

An Overview of Vertical Restraint Considerations Under New York Law Post-*Leegin*

Lawrence Reicher

New York State Bar Association
Antitrust Section
Vertical Restraints Committee
May 20, 2014

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Recommended Reading Statutes

- ▶ N.Y. Gen Bus. Law § 340: Contracts or Agreements for Monopoly or in Restraint of Trade Illegal and Void
- ▶ N.Y. Gen Bus. Law § 369-a: Pricing-fixing Prohibited
 - Pricing fixing prohibited. Any contract provision that purports to restrain a vendee of a commodity from reselling such commodity at less than the price stipulated by the vendor or producer shall not be enforceable or actionable at law.

Recommended Reading Cases

- ▶ *Leegin Creative Leather Products Inc. v. PSKS, Inc.*, 551 U.S. 877 (2005)
- ▶ *Continental Television v. GTE Sylvania*, 433 U.S. 36 (1977)
- ▶ *People v. Tempur-Pedic Intern., Inc.*, 95 A.D.3d 539 (1st Dep't 2012)
- ▶ *Worldhomecenter.com, Inc. v. KWC America, Inc.* , No.10 Civ. 7781, 2011 WL 4352390 (S.D.N.Y. Sept. 15, 2011)
- ▶ *Anheuser-Busch, Inc. v. Abrams*, 71 N.Y.2d 327 (1988)

Recommended Reading

Secondary Sources

- ▶ Jay L. Himes, *New York's Prohibition of Vertical Price-Fixing*, N.Y.L.J. Jan. 29, 2008
- ▶ Robert L. Hubbard, *Protecting Consumers Post-Leegin*, 22 Antitrust Magazine Vol. 22, No. 1 at 41 (Fall 2007)
- ▶ Alan M. Barr, *Antitrust Federalism in Action—State Challenges to Vertical Price Fixing In the Post-Leegin World*, Antitrust Source, Dec. 2009
- ▶ August T. Horvath, 4B N.Y. Prac., Com. Litig. In New York State Courts § 89.22 (3d ed.) (Sept. 2013)

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