



→ Leo Caseria

Partner

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Leo Caseria is a partner in the Antitrust and Competition Practice Group in the Washington, D.C. and Los Angeles offices.

Areas of Practice

Leo's areas of expertise include antitrust, price gouging, and HSR.

Antitrust: Leo advises companies on antitrust issues arising in civil litigation and government investigations. He also counsels companies on antitrust issues relating to mergers and acquisitions and proposed or contemplated business strategies. He has litigated numerous antitrust cases in federal and state courts, including cases based on alleged price-fixing, market allocation, boycott, monopolization and attempted monopolization. His antitrust litigation experience includes trial and appeal.

Price gouging: Leo also advises companies on compliance with price gouging laws during periods of emergency. He has led the defense of several companies targeted in price gouging complaints or government investigations, in multiple states. These matters include COVID-19 price gouging allegations relating to eggs and other food items and consumer goods.

HSR: Leo advises companies regarding the requirements under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, and has prepared numerous HSR filings for proposed transactions. Leo also represents clients before the U.S. Department of Justice and the Federal Trade Commission in connection with related government antitrust investigations.

Leo serves as Co-Chair of the Books and Treatises Committee of the ABA's Antitrust Section, which publishes several antitrust handbooks each year. He has been recognized by *Legal 500* and as a "Rising Star" by *Super Lawyers*.

Honors

- Next Generation Lawyers, *Legal 500*, 2019-2020
- Antitrust, *Legal 500*, 2015, 2017, 2019-2020
- Southern California Rising Star, *Super Lawyers*, 2018-2020

Experience

Representative Engagements:

- Defended Save Mart against putative class action alleging price gouging of eggs in California. Plaintiff asserted a single claim under California's Unfair Competition Law, Cal. Bus. & Prof. Code section 17200. Claim against Save Mart was voluntarily dismissed after Save Mart filed a motion to dismiss. *Fraser v. Cal-Maine Foods, Inc.*, Case No. 20-2733 (N.D. Cal.).
- Representing three different major retailers in connection with government price gouging investigations or complaints in California, Nevada, Oregon, and Washington, relating to products including eggs, bottled water, toilet paper, and disinfectant wipes.
- Defended CalPortland against False Claims Act claims premised on alleged conspiracy to fix prices and allocate markets relating to cement, concrete and asphalt. All claims dismissed; affirmed by Ninth Circuit. *U.S. ex rel. Rune Kraft v. CalPortland Construction*, Case No. 16-4479 (C.D. Cal. order dated Mar. 9, 2018), *aff'd*, Case No. 18-55594 (9th Cir. opinion dated Apr. 7, 2020).
- Defended telescope manufacturer against Sherman Act Section 1 and 2 claims and Clayton Act Section 7 claims. All claims in original complaint dismissed. *Optronic Technologies, Inc. v. Ningbo Sunny Electronic Co., Ltd.*, Case No. 16-6370 (N.D. Cal. Order dated Sept. 28, 2017). Following amended complaint, claims based on below cost pricing, refusal to deal and conspiracy to prevent plaintiff from acquiring a telescope company defeated at summary judgment. Order dated Sept. 20, 2019.
- Represented Samsung in global patent and standards related antitrust matters.
- Defending The Reynolds and Reynolds Company against state and federal antitrust claims relating to data management system access. Monopolization and attempted monopolization claims dismissed. *Motor Vehicle Software Corporation v. CDK Global, Inc.*, Case No. 17-896 (C.D. Cal. Order dated Oct. 2, 2017).
- Defended The Reynolds and Reynolds Company against claims relating to data management system access. Plaintiff's request for temporary restraining order denied. *Data Software Services, LLC v. The Reynolds and Reynolds Company*, Case No. 17-1347 (C.D. Cal.).
- Defended Samsung SDI against price-fixing actions brought by Oregon Attorney General. On a motion argued by Leo, Samsung SDI obtained an order capping the State of Oregon's potential antitrust civil penalties to a maximum of \$2.5 million, subject to possible additional reductions, as opposed to the potential maximum penalty of \$375 million. *State of Oregon v. LG Electronics, Inc.*, Case No. 1208-10246 (County of Multnomah, Order dated Nov. 23, 2016).
- Defended Samsung SDI against price-fixing claims involving cathode ray tubes (CRT). *In re Cathode Ray Tube (CRT) Antitrust Litig.*, MDL. No. 1917 (N.D. Cal.).
- Defended Samsung SDI against multi-billion dollar price-fixing claim brought by Motorola. Claims dismissed just before trial. *Motorola Mobility LLC v. AU Optronics Corporation*, 09-cv-6610 (N.D. Ill.).
- Defended Samsung SDI against price-fixing claims involving thin film transistor liquid crystal display products. *In re TFT-LCD (FLAT PANEL) Antitrust Litigation*, MDL. No 1827 (N.D. Cal.).
- Represented Diamond Electric in international price-fixing investigation in the automotive sector.
- Defended Samsung Electronics against multi-billion dollar group boycott claim brought by Rambus under California's Cartwright Act concerning a certain type of DRAM. *Rambus Inc. v. Micron Technology Inc.*, 04-0431105 (San Francisco Superior Court).

- Defended Samsung against federal and state antitrust claims brought by direct and indirect purchasers of SRAM alleging horizontal conspiracy to exchange information for the purpose of fixing prices. *In re SRAM Antitrust Litigation*, MDL No. 1819 (N.D. Cal.).
- Defended Live Nation and Clear Channel against Sherman Act § 2 monopolization claims brought by a purported class of purchasers of rock concert tickets. *In re Live Concert Antitrust Litigation*, MDL No. 1745 (C.D. Cal.).
- Defended Philip Morris against Sherman Act § 1 challenge to the \$246 billion dollar Master Settlement Agreement between leading tobacco companies and 46 states. Contributed to successful U.S. Supreme Court brief in opposition to petition for certiorari following favorable ruling by the Ninth Circuit Court of Appeals in *Sanders v. Brown*, 540 F.3d 903 (9th Cir. 2007).

Articles

- Between a Rock and a Hard Place: Vitamin C and the Future of U.S. Antitrust Enforcement Against Chinese Companies
The Legal 500 - Cartels Country Comparative Guide, 04.03.2019
- HSR and Antitrust Considerations for Private Equity Firms in M&A Transactions
CPI Antitrust Chronicle, 01.2018
- "Opinion analysis: A class action waiver in an arbitration agreement will be strictly enforced under the Federal Arbitration Act," *SCOTUSblog*, June 21, 2013
- "Argument recap: Can arbitration agreements with class action waivers survive in the face of the effective vindication doctrine?" *SCOTUSblog*, March 4, 2013
- "Argument preview: Under what circumstances are arbitration agreements with class action waivers enforceable?" *SCOTUSblog*, February 22, 2013
- "Challenge to Alleged Restraints on Baseball and Hockey Programming Survive Motion to Dismiss," *Sports Litigation Alert*, December 28, 2012
- "Using Prior Expert Testimony Requires Extra Effort," *New York Law Journal*, July 18, 2011

Antitrust Law Blog Posts

- "Is There an HSR Sea Change on the Horizon? Advance Notice Seeks Information on Possible Amendments to Numerous Provisions of the HSR Rules," October 15, 2020
- "Tell Me More – Antitrust Agencies to Demand More Information from Investment Funds," October 13, 2020
- "DOJ Antitrust Division Releases New Merger Remedies Manual," September 10, 2020
- "High Risk of Second Requests in the Cannabis Industry," July 2, 2020
- "Coronavirus Sparks Changes to Premerger Notification Process at the FTC," March 16, 2020
- "Higher Filing Thresholds for HSR Act Premerger Notifications and Interlocking Directorates Announced," January 26, 2018
- "Antitrust Claims Against Telescope Manufacturer Ningbo Sunny Dismissed and Shot into Space," October 16, 2017
- "Higher Filing Thresholds for HSR Act Premerger Notifications and Interlocking Directorates Announced," January 20, 2017

- "Maximum Civil Penalties for HSR Violations to Increase to \$40,000 per Day," June 30, 2016
- "Higher Filing Thresholds for HSR Act Premerger Notifications and Interlocking Directorates Announced," January 21, 2016
- "*SD3 v. Black & Decker (U.S.), Inc.* – District Judge Axes Complaint Alleging Table Saw Safety Standards Conspiracy," August 4, 2014
- "*Dang v. San Francisco Forty Niners* - Consumers can challenge Reebok's exclusive NFL apparel deal based just on a market of garments bearing NFL team logos," August 7, 2013
- "*American Express Co. v. Italian Colors Restaurant*: A class action waiver in an arbitration agreement will be strictly enforced under the Federal Arbitration Act," June 25, 2013
- "Challenge To Alleged Restraints On Baseball And Hockey Programming Survive Motion To Dismiss And Advance To The Next Round Of Litigation," December 19, 2012
- "Supreme Court Will Now Hear Two Appeals Concerning Class Arbitration," December 14, 2012
- "Supreme Court to Address Enforceability of Arbitration Agreements and Class Action Waivers Yet Again," November 19, 2012
- "*In re American Express Merchants' Litigation* - Plaintiffs Survive Three Rounds In The Second Circuit, But Can They Survive The Supreme Court?" February 7, 2012
- "*Wal-Mart v. Dukes*: Implications For Antitrust Class Actions," July 11, 2011
- "*AT&T Mobility LLC v. Concepcion* - What Does It Mean For Class Arbitration And Class Actions In Federal Antitrust Cases?", May 13, 2011
- "Blue Skies For Continental Airlines In Bid To Join Star Alliance", August 12, 2009
- "Plaintiffs Granted Leave to Amend Complaint Alleging Monopolization of Grapes Under Walker Process Theory", April 13, 2009
- "Complaint Alleging Conspiracy to Fix LTL Freight Fuel Surcharges Dismissed", March 6, 2009

Antitrust Books and Handbooks

- Editor, *Handbook on Antitrust in Technology Industries*, ABA Section of Antitrust Law, 2017
- Editor, *State Action Practice Manual*, ABA Section of Antitrust Law, Third Edition, 2017
- Editor, *Antitrust Evidence Handbook*, ABA Section of Antitrust Law, Third Edition, 2016
- Editor, *Handbook on the Scope of Antitrust*, ABA Section of Antitrust Law, 2015
- Contributor, *2012 Annual Review of Antitrust Law Developments*, ABA Section of Antitrust Law, 2013
- Senior Editor, *Handbook on Multijurisdictional Competition Law Investigations*, ABA Section of Antitrust Law, 2010

Media Mentions

Dealmakers: Wheel manufacturer wheels into deal with Sheppard Mullin's counsel
Daily Journal, 06.04.2019

Sheppard Mullin represented MHT Luxury Wheels on the deal
Global Legal Chronicle, 05.23.2019

No Evidence of California 'Cement Cartel' Conspiracy, Judge Rules
Daily Journal, 03.14.2018

Apple, Samsung Fight Qualcomm Bid For Confidential Deal
Law360, 03.07.2018

Car Dealer Software Antitrust Suits Consolidated In III
Law360, 02.01.2018

Sheppard Mullin Helps Surveillance and Defense Industry Service Providers Combine in \$180M Deal
Daily Journal, 01.09.2018

Sheppard Mullin Guides Alaska Permanent Fund Corp. In Generate Capital's \$200M Capital Raise
Daily Transcript, 12.26.2017

Electronic Vehicle Registration Co. Alleges Antitrust Scheme
Law360, 05.02.2017

ZEAVION Holding's \$127.5 million acquisition of Gymboree Play & Music
Don't Miss It: Hot Deals & Firms We're Following This Week
Law360, 07.01.2016

Monster Beverage Corp.'s \$690 million acquisition of American Fruits and Flavors
Don't Miss It: Hot Deals & Firms We're Following This Week
Law360, 02.26.2016

Sheppard Mullin Represents Diodes in Its \$400 Million Acquisition of Pericom Semiconductor
Corporate Counsel, 09.04.2015

Speaking Engagements

- "B2B Noncompetes and the Rule of Reason," Los Angeles County Bar Association Webinar, October 8, 2020
- "Joint Conduct 101: Information Exchange," ABA Section of Antitrust Law, Joint Conduct Committee, October 20, 2016

Events

Trending Legal Issues in the Retail Industry
Webinar, 06.16.2020

Memberships

- Co-Chair, Books and Treatises Committee, ABA Section of Antitrust Law, 2016-2023
- Member, Antitrust and Unfair Competition Law Section, State Bar of California
- Vice Chair, Books and Treatises Committee, ABA Section of Antitrust Law, 2014-2015

Podcasts & Webinars

Nota Bene Episode 86: Post-Pandemic International Competition Regulations that are Suddenly In Play with Leo Caseria, Jacques Derenne, David Garcia, and Bevin Newman
06.17.2020

Trending Legal Issues in the Retail Industry
06.16.2020

Practices

Antitrust and Competition

International Reach

Japan

Korea

Litigation

Class Action Defense

Antitrust Counseling and Compliance

California Antitrust and Unfair Competition Law

Cartel Investigations and Litigation

Consumer Protection

Government Merger and Civil Conduct Investigations

Intellectual Property / Antitrust

Private Civil Antitrust Litigation

Education

J.D., Columbia Law School, 2005, *Harlan Fiske Stone Scholar*

B.A., University of California, Los Angeles, 2002

Admissions

California

District of Columbia

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

Additional Office

Los Angeles