



Hon. JAMES J. MCBRIDE (Ret.)
Mediator | Arbitrator | Private Judge | Discovery Referee

Representative Cases

ANTI-TRUST

- Cartwright Act case alleging a conspiracy by competitors to fix prices and exclude plaintiff-designed DRAM chips out of the memory market. Defense presented evidence demonstrating that it was design flaws, higher manufacturing costs and other drawbacks associated with the memory chips along with plaintiff's business practices that prevented RDRAM from gaining wide acceptance in the market.
- Plaintiff was a medical group corporation started by a doctor who claimed to have developed a proprietary staffing model that permitted a long term care facility to manage difficult post-surgical cases, e.g. liver transplant, at a level equal to that offered by a critical care facility but at a far lower cost. He claimed that after a period of initial success, the competitor and dominant physician's group in the area conspired with one or more hospitals to force him out of business. Plaintiff hired defendant law firm to prosecute anti-trust claims on behalf of the company. A lawyer on the case lost a box of documents. Ultimately the case was dismissed for failure to prosecute. Plaintiffs claimed that loss of the documents was malpractice that caused the dismissal. The underlying anti-trust claims had to be heard during the malpractice suit.
- Anti-trust case between competing excursion boat companies. Plaintiff has maintained a consistent one-third share of the market for years and claimed that Defendant maintained control of a two-thirds share of the market by means of anti-competitive acts. Plaintiff brought anti-trust suit

under the Cartwright Act and Unfair Practices Act. Plaintiff alleged that Defendant engaged in predatory pricing and controlled the market by means of secret illegal tying agreements with and under the table rebates paid to tour operators who purchases tickets for the boats in bulk.