

Firm News | March 16, 2021

Troutman Pepper Clinches Antitrust Win for United Egg Producers, United States Egg Marketers

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PHILADELPHIA – Troutman Pepper successfully represented United Egg Producers (UEP) and United States Egg Marketers (USEM) in affirming a 2019 judgment dismissing antitrust litigation after a jury found no conspiracy among egg industry participants to reduce the supply of eggs to drive up prices. A diverse Troutman Pepper trial team represented the clients in this decade-long litigation.

“We are pleased that the Third Circuit has affirmed the jury’s finding, after a five-week trial, that our clients were not involved in any wrongdoing,” said Troutman Pepper Partner Jan Levine. “We are proud of our team’s hard-fought win.”

In 2011, several large national grocery stores sued industry trade associations UEP and USEM, and several of the nation’s largest egg producers, including Rose Acre Farms, alleging an industry-wide supply restriction conspiracy to fix the prices of eggs and egg products sold in the United States.

After over a month-long trial involving the three remaining defendants, UEP, USEM and Rose Acre Farms, the jury found insufficient evidence of an alleged conspiracy, and the District Court entered judgment in defendants’ favor. Damages were claimed to be in excess of \$1 billion.

The grocery stores appealed, claiming the District Court erred when instructing the jury on the elements of the conspiracy. On March 15, 2021, the Third Circuit panel ruled there was no error in the jury instructions.

The Troutman Pepper team representing UEP and USEM includes Jan Levine, [Robin Sumner](#) and [Whitney Redding](#). Troutman Pepper also served as defense liaison counsel.

Troutman Pepper has a nationally recognized antitrust practice, with successes including landmark court decisions, obtaining clearance for mergers and acquisitions, and resolving civil and criminal government investigations at the state and federal levels. Clients span a broad range of industries, including software, high-tech, building materials, chemicals, energy, publishing, media and entertainment, transportation, telecommunications, sports, agriculture, pharmaceuticals, medical devices and health care.

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