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Top Antitrust Lawyers 2021

Seltzer is the founding partner of Susman Godfrey's Los Angeles office. At the beginning of his 49-year legal career, in the mid-1970s, before the firm was founded, he worked with the late Stephen D. Susman and obtained what would be one of the largest antitrust class action recoveries at the time: \$550 million in settlements in the Corrugated Container case.

The litigation involved a bruising antitrust skirmish in which the defendants sought unsuccessfully mid-litigation to change the rules retroactively to avoid joint and several liability if they lost. Congress rejected that effort. "Despite an intense lobbying effort by the defendants, the law remained intact," Seltzer said.

He added that teaming with Susman was a highlight of his career. "I'm very lucky to have been able to work with such a great lawyer and a great person, and to have become his law partner," said Seltzer, who joined Susman Godfrey in 1998.

These days, Seltzer is conducting litigation that involves two significant current issues: high housing costs and the supply chain disruptions plaguing the economy.

He serves as the lead lawyer for the firm in a massive antitrust class action brought on behalf of millions of home sellers against The National Association of Realtors and major national real estate brokers. *Moehrl v. The National Association of Real-*

tors et al., 1:19-cv-01610 (N.D. Ill., filed March 6, 2019).

The plaintiffs allege that rules requiring the seller's broker to offer to pay the buyer-broker's commission are anticompetitive. "The conspiracy has saddled home sellers with costs that would be borne by buyers in a competitive market," the complaint says.

Seltzer and his colleagues have defeated the defendants' motions to dismiss. "This is for big stakes," he said. "These anticompetitive practices have kept real estate brokers' commissions at artificially high levels for a number of years. Imposing these high transaction costs on American consumers is especially harmful at a time, like now, when housing shortages have led to higher home prices in general."

In another major antitrust case, Seltzer represents a potential class of several thousand truck drivers suing over alleged anticompetitive "no poaching" agreements among trucking companies. *Markson v. CRST International Inc. et al.*, 5:17-cv-01261 (C.D. Cal., filed June 22, 2017).

The case was filed before the current supply chain crunch, but Seltzer said that it is telling that even now in the face of a chronic truck driver shortage the defendants refuse to hire truck drivers who are deemed to be "under contract" to another company.

"The plaintiffs seek to vindicate the rights of many thousands of com-



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mercial truck drivers who, plaintiffs claim, were denied employment opportunities and whose compensation was suppressed by an agreement among trucking companies to avoid competition among themselves over the hiring of those drivers," Seltzer said.

— John Roemer