

Summary Judgment Motions in Antitrust Cases

A Practical Guidance® Practice Note by Brian C. Rocca, Morgan, Lewis & Bockius LLP



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Summary judgment under the Federal Rules of Civil Procedure often is a critical part of an antitrust case for both plaintiffs and defendants. This Practice Note details the nuts and bolts of moving for and opposing summary judgment, starting with the basic legal standard and evidentiary requirements for such motions. It also addresses strategic considerations for both plaintiffs and defendants, emphasizing the need to plan from the inception of the case. Specific guidelines for drafting summary judgment motions include organizing arguments by claim, using clear headings, and ensuring the admissibility of evidence. The practice note also highlights the importance of creating factual disputes to survive summary judgment and the role of expert testimony. Special considerations for antitrust plaintiffs and defendants are provided, along with tips for drafting and filing the necessary documents.

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Brian C. Rocca focuses on antitrust and complex litigation matters. He is the leader of the firm's *Chambers*-ranked California antitrust practice. Having spent two decades working with some of the world's most innovative companies, Brian is particularly adept at leading the defense of monopolization claims in the technology sector. He has been rated by *Chambers USA* in the antitrust field consecutively since 2013, and has been named a Top Antitrust Lawyer in California by the *Daily Journal* in three out of the last four years.

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