

Dykema Matter Wins Global Competition Review Litigation of the Year

Dykema announced that a case the firm was involved in was named the winner of the Litigation of the Year – Cartel Defence at the Global Competition Review's 9th annual GCR Awards. The award recognizes the decision from the Eastern District of Michigan denying class certification in Automotive Parts Antitrust Litigation in which Dykema served as Counsel to AB SKF, a leading Swedish-based bearings technology provider.

In a release, the firm said Dykema attorneys involved in the matter include Howard Iwrey, Cale Johnson, Cody Rockey and Brian Moore. The decision by the court was the first certification ruling in long-running multidistrict litigation (MDL) involving 44 separate lead cases alleging price-fixing and bid-rigging against dozens of Tier 1 suppliers of 44 separate parts.

In its ruling, the court ruled first that the direct purchase plaintiffs (aftermarket distributors of bearings impacted by one type of alleged conspiracy) failed to demonstrate that their claims were typical of other putative class members (which included OEMs allegedly impacted by other types of conspiracies) or that they could adequately represent the interest of all putative class members.

The firm's release said the court also ruled that the plaintiffs failed to satisfy the Rule 23(b) predominance requirement (that questions of law or fact common to class members predominate over any questions affecting only individual members). The court (following the Supreme Court's decision in *Comcast Corp. v. Behrend*) reasoned that the

plaintiffs failed to isolate the effects of a given conspiratorial effort upon all or a significant portion of the proposed class, rejecting experts' regression analyses and testimony about the overall nature and characteristics of the market for bearings.

GCR editors selected the finalists in each category, and readers voted on the winners. The awards were presented at a ceremony on March 26 in Washington, D.C.