997)

dairy merger; settlement

Washington v. Tosco Corp.

1997-2 Trade Cases ¶ 71,988; 1997 WL 820969 (W.D. Wash., November 12,
1997)

divestiture of terminal and 14 gasoline stations; settlement

Wisconsin v. Marshfield Clinic

1997-1 Trade Cases ¶ 71,855; 1997 WL 599398 (W.D. Wis., June 19, 1997)

clinic merger; settlement

1998

FTC v. Tenet Health Care Corp.

186 F.3d 1045; 1999-2 Trade Cases ¶ 72,578 (8th Cir., July 21, 1999)
in consolidated FTC-Missouri action, appeals court reverses district court's grant
of preliminary injunction, on grounds that governments had not established
relevant geographic market

New York v. St. Francis Hospital (S.D.N.Y., June 30, 2000)

2000-2 Trade Cases ¶ 72,960; 2000 WL 1804194

hospital joint venture price-fixing; settlement

U.S. v. Waste Management, Inc.

ATRR No. 1886, at 573 (E.D.N.Y., November 17, 1998)

DOJ, along with Florida, New York, and Pennsylvania, file suit to block waste
hauling merger

1999

Alaska v. Safeway, Inc.

1999-2 Trade Cases ¶ 72,649 (Alas., April 13, 1999)

settlement; seven grocery stores to be sold

Investigation and enforcement action involving 14 states and the FTC, resulted in the
entry of four consent orders settling concerns as to the Exxon/Mobil merger.

Alaska v. Exxon Corp. (D. Alas., November 30, 1999)

settlement; sale of 3% interest in Trans-Alaska Pipeline

California v. Exxon Corp. (C.D. Calif., November 30, 1999)

settlement; divestiture of California refinery and 368 stations in the state

New Jersey v. Exxon Corp. (D.D.C., November 30, 1999)

settlement; divestiture of 1700 stations in the northeast and mid-Atlantic region

Texas v. Exxon Corp. (N.D. Tex., December 3, 1999)

settlement; divestiture of 320 stations in Texas

California v. Sutter Health Systems

84 F. Supp. 2d 1057, 2000-1 Trade Cases ¶ 72,808 (N.D. Cal., January 5, 2000)

state request for preliminary injunction to block hospital merger in Bay Area
denied because geographic market unproved (affirmed, 2000-1 Trade Cases
¶ 72,896 (9th Cir., May 2, 2000) (unpublished opinion))

Connecticut v. American Medical Response, Inc.

ATRR No. 1913, at 642 (Conn., June 1999)

series of acquisitions; divestitures and market share cap as settlement

Hawaii v. Gannett Pacific Corp.

99 F. Supp. 2d 1241; 1999-2 Trade Cases ¶ 72,696 (D. Hawaii, October 15, 1999) preliminary injunction issued blocking termination of newspaper Joint Operating Agreement and shutdown of Honolulu Star-Bulletin (affirmed, 203 F.3d 832 (9th Cir., November 15, 1999) (table))

New Mexico v. Albertson's Inc.

1999-2 Trade Cases ¶ 72,613 (D.N.M., June 24, 1999)
joint FTC-NM matter; 10 stores divested pursuant to settlement; part of a larger joint FTC-state effort, including California and Nevada as well, and the divestiture of a total of 144 stores

New York investigation, jointly with FTC, of planned acquisition of Pathmark supermarket chain by Royal Ahold N.V. resulted in deal being scrapped

U.S. [Texas] v. Aetna, Inc.

1999-2 Trade Cases ¶ 72,730; 1999 WL 1419046 (N.D. Tex., December 7, 1999)
Aetna-Prudential merger; proposed consent decree, joint DOJ and Texas
“States Review Aetna-Prudential Deal, Set Conditions on Top of DOJ Decree”
ATRR No. 1918, at 68 (July 15, 1999)
14 other states have reviewed deal; Florida has set additional terms

2000

U.S. [Florida] v. Morton Plant Health Sys., Inc.

2002-2 Trade Cases ¶ 73,034 (M.D. Fla., July 14, 2000)
joint federal-state enforcement action re 1994 consent decree in merger case;
settlement

Maine v. Connors Brothers Ltd.

2000-1 Trade Cases ¶ 72,937 (Me., March 29, 2000)
merger in sardine processing industry; (protectionist) settlement

Ohio v. Allied Waste Industries, Inc.

2000-2 Trade Cases ¶ 73,010 (Ohio, May 12, 2000)
waste hauling merger; settlement

Washington allows merger of two Seattle hospitals, after negotiating modifications
ATRR No. 1970, at 116 (July 19, 2000)

California v. BP Amoco

ATRR No. 1954, at 369 (N.D. Cal., April 13, 2000)
BP Amoco/Atlantic Richfield merger; plaintiff states include Oregon,
Washington; joint with FTC; settlement

2001

California v. Chevron

ATRR No. 2024, at 214 (E.D. Cal., September 13, 2001)
Chevron/Texaco merger; 12 states and FTC; settlement

Monopolization

1991

Connecticut conducts 18-month investigation of NBA's TV blackout policy

ATRR No. 1613, at 543 (April 28, 1993)
agreement resulting in cablecasting of Celtics and Knicks games to Hartford
customers

1993

Arizona v. Medical Care Systems, Inc.

ATRR No. 1633, at 446 (Ariz., September 16, 1993)
conspiracy to monopolize; settlement

New York v. Primestar Partners, LLP

1993-2 Trade Cases ¶ 70,404; 1993 WL 527984 (S.D.N.Y., September 14, 1993)
45 plaintiff states; settlement

1995

Ieyoub [Louisiana] v. Classic Soft Trim, Inc.

688 So.2d 105, 1997-1 Trade Cases ¶ 71,810 (La., January 15, 1997)
state's investigative demands upheld in an investigation that cites only a single
firm and its employees, but does not specify the nature of the allegations being
investigated

In re Blue Cross Blue Shield of Massachusetts

ATRR No. 1722, at 62 (Mass., June 29, 1995)
boycott of a hospital; settlement

Missouri v. Poplar Bluff Physicians Group

1995-2 Trade Cases ¶ 71,206 (Mo., April 12, 1995)
attempted monopolization and conspiracy; settlement

Missouri v. United Telephone of Missouri

1995-2 Trade Cases ¶ 71,234 (W.D. Mo., February 8, 1996 – final judgment)
settlement of attempted monopolization case re company's improper solicitation
of inside wire maintenance services customers

1996

Washington v. Behring

ATRR No. 1751, at 237 (W.D. Wash., February 14, 1996)
suit to compel Seahawks to continue playing in Kingdome through 2005; alleges
Seahawks monopolized Seattle market because they possess exclusive rights to
NFL football in that market

1997

California v. Mono Rock LLP

1997-2 Trade Cases ¶ 71,974, 1997 WL 789019 (Calif., October 24, 1997)
tying; settlement

1998

Connecticut v. Mylan Laboratories, Inc.

2001-1 Trade Cases ¶ 73,273; 2001 WL 765466 (D.D.C., April 27, 2001)
50 plaintiff states; settlement of both monopolization and restraint of trade
charges against allegedly illegal licensing agreements with respect to generic
drugs lorazepam and clorazepate; FTC also brought suit

New York v. Microsoft

2002-2 Trade Cases ¶ 73,854 (D.D.C., November 1, 2002)
both monopolization and section 1 counts; settlement agreed to by nine states
2002-2 Trade Cases ¶ 73,860 (D.D.C., November 12, 2002)
both monopolization and section 1 counts; final judgment agreed to by DOJ
and nine states

2001

Connecticut v. Suiza Foods Corp.

ATRR No. 2016, at 36 (D. Conn., June 25, 2001)
all 6 New England states sue to block contract between Suiza and Stop & Shop,
whereby S&S would buy all private label milk products from Suiza; settlement

2002

Arizona case alleging exclusionary conduct by Stericycle, Inc., in market for medical
waste management services

ATRR No. 2072, at 220 (August 14, 2002)
settlement