

Axinn Obtains Dismissal of Federal Antitrust Claims for The Hartford

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Axinn successfully obtained orders dismissing with prejudice federal antitrust claims against its client, The Hartford, in *Brewer Body Shop, LLC v. State Farm Mutual Automobile Insurance Company* and *Parker Auto Body Inc. v. State Farm Mutual Automobile Insurance Company*. *Brewer* and *Parker* are each one of 24 similar cases in an ongoing MDL in the Middle District of Florida (MDL 2557, *In re Auto Body Shop Antitrust Litigation*), in which plaintiffs have generally accused various insurance companies of violating Section 1 of the Sherman Antitrust Act and various state laws by purportedly conspiring to suppress the amounts they are obligated to pay for automobile repairs. In the *Brewer* action, Axinn filed on behalf of 15 defendants a motion to dismiss the first amended complaint, and in *Parker*, Axinn filed a motion to dismiss on behalf of 23 defendants. The joining defendants included Farmers, Liberty Mutual, Nationwide, and Progressive, and were represented by esteemed firms such as Weil Gotshal, King & Spalding, Sutherland Asbill and Baker Hostetler.

The Court held that the plaintiffs had failed to state a claim under Section 1 of the Sherman Act, and found that “giving the Plaintiffs another opportunity to state a claim would be an exercise in futility.” The Court referred the state law causes of action to the magistrate judge, and while a decision on those issues is pending in *Parker*, the magistrate judge has already recommended dismissal of all state law claims against Hartford in the *Brewer* action.

The Axinn team included Tom Rohback.

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