



## Hal K. Litchford

Shareholder

Orlando | 407.367.5401 | [hlitchford@bakerdonelson.com](mailto:hlitchford@bakerdonelson.com)

Hal Litchford devotes his practice primarily to the litigation, trial and appeal of antitrust, trade regulation and other significant business-related disputes, including class actions.

Mr. Litchford's broad experience includes antitrust and trade regulation matters, non-compete and trade secret law and intellectual property law, among other areas. As a result of his extensive courtroom experience, he also has a related counseling practice.

Mr. Litchford's antitrust and business litigation experience created opportunities to represent motor vehicle manufacturers in their dealer network relationships. For more than 20 years, he has represented a manufacturer in all aspects of its relationships with its dealers and dealer network, including litigation, administrative practice and hearings and extensive counseling. This representation has also involved exporting and other distribution issues, both domestic and international.

Mr. Litchford was one of the first board-certified attorneys in Antitrust and Trade Regulation in the state of Florida, and holds the highest rating assigned by Martindale-Hubbell. He has received numerous recognitions from his peers, including his listings in *Florida Super Lawyers*, *The Best Lawyers in America*<sup>®</sup> and *Chambers USA: America's Leading Business Lawyers*.

Mr. Litchford is a well-known participant in bar activities. He has served as chair of the Business Law Section of The Florida Bar, chair of the Statewide Fee Arbitration Committee, and is serving his second term on the Certification Committee of The Florida Bar for Antitrust and Trade Regulation Law. He has also served on the Appellate Rules committee as well as the ad hoc Committee that drafted the standards for intellectual property certification in Florida.

Since 1980, Mr. Litchford has been in private practice in Orlando and was one of the founding shareholders of Litchford & Christopher. Prior to coming to central Florida, he worked in the antitrust department of Howrey & Simon in Washington, D.C.

He is an accomplished author and presenter on the topics of antitrust and civil litigation, and frequently presents continuing legal education seminars across the state.



### Case Studies

- Eleventh Circuit En Banc Appellate Ruling Affirms Dismissal of Antitrust Claims Against Automobile Insurer - Antitrust



### Representative Matters

- Represented a major automobile insurance carrier in consolidated proceedings before the U.S. Court of Appeals for the Eleventh Circuit. In a unanimous panel opinion, the Eleventh Circuit upheld the District Court's dismissal of all antitrust claims for per se price fixing and group boycott brought by body shop plaintiffs in one action while finding the Court lacked jurisdiction to decide the merits of two other actions where the body shops failed to timely file amended complaints, resulting in dismissals with prejudice converting to final judgments by operation of law on the same antitrust claims, which the body shops failed to timely appeal, divesting the Court of jurisdiction.

- Defended a major automobile insurer in multiple antitrust actions alleging per se price fixing, group boycott and related state claims that were consolidated in an MDL proceeding. Complaints were dismissed on the pleadings, with prejudice, by the District Court.
- Represented a major automobile insurance carrier in en banc proceedings before the U.S. Court of Appeals for the Eleventh Circuit. In an 8-1 opinion, the full court affirmed dismissals with prejudice of five bellwether antitrust complaints that alleged per se price fixing and group boycott.
- Successfully defended the finance company affiliated with a motor vehicle manufacturer against a dealer termination lawsuit in federal court that sought in excess of \$30 million. After establishing that dealer's damages were based on falsified financial statements, the District Court dismissed the case for egregious litigation misconduct. The Court also entered summary judgment against the former dealer in the alternative.
- Defended a federal False Claim Act qui tam action alleging EB-5 program violations, successfully moved for a stay of discovery and dismissal of the complaint. The dismissal was with prejudice.
- Obtained an order striking allegations, staying discovery and ultimately dismissing a qui tam complaint brought by a whistleblower against a medical supply company for allegedly improper Medicare billing.
- Secured an order dismissing with prejudice a federal lawsuit by a competitor against a national provider of ancillary airport services brought under the Sherman Act, the Clayton Act and Oregon state laws, alleging monopolization and collusion in restraint of trade.
- Defended a motor vehicle manufacturer against claims alleging misappropriation of technology underlying OEM GPS units. Following entry of summary judgment on all claims, the District Court awarded attorneys' fees incurred in defense of the case against opposing counsel pursuant to 28 U.S.C. §1127.
- Defended to a satisfactory settlement a motor vehicle manufacturer that was sued in federal court by a dealer that sought damages from alleged unfair allocations of new automobiles.
- Successfully defended a manufacturer of a luxury line of automobiles in a case by a failed dealer alleging that the manufacturer misled and defrauded it regarding its market area and potential profitability.
- Obtained permanent injunction in federal court against competitor of client that designed a sophisticated scheme to prey on client's market recognition and goodwill for an important dietary supplement brand. Our client, an over-the-counter brand manufacturer, recently acquired several established health care brands. During due diligence, we identified the scheme and filed an action in U.S. District Court for trademark and trade dress infringement and false labeling. To settle the lawsuit, the defendants agreed to a permanent injunction against infringement, abandoned all markets for the competing product, assigned any rights to their infringing marks to our client and paid a confidential but substantial sum to cover our client's attorneys' fees.
- Obtained an order from U.S. District Court dismissing with prejudice an antitrust and tortious interference lawsuit against a casualty insurance company. The plaintiffs were two local contractors who, when their business from the defendant insurers decreased after they declined to join the insurers' preferred list of disaster recovery companies, claimed that the insurers illegally steered their policy holders to their preferred contractors.



## Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Listed since 2007 in *Chambers USA: America's Leading Lawyers for Antitrust (Band 1)* and Business Litigation
- Listed since 2006 in *The Best Lawyers in America®*
- Named the *Best Lawyers' 2021 Orlando Appellate Practice "Lawyer of the Year"*
- Named the *Best Lawyers' 2012 and 2015 Orlando Antitrust Law "Lawyer of the Year"*

- Listed since 2007 in *Florida Super Lawyers* for Business Litigation, Intellectual Property and Antitrust Litigation
- Listed among "Best Lawyers in Orlando," *Orlando Magazine* (2008 – 2011, 2014)
- Orange County Bar Association (Fee Arbitration Committee, Vice Chair, 1986 – 1987; Chair, 1987 – 1990)
- American Bar Association (Antitrust and Litigation Sections)
- District of Columbia Bar Association
- The Florida Bar (Business Law Section, Executive Council, 1991 – present, Secretary-Treasurer, 1998 – 1999, Chair-Elect, 1999 – 2000, Chair, 2000 – 2001; Antitrust and Trade Regulation Law Certification Committee, 2014 – 2015; Antitrust Committee, Vice Chair, 1991 – 1992, Chair, 1992 – 1994; Business Litigation Committee; Intellectual Property Law Committee; Continuing Legal Education Committee, 1993 – 1998)
- Board certified in Antitrust and Trade Regulation Law by The Florida Bar
- Antitrust and Trade Regulation Certification Committee of The Florida Bar (Member, 2000 – 2004; 2011 – present; Vice Chair, 2013 – 2014)
- Lawyer-Pilots Bar Association
- Commercial Pilot ASMEI and CFI



## Civic Honors & Activities

- Co-founder and board member – Central Florida Leadership Academy Charter School



## Publications

- "Remote Depositions: A Great Tool for Litigators During Coronavirus," *Trial Spotlight Newsletter* (August 2020)
- Co-author – "Virtual proceedings: A Practitioners' Guide," *Westlaw* (July 2020)
- Co-author – "Navigating Remote Depositions: A Practitioners' Guide," Republished May 7, 2020 in *Bloomberg Law* (April 22, 2020)
- Co-author – "Fair Pricing in Times of Need: Price Gouging Controls Expanded at Federal and State Levels in Response to COVID-19" (April 6, 2020)
- Co-author – "Disagreements over Medical Judgment Cannot Form the Basis for Liability Under the False Claims Act," (September 2019); republished in *Westlaw Journal Government Contracts* (October 2019)



## Speaking Engagements

- "Branding Inside & Out" (November 2017)
- "Discovery in the United States: A Primer," Geneva Group International's European Conference, Cannes, France (April 2012)



## Education

- University of Virginia School of Law, J.D., 1978
- Vanderbilt University, B.S., 1975, cum laude



## Admissions

- District of Columbia, 1978
- Florida, 1979
- U.S. District Court, Middle District of Florida, 1980
- U.S. District Court, Southern and Northern Districts of Florida, 1981
- U.S. Court of Appeals, Fifth and Eleventh Circuits, 1981

- U.S. Supreme Court and U.S. Court of Appeals, Federal Circuit, 1988
- U.S. District Court, District of Colorado, 2000