

Daily Journal

February 13, 2013

TOP VERDICTS OF 2012

TOP PLAINTIFFS' VERDICTS BY DOLLAR

\$87,000,000

TFT-LCD Antitrust Litigation

It all started on a golf course in 1998.

That's when several of the world's biggest electronics manufacturers — including Samsung Electronics Co. Ltd., Sharp Electronics Corp. and Toshiba Corp. — allegedly met to discuss fixing prices of their flat panel displays, according to Pearson, Simon, Warshaw & Penny LLP's San Francisco-based partner Bruce L. Simon.

In the eight years that followed, Samsung, Sharp, Toshiba, AU Optronics Corp., and others allegedly conspired to fix the prices of their screens, known as thin-film transistor liquid crystal displays (TFT-LCD).

The U.S. Department of Justice caught wind of the price-fixing scheme in late 2006, launching an investigation and filing criminal cases against more than 20 executives from eight different companies.

Two civil class actions followed in 2007. One lawsuit was brought on behalf of indirect purchasers that bought the screens inside finished products like laptops or flat-screen televisions. The other lawsuit involved direct purchasers

CASE INFO
Antitrust
Northern District of California U.S. District Judge Susan Y. Illston
Plaintiff's attorneys: Pearson, Simon, Warshaw & Penny LLP, Bruce L. Simon; Lieff Cabraser Heimann & Bernstein LLP, Richard M. Heimann
Defense attorneys: White & Case LLP, Christopher M. Curran, John H. Chung, Martin M. Toto, Kristen J. McAhren

that bought the screens directly from the manufacturers. *In Re: TFT-LCD (Flat Panel) Antitrust Litigation*, 07-MD-1827 (N.D. Cal., filed April 20, 2007).

The lawsuits turned into big wins for plaintiffs' firms. The indirect purchaser class action brought in more than \$1 billion in settlements, and the direct purchasers received nearly \$500 million.

All but one company, Toshiba, settled before their case went to trial. Toshiba risked it last



BRUCE SIMON



RICHARD M. HEIMANN

spring, going to trial against Simon and San Francisco-based co-lead counsel Richard M. Heimann, of Lieff Cabraser Heimann & Bernstein LLP.

In July, a jury hit Toshiba with an \$87 million verdict after less than a week of deliberation.

"The verdict sends a message that, in a case of this magnitude, a defendant better be serious about settling," Simon said. "Otherwise, you're going to trial."

Toshiba's attorney, White & Case LLP partner Christopher M. Curran, declined to comment. But in past interviews with the Daily Journal, he in-

sisted any evidence against Toshiba was insufficient to prove the company guilty.

Curran previously said he and his team were satisfied with the \$30 million settlement reached with direct purchasers after the verdict. He said the settlement was "a fraction" of what plaintiffs sought and in line with the company's belief that there were no recoverable damages.

"I must confess, I was disappointed with [the verdict amount]," Heimann said. "That was the principal reason we ended up settling the way we did."

— Saul Sugarman