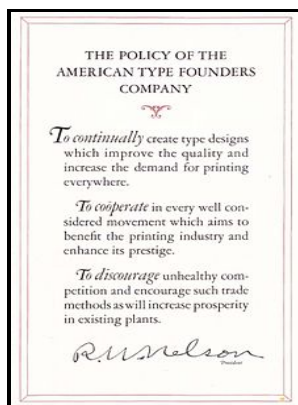


State anti-trust legislation - the Illinois brick issue

The Center - Seventh Circuit Eschews "Antitrust Standing" in Favor of Proximate Cause Analysis of Indirect Purchaser Claims Under California Cartwright Act, UCL, and Other State Antitrust Laws



Description: -

-
Antitrust law -- United States. State anti-trust legislation - the Illinois brick issue

- State anti-trust legislation - the Illinois brick issue

Notes: Includes bibliographical references.

This edition was published in 1979



Filesize: 64.45 MB

Tags: #Indirect #Purchaser #Antitrust #Standing #Heads #In #New #Direction

Indirect Purchaser Antitrust Lawsuits, Illinois Brick, and Apple v. Pepper (Part 1) — The Antitrust Attorney Blog — September 29, 2019

In addition, because arbitration proceedings are almost always confidential, the world will not benefit from learning about the antitrust violation and subsequent plaintiffs will not benefit from collateral estoppel. Commentators almost unanimously conclude that, despite *Hanover Shoe*, § 4 should be construed to authorize indirect purchasers to recover upon proof that increases were passed on to them.

Illinois Brick Co. v. Illinois

But some courts have applied collateral estoppel to antitrust arbitrations.

Indirect Purchaser Antitrust Standing Heads In New Direction

Justice White, who had written the majority opinions for the Court in both *Hanover Shoe* and *Illinois Brick*, refused to join the majority in *UtiliCorp*, which further extended *Illinois Brick*. Indeed, the House Report accompanying the bill actually referred to the opinion of the District Court in this case as an example of the correct answer. It is instead three-fold: i the number of variables that need to be addressed explodes once the pass-on is a relevant factor, ii courts, spurred on by defendants, will force plaintiffs to address all of these issues with reliable class-wide evidence and available data simply to obtain class certification, and iii the more variables a plaintiff needs to address to prove impact and damages, the more difficult, time-consuming, expensive, and risky the case becomes.

Indirect Purchaser Antitrust Lawsuits, Illinois Brick, and Apple v. Pepper (Part 1) — The Antitrust Attorney Blog — September 29, 2019

Respondents, in arguing that they should be allowed to recover by showing pass-on in this case, have conceded that petitioners should be allowed to assert a pass-on defense against direct purchasers of concrete block, *Tr. But Italian Colors* makes it very difficult for direct purchasers to enforce antitrust laws in a wide variety of circumstances, because the decision allows potential antitrust defendants to use arbitration clauses in

standard-form contracts to ban antitrust class actions and require individual arbitration of antitrust disputes. Collectively, this combination of public and private enforcement rights, together with the provisions of Sections 4 and 16 of the Clayton Act, create a system of enforcement designed to provide deterrence, compensation, and remediation.

SCOTUS Blows Down Apple's House Made of Illinois Brick

While these class action waivers have been widely criticized by scholars, judges, and legislators, the Supreme Court has been decidedly less wary.

Related Books

- [Charles Simonds - home making](#)
- [Teoriia dialektiki i obshchaia teoriia nauki](#)
- [Parshanut historit ve-idi' ologyah medinit - behinatan shel tekufot Bayit Rishon ve-Sheni](#)
- [Kinsei sansonshi no kenkyū - Edo jimawari sanson no seiritsu to tenkai](#)
- [Sonic Drillhole 85-02 - Walker Township; Cochrane District](#)