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Antitrust Claims: Identification and Analysis

Lexis Practical Guidance Module

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This practice note describes the types of claims that parties can bring under federal antitrust laws and explains the elements a plaintiff must plead in a complaint or counterclaim. You must consider these elements regardless of which side you represent. A plaintiff's lawyer must consider them so that the complaint alleges all the facts necessary to state a claim. They are equally important if you are representing a defendant, because the absence of an essential element may support a motion to dismiss; a motion for judgment on the pleadings; or, if after discovery the evidence fails to support each required element, a motion for summary judgment or partial summary judgment. And if the case proceeds to trial, the plaintiff's failure to prove an essential element of the case can result in a verdict for the defendant.

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