

Victory in a Long-Running Antitrust Case

Client:	CRST The Transportation Solution Inc.
Industry:	Trucking
Area of Law:	Antitrust defense
Venue:	Central District of California
Result:	\$100 million claim settled for nominal amount



“Plaintiffs, who have litigated this case for nearly five years without seeking certification of an antitrust class or subclass against only CRST, are not entitled to another bite at the apple.”

—U.S. District Judge Stanley Blumenfeld Jr., Order Denying Motion to Modify Class Certification Order, April 6, 2022

Pillsbury represented CRST, a leading national trucking company, as the main defendant in a high-profile no-poach antitrust class action in California. The lawsuit alleged that eight major trucking companies conspired (in violation of the Section 1 of the Sherman Act and California’s Cartwright Act) for nearly a decade to suppress wages for a putative national class of 85,000 under-contract drivers. Plaintiffs alleged that the no-poach agreement to not hire each other’s under-contract drivers was per se illegal and sought damages of over \$100 million before trebling.

Six of the eight defendants settled for a total of \$9.75 million before the court ruled on plaintiffs’ motion for class certification. In February 2022, Pillsbury was successful in defeating class certification. Two months later, in April 2022, following plaintiffs’ attempt to certify a narrower, CRST-only antitrust class, the Court issued a scathing opinion adopting Pillsbury’s arguments and denying plaintiffs’ motion.

Plaintiffs moved forward with the four individual claims of the named plaintiffs, in the hopes that the Ninth Circuit would resurrect the class on appeal. Our summary judgment briefing that followed was closely monitored by antitrust counsel in other no-poach cases and the DOJ’s antitrust and appellate divisions. At DOJ’s request, we met with a team of eight DOJ attorneys, including the head of the appellate division, and convinced DOJ to take no position on the merits of the case. Nonetheless, the DOJ later filed a statement of interest that threw support behind plaintiffs’ position on the per se standard. We filed a hard-hitting response just days before oral argument, catching the attention of plaintiffs and the antitrust bar.

One day before the scheduled oral argument, plaintiffs settled both the antitrust class and wage and hour class claims against CRST for \$1.2 million. This settlement is inclusive of all costs and fees for plaintiffs’ counsel, will not impose any injunctive relief on CRST, and—unlike in most antitrust class action settlements—the notice and agreement will openly state that there was no conspiracy, no driver wages were suppressed, and that CRST settled purely to avoid further litigation costs.