

Axinn Obtains Dismissal of Federal Antitrust Claims for The Hartford

March 16, 2016

ATTORNEYS

Rohback, Thomas

PRACTICE AREAS

Litigation

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.