

Gas Prices, Class Arbitration, Foreclosure-Auction Bid Rigging

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The U.S. Court of Appeals for the First Circuit rejected price fixing claims against gasoline stations on Martha's Vineyard as the evidence presented did not tend to exclude the possibility of merely parallel conduct without an agreement. The U.S. Court of Appeals for the Fifth Circuit dismissed a lawsuit challenging an oil price fixing cartel involving OPEC, declining to decide political questions and create diplomatic complications. Other recent antitrust developments of note included the U.S. Court of Appeals for the Second Circuit's decision not to enforce an arbitration provision that barred class actions on the ground that it effectively deprived plaintiffs of the statutory protections of the antitrust laws and a district court's denial of the Federal Trade Commission's motion to preliminarily enjoin the merger of two clinical laboratory testing firms.