

## Winston Grinds Bearings Class Action to a Halt

JANUARY 7, 2019

On January 7, Winston & Strawn secured an important victory for NTN Corporation and JTEKT Corporation when the Eastern District of Michigan agreed with our clients' arguments and denied plaintiffs' motion to certify a proposed class of bearings purchasers in sprawling antitrust multidistrict litigation consolidating class actions involving nearly 30 different automotive parts. Despite the fact that this litigation has been pending for nearly a decade, this is the first decision on class certification to be issued by the court.

The named plaintiffs, small distributors of bearings for industrial and aftermarket applications, allege that bearings manufacturers engaged in a conspiracy to violate the antitrust laws by fixing prices and rigging bids over a 10-year period. However, they sought to certify a class of all direct purchasers of bearings in the United States, which included automakers like GM, Ford, Chrysler, and Toyota, as well as industrial original equipment manufacturers like Caterpillar. Plaintiffs claimed damages exceeding \$13 billion. The defendants, led by Winston, successfully convinced the court that class certification was not appropriate for several reasons: (1) the named plaintiffs' claims were not typical of other class members—specifically those of large automotive or industrial equipment manufacturers—because distributors purchased bearings off price lists whereas manufacturers engaged in price negotiations; (2) individual questions predominated over questions common to all class members because of the variations in purchasing practices; and (3) these differences led to a lack of fit between the alleged antitrust conspiracy and the regression methodology through which the plaintiffs sought to establish antitrust impact and damages. This decision does not end the matter, but does present a formidable obstacle to the plaintiffs from pursuing claims on behalf of their proposed, vastly overbroad, class, as well as challenges in the other putative class actions of the MDL where Winston represents five clients.

Winston lawyers led the defense of the matter and drafted the brief in opposition to the plaintiffs' motion for class certification. Winston Partner Jeffrey Kessler, along with Jeremy Calsyn, argued the opposition. The team for the NTN defendants included Partners Jeffrey Kessler, Seth Farber, Jeffrey Amato, and Molly Donovan, as well as Associates Elizabeth Cate, Angela Smedley, Matthew DalSanto, Mark Rizik, Alexandra Kushner, Michael Toomey, and Patrick Bannon. The team for the JTEKT defendants included Partner Heather Lamberg.

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