

## Axinn Wins 7-0 Summary Judgment in Connecticut Supreme Court

June 21, 2010

### PRACTICE AREAS

Antitrust

On August 2, 2010, Axinn, on behalf of its client, Brown & Brown, won a 7-0 summary judgment ruling in the case *Brown & Brown v. Blumenthal*. The ruling specified that the Connecticut Attorney General cannot make public documents or information he obtains through an antitrust subpoena.

The CT Supreme Court, in a unanimous decision, agreed with us that material subpoenaed by Connecticut's AG in antitrust investigations are fully confidential and may not be disclosed outside the AG's office except to governmental officials in other states who may not disclose the information outside their offices. The prohibition on disclosure is absolute during the investigation and, once litigation is commenced, the material may not be disclosed on the public record until a Court has decided, after notice and opportunity to be heard by the subpoena recipient, that the confidentiality restriction should be lifted. In addition, due to an amendment to Connecticut's antitrust act that was passed last year, the Court concluded that the same protections apply to information produced voluntarily as part of an antitrust investigation.

Michelle Seagull, attorney with Axinn, told *The Associated Press* she was gratified the Supreme Court acted unanimously to limit what the Attorney General may do with confidential information. As Ms. Seagull explained, "A party can be caught up in an investigation without having done anything wrong."