

TOP PLAINTIFF LAWYERS

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Antitrust



Seltzer is currently leading Susman Godfrey LLP's efforts as co-lead counsel for the end payer or indirect purchaser plaintiffs in a massive multidistrict class action arising from claims of price-fixing and bid-rigging conspiracies among companies that make automotive components. The case has been pending in U.S. District Court in Detroit since 2011.

The end payers include consumers and businesses that purchased or leased new automobiles which contain component parts alleged to have been subject to anticompetitive acts by their manufacturers.

The most recent settlements, announced in February, call for defendants Sanden USA, which makes automotive air conditioning, and automotive components maker Tenneco Inc. to pay about \$26 million to the class Seltzer represents, pushing the class' total recovery so far to more than \$1.085 billion. The litigation continues against the remaining non-settling defendants.

"The settlements achieved to date represent a tremendous victory for the victims of the al-

leged conspiracies, which were obtained after years of hard-fought litigation," Seltzer said. "Our job, however, is not done, and we intend to continue to fight on behalf of our class members who were injured as a result of defendants alleged decades-long price-fixing conspiracies."

The litigation encompasses 41 coordinated class actions against more than 160 defendants. *In re: Automotive Parts Antitrust Litigation*, 2:12-md-02311 (E.D. Mich., filed June 15, 2012). The plaintiffs allege the defendants' anticompetitive acts raised the prices of parts sold to automakers. Components involved range from power window motors in Acuras to fuel injection systems in Nissans to spark plugs in Volvos — a list of parts in the thousands for most new cars bought since 1995 in 30 states and the District of Columbia.

Seltzer said he and fellow plaintiffs' lawyers had the advantage of facts gleaned in the U.S. Department of Justice's probe into the price-fixing claims, an inquiry that morphed into the largest criminal antitrust investigation ever conducted by the DOJ's antitrust division. The outcome was criminal charges against dozens of companies

worldwide, resulting in billions of dollars in criminal fines paid to the U.S. government.

"Although government proceedings really started this case, our role was to determine what claims could be brought on behalf of consumers," Seltzer said. "The conspiracy spanned more than a decade and involved illegal conduct throughout the world."

Seltzer added that "prosecuting and managing these cases has been exceptionally challenging" because they "involve multiple, separate automotive parts that are alleged to have been subject to collusive pricing practices by dozens of defendants from across the globe who entered into separate conspiracies and are, in many ways, unprecedented in their scope and complexity."

The case continues. "We are very proud of the historic recoveries we have obtained thus far for American consumers and businesses and our work is not yet done," Seltzer said. Additional settlements with many millions of dollars are in the works, he said.

— John Roemer