

Winston & Strawn Wins Significant Victory for Client WestRock CP, LLC

AUGUST 3, 2017

Winston scored a huge victory for client WestRock CP, LLC on August 3, 2017 when the Northern District of Illinois granted summary judgment in favor of WestRock in *Kleen Products LLC, et al. v. International Paper, et al.* This is a significant win and rare complete victory for a defendant in an antitrust conspiracy case.

In a suit first filed in 2010, plaintiffs alleged that, in violation of the Sherman Act, WestRock and other major producers of containerboard conspired to fix prices and reduce production over the course of a seven-year period. The named plaintiffs purported to represent a class of thousands of purchasers of containerboard and corrugated container products, and sought damages in excess of \$11 billion. After years of hard-fought litigation (including an appeal of class certification to the Seventh Circuit), the Winston team moved for summary judgment, arguing that the plaintiffs had presented no evidence that WestRock had increased prices or reduced production, and that WestRock's pricing and production decisions were made independently. While summary judgment was pending, three other defendants settled, leaving only WestRock and one other defendant in the case. On August 3, in an 81-page opinion, Judge Harry Leinenweber comprehensively dismantled the plaintiffs' arguments, finding that all the conduct alleged to have been conspiratorial was more likely the result of independent decision-making on the part of the defendants.

The Winston team was led by Partner Jim Herbison and Mike Mayer. The team also included Associate Brett Walker.

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