

Antitrust & Trade Regulation: Representative Matters

Representative Merger & Acquisition Investigations

Jones Walker has guided many clients through federal antitrust reviews of proposed acquisitions and mergers under the Hart-Scott-Rodino Antitrust Improvements Act:

- **CenturyLink Inc.** acquisition of Qwest Communications (2010)
- **Cal Dive International, Inc.** acquisition of marine assets from Superior Offshore (2008)
- **Horizon Offshore, Inc.** acquisition by Cal Dive International (2007)
- **Moncla Well Service, Inc.** acquisition by Key Energy Services, Inc. (2007)
- **Gulf Island Fabrication** acquisition of Gulf Marine Fabrication (2005–2006)
- **Red Simpson, Inc.** acquisition by Pike Electric (2004)
- **Tidewater, Inc.** acquisition of marine assets from Enesco Marine (2003)

Representative Criminal and Civil Investigations

Jones Walker has guided many clients through federal and state antitrust criminal and civil investigations.

Jones Walker served as lead counsel for **Petroleum Helicopters, Inc.** in connection with a federal grand jury subpoena and investigation of the Gulf of Mexico helicopter services industry by the Antitrust Division of the United States Department of Justice.

Jones Walker served as designated trial counsel for **Xacxtware Solutions, Inc.** and Insurance Services Organization, Inc. in connection with an investigation by the Louisiana Attorney General into alleged price fixing among insurance companies in the adjustment of home owner claims.

Jones Walker served as lead counsel for **Yusen Air and Sea Logistics Co.** in connection with an investigation of the freight forwarders market by the Antitrust Division of the United States Department of Justice, Japanese Fair Trade Commission, and European Commission.

Jones Walker was lead counsel for **Stewart Enterprises, Inc.** in a civil antitrust investigations conducted by several state attorneys general, including Maryland, Florida, and Connecticut. The investigations were closed in 2009 without any action taken.

Representative Litigation

Jones Walker is lead counsel for **PHI, Inc.**, in a purported class action against the three largest providers of offshore helicopter services in the Gulf of Mexico. *Superior Offshore International, Inc. v. Bristow Group Inc., et al.*, No. 1:09-cv-438 (D.Del., filed 6/12/09). The plaintiff alleges price fixing of offshore helicopter services in violation of federal antitrust law.

Jones Walker is lead counsel for **Cal Dive International, Inc.** and **Helix Energy Solutions Group, Inc.** in a purported class action by former employees of oil and gas service companies in the Gulf of Mexico. *Cunningham v. Offshore Specialty Fabricators, Inc.*, No. 04-CV-282. The putative class alleged a conspiracy to hire illegal aliens to depress worker wages in violation of anti-racketeering laws. The district court granted summary judgment on these claims in favor of Cal Dive and Helix.

Jones Walker is lead counsel for **Stewart Enterprises, Inc.**, in a purported nationwide consumer class action against the three largest providers of funeral home services in the United States and the largest casket manufacturer. *Funeral Consumers Alliance Inc. v. Service Corp. International, et al.*, No. 4:05-CV-3394 (S.D.Tx.). Originally filed in the Northern District of California, the suit alleges that the defendants acted jointly to reduce competition from casket discounters and to fix casket prices in violation of the federal antitrust laws and the California Business and Professions Code. Plaintiffs' expert submitted a report indicating that damages sought from all defendants would be in the range of approximately \$950 million to \$1.5 billion, before trebling. After a four-day evidentiary hearing, the court denied plaintiffs' motion for class certification on March 26, 2009. The Fifth Circuit denied plaintiffs' petition for permission to appeal on June 19, 2009, and denied plaintiffs' motion for reconsideration on July 29, 2009.

Jones Walker was lead counsel for **Stewart Enterprises, Inc.**, in *Pioneer Valley Casket Co., Inc. v. Service Corp. International, et al*, No. H-05-3399 (S.D. Tx.). Making allegations similar to those in the case above and seeking

damages of \$99 million, before trebling, several retail casket stores sought to represent a nationwide class of casket retailers. Soon after the district court denied their motion for class certification, the plaintiffs dismissed their claims.

Jones Walker was designated trial counsel for **Xactware Solutions, Inc.** in a series of consumer class actions filed by private plaintiffs. The court denied the motion for class certification and granted a motion to dismiss the antitrust claims against Xactware. *Schafer v. State Farm Fire & Casualty Co.*, 507 F.Supp.2d 587 (E.D. La. 2007).

Jones Walker was lead counsel for **BellSouth Telecommunications, Inc.** in a commercial arbitration under CPR Rules held in Atlanta brought by a local exchange carrier operating primarily in Southern Florida. The claimant alleged that BellSouth had violated federal antitrust law. While the arbitration was pending, the claimant filed for bankruptcy protection in Miami. Jones Walker joined a team of three law firms representing BellSouth in the bankruptcy proceedings. Acting upon BellSouth's motion for the appointment of a Chapter 11 Trustee, the bankruptcy court ruled that if the debtor's CEO "remains CEO of the Debtor and in control of the Debtor's Board of Directors, he is sufficiently implicated in problematic transactions to justify the appointment of a Chapter 11 Trustee." *In re Supra Telecommunications*, No. 02-41250-BKC-RAM (U.S. Bankruptcy Court. S.D.Fla. 12/19/2003).