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Presentation of Sarah Vance, the Chief Judge of the United States District Court for the Eastern District of Louisiana, at the Russian - American workshop on antimonopoly enforcement on 12th July 2010 was about determination of damages under US antitrust law.

As explained by Judge Sarah Vance, the US applies the principle of treble damages for antitrust violations. Under the Clayton Act, any person whose enterprise or property suffered damages caused by antitrust violations can file a lawsuit to receive treble compensation for incurred damages + cover court charges and attorneys' fees. Companies that violate the Sherman Act have to pay a fine under criminal proceedings and compensate treble damages under civil proceedings.

The federal judge said that the maximum statutory fine is either \$100 million, or company's profit, or treble damages of the victim, whatever is bigger.

In Judge Vance's opinion, the principle of treble damages enables to compensate the victims, provides effective deterrence and stimulates private protection of civil rights. At the same time, she pointed out that possibility to get "treble damages + legal fees" can encourage arbitrary lawsuits, which can put constraints to normal business conduct. Therefore, in the US there are limits to private antitrust laws. First, antitrust qualification of damages should be established: compensation should answer the purpose of antitrust law. Second, there is a period of limitation to recover damages. Third, proper evidence is necessary to prove damages.

Damages must be caused by unlawful acts of the respondent and not by other factors such as economic recession, errors of management and lawful competition. Judge Vance clarified that to analyze and calculate the size of damages the antimonopoly bodies typically use experts.

In conclusion the federal judge presented a technique for calculating damages caused by antitrust violations.