

Competition Group Of The Year: WilmerHale

By **Matthew Perlman**

Law360 (February 24, 2025, 4:03 PM EST) -- The competition group at WilmerHale helped Tesla score a key ruling last year in a case challenging efforts to block its direct-sales model in Louisiana and also helped Novelis Inc. reach a favorable settlement in a long-standing dispute with a rival aluminum supplier, earning a spot among the 2024 Law360 Competition Groups of the Year.

Among WilmerHale's successes last year was a Fifth Circuit ruling that revived Tesla's case accusing Louisiana car dealers and regulators of conspiring to exclude the direct-sale electric automaker from the state. The case targets the Louisiana Automobile Dealers Association, along with several members of the Louisiana Motor Vehicle Commission.

The appeals panel issued a split decision in August reversing a Louisiana federal court's dismissal of Tesla's due process claim and called for another look at the automaker's claim under antitrust law.

Thomas Mueller, chair of WilmerHale's competition practice, told Law360 the case is complex because it deals with the structure of Tesla's business and legal issues surrounding different state regulatory regimes, along with competition issues. But, he said, the firm does well working on these types of complex cases.

"That's been a hallmark of the firm for as long as I've been here," Mueller said. "That's a real strength of the practice."

WilmerHale also represented aluminum supplier Novelis in a case filed against it by rival Arconic in 2017 over agreements related to the aluminum used to make Ford's popular F-150 truck. Arconic initially accused Novelis of misappropriating trade secrets and breaching confidentiality provisions in a pair of agreements between the companies, but Novelis defeated the trade secrets claims and was able to knock down the damages for the contract claims to \$1.

Novelis also lodged antitrust counterclaims against Arconic over supply prices that ultimately led to a settlement in October 2023.

"That's really a terrific example of how practice groups in the firm cooperate with each other to achieve these successes," said Hartmut Schneider, a partner in WilmerHale's Washington, D.C., office.



Mueller said the Novelis case was compelling from a human interest perspective because it involved Ford's switch to an all-aluminum F-150 and that it also gave the firm another chance to work on the plaintiffs side of an issue.

"We were ensuring that Ford continued to have a couple of different suppliers for that very specialized aluminum, which is fun," Mueller said. "I also started my antitrust career as a general litigator, first on the plaintiff side, and this was a nice opportunity to be pressing the plaintiff side in an antitrust case."

The firm's wins last year also included helping the University of Pennsylvania and the other Ivy League schools defeat a proposed class action from student athletes challenging the athletic conference's long-standing policy of not offering athletic scholarships. WilmerHale is also defending the University of Pennsylvania against an ongoing suit accusing elite schools of fixing financial aid offerings.

The practice group's other ongoing work includes defending Meta against monopolization claims from the Federal Trade Commission and from groups of consumers and advertisers. In a recent development, WilmerHale helped Meta defeat a class certification bid from the consumers in January.

WilmerHale is also defending Express Scripts against an FTC case over insulin prices and against a related defamation case over an FTC report. Further, the firm is representing one of the real estate companies named in the U.S. Department of Justice antitrust case over the alleged use of RealPage's software to set residential rental prices.

"We've got a lot going on, and it's across a variety of industries and sectors with claims involving monopolization, as well as anticompetitive agreements," Mueller said.

WilmerHale has around 60 attorneys working full time on antitrust matters, with an additional 30 or so doing some antitrust work. Mueller said the firm has been expanding its antitrust litigation capabilities to keep pace with a recent increase in the number of antitrust cases being brought by federal and state enforcers and the private bar, as well as in Europe.

"We really see the growth area over the last several years, and we expect it to continue, in the antitrust litigation space," Mueller said. "Plaintiffs, on all fronts, have been bringing more cases."

Schneider said the bolstered litigation capabilities also help boost the firm's merger practice, especially in the current environment.

"You just have to be prepared for litigation in ways that you didn't have to 10 or 15 years ago," Schneider said. "That's why the litigation practice is important standing on its own, but it's also important because it provides firepower across the other parts of the practice."

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